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PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,

PASSED BY THE
GENERAL ASSEMBLY

AT ITS

SESSION 1868-'69,

BEGUN AND HELD IN THE

CITY OF RALEIGH ON THE SIXTEENTH OF NOVEMBER, 1868,

TO WHICH ARE PREFIXED

THE CONSTITUTION OF THE STATE AND A REGISTER OF STATE OFFICERS,
MEMBERS OF THE GENERAL ASSEMBLY AND JUDICIARY.

WITH

THE AUDITOR'S STATEMENT OF THE PUBLIC REVENUE
AND EXPENDITURE.

PUBLISHED BY AUTHORITY.

· RALEIGH:

M. S. LITTLEFIELD, STATE PRINTER & BINDER.

1869.

REGISTER OF STATE OFFICERS,
MEMBERS OF THE GENERAL ASSEMBLY,
AND THE
JUDICIARY,
FOR THE YEAR 1869.

11734

OFFICIAL REGISTER

FOR THE

YEAR 1869.

STATE GOVERNMENT.

W. W. HOLDEN, Wake County, Governor.
TOD R. CALDWELL, Burke County, Lieut. Governor.
H. J. MENNINGER, Craven County, Secretary of State.
HENDERSON ADAMS, Davidson County, Auditor.
DAVID A. JENKINS, Gaston County, Treasurer.
CEBERN L. HARRIS, Rutherford County, Supt. of Public Works.
SAMUEL S. ASHLEY, New Hanover County, Supt. of Pub. Instruct'n.
LEWIS P. OLDS, Wake County, Attorney General.
W. R. RICHARDSON, Wake County, Private Sec. to Govern'r.
ABIEL W. FISHER, Bladen County, Adjutant General.
WM. C. KERR, Mecklenburg County, State Geologist.
HENRY D. COLEY, Wake County, State Librarian.

THE JUDICIARY.

SUPREME COURT.

NAMES.

RESIDENCES.

RICHMOND M. PEARSON, Chief Justice, Richmond Hill, Yadkin Co.
ED. G. READE, Associate Justice, Roxboro', Person County.
WM. B. RODMAN, Associate Justice, Washington, Beaufort County.
ROBT. P. DICK, Associate Justice, Greensboro', Guilford County.

THOMAS SETTLE, Associate Justice,Wentworth, Rockingham Co.
 SAMUEL F. PHILLIPS, Reporter,Raleigh, Wake County.
 WM. H. BAGLEY, Clerk,Raleigh, Wake County.
 DAVID A. WICKER, Marshal,Raleigh, Wake County.

SUPERIOR COURTS.

DISTRICT.	NAMES.	RESIDENCES.
1	CHARLES C. POOL,	Elizabeth City.
2	EDMOND W. JONES,	Plymouth.
3	C. R. THOMAS,	Newbern.
4	DANIEL R. RUSSELL,	Wilmington.
5	RALPH P. BUXTON,	Fayetteville,
6	SAMUEL W. WATTS,	Franklinton.
7	ALBION W. TOURGEE,	Greensboro'.
8	JOHN M. CLOUD,	Rockford, Surry County.
9	GEO. W. LOGAN,	Rutherfordton,
10	ANDERSON MITCHELL,	Statesville.
11	JAMES L. HENRY,	Asheville.
12	RILEY H. CANNON,	Franklin, Macon County.

DISTRICT SOLICITORS.

1	J. W. ALBERTSON,	Hertford.
2	JOSEPH J. MARTIN,	Williamston.
3	JOHN V. SHERRARD,	Goldsboro'.
4	JOHN A. RICHARDSON,	Elizabethtown.
5	NEILL MCKAY,	Lillington.
6	WILLIAM R. COX,	Raleigh.
7	J. R. BULLA,	Asheboro'.
8	A. H. JOYCE,	Danbury.
9	WM. P. BYNUM,	Lincolnton.
10	W. P. CALDWELL,	Statesville.
11	VIRGIL S. LUSK,	Asheville.
12	R. L. HENRY,	Franklin.

GENERAL ASSEMBLY,

Convenes at the City of Raleigh on the third Monday in November.

SENATE.

TOD R. CARKWELL, Lieut. Governor, President.

DIST.	COUNTIES.	NAMES OF SENATORS.	RESIDENCES.
1	Perquimans, Chowan, Pasquotank, Currituck, Gates and Camden, }	Jos. W. Etheridge,	Roanoke Island, Currituck Co., N. C.
		E. A. White,	Belvidere, Perquimans Co., N. C.
2	Martin, Washington and Tyrrell,	F. G. Martindale,	Jamesville, Martin Co., N. C.
3	Beaufort and Hyde,	J. B. Respass,	Washington, Beaufort Co., N. C.
4	Northampton,	Wm. Barrow,	Jackson, Northampton Co., N. C.
5	Bertie and Hertford,	J. W. Beasley,	Colerain, Bertie Co., N. C.
6	Halifax,	Henry Eppes,	Halifax, Halifax Co., N. C.
7	Edgecombe,	N. B. Bellamy,	Tarboro', Edgecombe Co., N. C.
8	Pitt,	(Vacancy)	
9	Nash and Wilson,	Joshua Barnes,	Wilson, Wilson Co., N. C.
		W. H. S. Sweet,	Newbern, Craven Co., N. C.
10	Craven and Carteret,	W. A. Moore,	Beaufort, Carteret Co., N. C.
11	Jones and Lenoir,	D. D. Colgrove,	Trenton, Jones Co., N. C.
12	Duplin and Onslow,	J. G. Scott,	Jacksonville, Onslow Co., N. C.

SENATE—(CONTINUED.)

DIST.	COUNTIES.	NAMES OF SENATORS.	RESIDENCES.
13	Brunswick and New Hanover,	E. Legg,	Smithville, Brunswick Co., N. C.
14	Bladen and Columbus,	A. H. Galloway,	Wilmington, New Hanover Co., N. C.
15	Robeson,	A. J. Jones,	Whiteville, Columbus Co., N. C.
16	Cumberland, Harnett and Sampson,	O. S. Hayes,	Shoe Heel, Robeson Co., N. C.
17	Johnston,	J. S. Harrington,	Lillington, Harnett Co., N. C.
18	Greene and Wayne,	C. T. Murphy,	Clinton, Sampson Co., N. C.
19	Franklin and Wake,	J. B. Cook,	Selma, Johnston Co., N. C.
		C. H. Brogden,	Goldsboro', Wayne Co., N. C.
		(Vacancy.)	
20	Warren,	W. D. Jones,	Forestville, Wake Co., N. C.
21	Granville and Person,	J. A. Hyman,	Warrenton, Warren Co., N. C.
		R. W. Lassiter,	Oxford, Granville Co., N. C.
		C. S. Winstead,	Roxboro', Person Co., N. C.
22	Orange,	J. W. Graham,	Hillsboro', Orange Co., N. C.
23	Chatham,	Silas Burns,	Haywood, Chatham Co., N. C.
24	Caswell,	J. W. Stephens,	Yanceyville, Caswell Co., N. C.
25	Rockingham,	J. M. Lindsay,	Madison, Rockingham Co., N. C.
		T. M. Shoffner,	Hartshorn, Alamance Co., N. C.
		G. W. Welker,	Shaw's Mills, Guilford Co., N. C.
26	Alamance and Guilford,	J. H. Davis,	Sanders' Hill, Montgomery Co., N. C.
27	Randolph and Montgomery,	W. R. Richardson,	Carthage, Moore Co., N. C.
28	Moore and Richmond,	P. T. Beeman,	Wadesboro', Anson Co., N. C.
29	Anson and Union,	J. W. Osborne,	Charlotte, Mecklenburg Co., N. C.
30	Mecklenburg,	C. Melchor,	Concord, Cabarrus Co., N. C.
31	Cabarrus and Stanly,	W. M. Robbins,	Salisbury, Rowan Co., N. C.
32	Davie and Rowan,		

33	Davidson,	P. A. Long,	Lexington, Davidson Co., N. C.
34	Forsyth and Stokes,	P. A. Wilson,	Salem, Forsyth Co., N. C.
35	Surry and Yadkin,	Sannel Forkner,	Mount Airy, Surry Co., N. C.
36	Alexander and Iredell,	J. H. McLaughlin,	Statesville, Iredell Co., N. C.
37	Catawba, Gaston and Lincoln,	L. A. Mason,	Dallas, Gaston Co., N. C.
38	Cleveland, Polk and Rutherford,	J. B. Eaves,	Rutherfordton, Rutherford Co., N. C.
39	Alleghany, Ashe and Wilkes,	S. P. Smith,	Wilkesboro', Wilkes Co., N. C.
40	Buncombe, Henderson and Transylvania,	James Blythe,	Hendersonville, Henderson Co., N. C.
41	Burke, Caldwell and Watauga,	R. S. Teall,	Lenoir, Caldwell Co., N. C.
42	Madison, Mitchell, McDowell and Yancey,	W. M. Moore,	Burnsville, Yancey Co., N. C.
43	Clay, Cherokee, Haywood, Jackson and Macon,	W. L. Love,	Franklin, Macon Co., N. C.

HOUSE OF REPRESENTATIVES.

JOSEPH W. HOLDEN, of Wake County, Speaker.

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Alamance,	J. A. Moore,	Company Shops.
Alexander,	R. P. Matheson,	Taylorsville.
Alleghany,	J. L. Smith,	Gap Civil.
Anson,	Dixon Ingram,	New Forestville.
Ashe,	M. Carson,	Scotchville.
Beaufort,	H. E. Stilley,	Washington.
Bertie,	P. D. Robbins,	Colerain.
Bladen,	F. W. Foster,	Yorkville.
Brunswick,	B. D. Morrill,	Robeson.
Buncombe,	W. G. Candler,	Hominy Creek.
Burke,	S. C. Wilson,	Morganton.
Cabarrus,	J. P. Gibson,	Concord.
Caldwell,	W. H. Malone,	Lenoir.
Camden,	W. B. Ferebee,	Elizabeth City, Pasquotank Co.
Carteret,	J. H. Davis,	Beaufort.
Caswell,	W. Cary,	Anderson's Store.
	P. Hodnett,	Yanceyville.
Catawba,	J. R. Ellis,	Hickory Tavern.
Chatham,	W. T. Gunter,	Freedom Hill.
	J. B. Long,	Grove.
Cherokee,	J. R. Simonds,	Murphy.
Chowan,	William A. Moore,	Edenton.
Clay,	J. O. Hicks,	Hayesville.
Cleveland,	Plato Durham,	Shelby.
Columbus,	D. P. High,	Whiteville.
Craven,	Augustus S. Seymour,	Newbern.
	B. W. Morris,	Newbern.
	A. W. Stevens,	Bay River.
Cumberland,	J. S. Leary,	Fayetteville.
	I. S. Sweat,	Fayetteville.
Currituck,	T. C. Humphries,	Currituck Court House.
Davidson,	George Kinney,	Lexington.
	J. R. Mendenhall,	Thomasville.
Davie,	J. A. Kelly,	Mocksville.

HOUSE OF REPRESENTATIVES—(CONTINUED.)

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Duplin,	{ N. E. Armstrong,	Hallsville.
	{ J. C. McMillan,	Teachey's.
Edgecombe,	{ H. C. Cherry,	Tarboro'.
	{ Geo. P. Peck,	Tarboro'.
Forsyth,	{ J. P. Vest,	Salem.
Franklin,	{ J. H. Williamson,	Louisburg.
	{ J. T. Harris,	Pacific.
Gaston,	{ J. Hoffman,	Dallas.
Gates,	{ John Gatling,	Gatesville.
	{ J. W. Ragland,	Henderson,
Granville,	{ Cuffee Mayo,	Oxford.
	{ J. H. Crawford,	Henderson.
Greene,	{ Joseph Dixon,	Hookerton.
Guilford,	{ David Hodgin,	Greensboro'.
	{ S. G. Horney,	Westminster.
Halifax,	{ W. T. J. Hayes,	Halifax.
	{ John H. Renfrow,	Weldon.
	{ Ivey Hudgins,	Halifax.
Harnett,	{ Dr. B. C. Williams,	Chalk Level.
Haywood,	{ W. P. Welch,	Waynesville.
Henderson,	{ W. D. Justus,	Hendersonville.
Hyde,	{ Tilman Farrow,	Swanquarter.
Iredell,	{ T. A. Nicholson,	Eagle Mills.
	{ G. F. Davidson,	Statesville.
Jackson,	{ E. M. Painter,	Webster.
Johnston,	{ E. W. Pou,	Smithfield.
	{ R. B. Hinnant,	Pine Level.
Jones,	{ L. D. Wilkie,	Trenton.
Lenoir,	{ Wallace Ames,	Morganton, Burke Co.
Lincoln,	{ A. C. Wiswall,	Lincolnton.
Macon,	{ J. L. Robinson,	Franklin.
Madison,	{ G. W. Gahagan,	Marshall.
Martin,	{ J. J. Smith,	Jamesville.
McDowell,	{ W. W. Gilbert,	Rocky Pass.
Mecklenburg,	{ R. D. Whitley,	Hopewell.
	{ W. W. Grier,	Charlotte.
Mitchell,	{ J. W. Bowman,	Bakersville.
Montgomery,	{ Geo. A. Graham,	Swift Island.

HOUSE OF REPRESENTATIVES—(CONTINUED.)

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Moore,	Abel Kelly,	Jonesboro'.
Nash,	W. W. Boddie,	Nashville.
New Hanover, . . .	Geo. Z. French,	Wilmington.
	L. G. Estes,	Wilmington.
	Geo. W. Price, Jr.,	Wilmington.
Northampton, . . .	R. C. Parker,	Potecasi.
	J. T. Reynolds,	Murfreesboro', Hertford Co.
Onslow,	F. Thompson,	Haw Branch.
Orange,	T. M. Argo,	Chapel Hill.
	Dr. J. J. Allison,	Cedar Grove.
Pasquotank,	Thos. A. Sykes,	Elizabeth City.
Perquimans,	Jephth White,	Belvidere.
Person,	S. C. Barnett,	Roxboro'.
Pitt,	Byron Laffin,	Raleigh, Wake Co.
	R. H. Hilliard,	Battleboro'.
Polk,	A. Waldrop,	Columbus.
Randolph,	E. T. Blair,	Bush Hill.
	J. Ashworth,	Asheboro'.
Richmond,	R. T. Long,	Rockingham.
Robeson,	James Sinclair,	Lumberton.
	E. K. Proctor,	Lumberton.
Rockingham, . . .	Henry Barnes,	Leaksville.
	D. S. Ellington,	Wentworth.
	J. Hawkins,	Rowan Mills.
Rowan,	I. M. Shaver,	Gold Hill.
	J. M. Justice,	Rutherfordton.
Rutherford,	J. C. Williams,	Owensville.
Sampson,	Lafayette Greene,	Albemarle.
Stanly,	W. W. McCanless, ...	Danbury.
Stokes,	E. L. Hendricks,	Elkin.
Surry,	J. W. Clayton,	Davidson River.
Transylvania, . . .	Thomas J. Jarvis,	Columbia.
Tyrrell,	Hugh Downing,	(Care G. W. Flows,) Monroec.
Union,	S. D. Franklin,	Raleigh.
	F. G. Moring,	Raleigh.
	J. H. Harris,	Raleigh.
	Joseph W. Holden, ...	Raleigh.
Wake,		

HOUSE OF REPRESENTATIVES—(CONTINUED.)

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Warren,	{ William Cawthorn, . . .	Warrenton.
	{ R. Falkner,	Warrenton.
Washington,	J. J. Rea,	Plymouth.
Watauga,	L. B. Banner,	Valleerucis.
Wayne,	{ J. T. Pearson,	Goldsboro'.
	{ D. E. Smith,	Dudley Depot.
Wilkes,	W. B. Seigrist,	Mulberry.
Wilson,	Geo. W. Stanton,	Stantonsburg.
Yadkin,	T. M. Vestal,	Yadkinville.
Yancey,	David Proffitt,	Bold Creek.

CAPTIONS

TO THE

PUBLIC LAWS OF NORTH CAROLINA.

CAPTIONS

TO THE

PUBLIC LAWS AND RESOLUTIONS,

Session 1868-'69.

CHAPTER.	PAGE
1. An act in regard to obtaining license to practice law in this State, - - -	43
✓ 2. An act to provide for the collection of taxes in Carteret county for the year 1868, - - -	44
3. An act to provide for the registration of voters in all special elections in this State, - - - - -	45
4. An act to amend the charter of the Cheraw and Coalfields Rail Road Company, - - -	46
5. An act to provide for the holding of municipal elections in North Carolina, - - -	47
✓ 6. An act for the relief of James F. White, former Sheriff of Gaston county, - - -	48
7. An act to re-enact and confirm certain acts of the General Assembly authorizing the issue of State Bonds to and for certain Rail Road Companies, - - -	48
8. An act for holding special terms of Superior Court in Craven county, - - -	51
9. An act to incorporate the Silver Hill Rail Road Company, - - - - -	52
10. An act to authorize the Public Treasurer to supply temporary deficiencies in the Treasury, - - - - -	54
11. An act in relation to municipal elections, - - - - -	55
12. An act in favor of builders of Public Mills, - - - - -	55
13. An act making an appropriation for the Deaf and Dumb and Blind Asylum, - - -	56
14. An act to amend an act entitled an act concerning the government of counties, - - -	56
15. An act for the charter of a Ferry across Neuse River, in the county of Craven, - - -	57
✓ 16. An act to authorize W. D. Justice, former Sheriff of Henderson county, and other Sheriffs, to collect arrears of taxes for the years 1866-'67, - - - - -	58
17. An act to transfer cases from the Docket of the late Criminal Court in Craven county to the Superior Court of the same, - - - - -	59
18. An act to prohibit hunting on the Sabbath, - - - - -	59
✓ 19. An act to authorize and empower R. W. Hardie, late Sheriff of Cumberland county, to collect arrears of taxes for the years 1866-'67, - - - - -	60
20. An act amendatory of the act to incorporate the Western North Carolina Rail Road Company, ratified the fifteenth day of February, one thousand eight hundred and fifty-five, and of all other acts amendatory thereof, - - - - -	61

CHAPTER.	PAGE.
21. An act to amend the charter of the Wilmington, Charlotte and Rutherford Rail Road Company, to provide for the completion of said Road, and to secure to the State a representation in the Company, - - - - -	67
22. An act to incorporate the University Rail Road Company, - - - - -	71
23. An act amendatory of, and supplemental to, an act entitled an act amendatory of the act to incorporate the Western North Carolina Rail Road Company, ratified the 15th day of February, 1855, and of all other acts amendatory thereof, passed at the present session of the General Assembly, and ratified on the 29th day of January, 1869, - - - - -	73
24. An act to prevent the felling of timber, or otherwise obstructing Rock fish Creek, the boundary line between New Hanover and Duplin counties, -	74
25. An act to enable the County Commissioners of New Hanover county the better to carry out the provisions of the thirteenth section of Article seven of the Constitution of the State, - - - - -	75
26. An act to authorize A. B. Jones, former tax collector of Buncombe county, to collect arrears of taxes for the years 1866-'67, - - - - -	76
27. An act to consolidate the Atlantic and North Carolina Rail Road Company and the North Carolina Rail Road Company, - - - - -	77
28. An act to amend an act entitled an act to amend the charter of the Western Rail Road Company, ratified 21st of August, 1868, - - - - -	80
29. An act to amend the charter of the Oxford Branch of the Raleigh and Gaston Rail Road, - - - - -	84
30. An act to amend the charter of the Williamston and Tarboro' Rail Road Company, - - - - -	90
31. An act to amend the charter of the Atlantic, Tennessee and Ohio Rail Road Company in North Carolina, - - - - -	96
32. An act to repeal an act entitled an act to amend an ordinance of the Convention entitled an ordinance to incorporate the North Western North Carolina Rail Road Company, and to substitute the following provisions for said act, -	101
33. An act to authorize elections in certain towns in this State, - - - - -	104
34. An act to repeal an act providing for furnishing the Executive Mansion, -	105
35. An act to legalize certain official acts of the Chairman of the late County Courts of this State, - - - - -	106
36. An act to establish a Turnpike Road from Marion, in the county of McDowell, to Asheville, in the county of Buncombe, - - - - -	107
37. An act to incorporate the Jamesville and Washington Rail Road and Lumber Company, - - - - -	110
38. An act authorizing Pitt County to raise a special tax for certain purposes, -	111
39. An act to protect certain citizens of North Carolina who rented lands of the United States Treasury Agents during the war, - - - - -	112
40. An act making an appropriation to provide for securing the Insane Asylum against fire, - - - - -	113
41. An act to incorporate Beaufort Harbor Steam Ferry Company of North Carolina, -	113
42. An act for the relief of William H. Gentry, Sheriff of Stokes county, - -	115

CHAPTER.

PAGE.

✓ 43.	An act to authorize the Sheriff of Columbus county to collect arrears of taxes,	116
44.	An act to prevent the felling of trees in the Catawba River,	116
45.	An act to authorize the Commissioners of Duplin county to levy a special tax for building and repairing Public Bridges in said county,	118
46.	An act to allow citizens of North Carolina to practice in the Courts of the State,	118
47.	An act to transfer McDowell county, now in the tenth Judicial District, to the eleventh Judicial District, and to transfer Alleghany county, now in the eleventh District, to the tenth Judicial District, and to change the time of holding the terms of the Court in said Districts and others,	119
48.	An act to change the time of holding the Courts in the counties of Hyde and Martin,	123
49.	An act to repeal an act entitled an act to provide for the employment of convicts, and the erection of a Penitentiary,	123
50.	An act to protect cattle from distemper and infectious diseases,	124
51.	An act to grant a town lot in the city of Raleigh to Trustees, to be used for the education of children,	125
52.	An act to prescribe the power and duty of the Governor in respect to fugitives from justice,	126
53.	An act to repeal section second of the act passed by this General Assembly, ratified the fifteenth day of February, eighteen hundred and sixty-nine, entitled an act to change the time of holding the Courts in the ninth, tenth, eleventh and twelfth Judicial Districts,	127
54.	An act to provide for an assignment of rooms in the Capitol and Executive Mansion to State Executive Officers,	128
55.	An act in favor of William A. Philpot, late Sheriff of Granville county, and John L. Harris, of Person county,	128
56.	An act to provide for an official declaration of the results in the late Congressional election,	129
57.	An act to authorize the Commissioners of Surry county to improve the road from John Allen's to the top of the Blue Ridge, in Surry county,	130
58.	An act for the relief of J. F. Hartgrove, late tax collector for the county of Haywood,	131
59.	An act to amend title sixth, section sixty-eight, of the Code of Civil Procedure,	132
60.	An act to prevent the felling of trees into the waters of Mitchell River, Surry county, and the throwing of other obstructions therein,	132
61.	An act to authorize the Sheriff of Ashe county to collect arrears of taxes,	133
62.	An act authorizing the Governor to appoint a Mayor and Commissioners for the town of Hendersonville,	133
63.	An act for the relief of the Sheriff of Alleghany county,	134
64.	An act to amend chapter two, title nineteen, of the Code of Civil Procedure,	134
65.	An act to incorporate the Central North Carolina Rail Road Company,	135
66.	An act to authorize the County Commissioners of the county of Camden to levy a special tax,	138
67.	An act in relation to the Lunatic Asylum,	139

CHAPTER.	PAGE.
68. An act to remove obstructions in the Pedee, Yadkin and Charrie rivers, for the purpose of allowing shad and other fish free passage up said rivers, - - -	150
✓ 69. An act to authorize and empower John M. Bateman, Sheriff of Washington county, to collect arrears of taxes for the year 1867, - - - - -	152
70. An act to amend the charter of the Caldwell and Watanga Turnpike Company, - - -	153
71. An act to confirm certain land grants issued to Lewis W. Bryan and others, in the counties of Ashe and Alleghany, - - - - -	153
72. An act to establish a Turnpike Road from the head of North River, Carteret county, to the head of Adam's Creek, in Craven county, North Carolina, - - -	158
73. An act to allow causes to be re-heard in certain cases, - - - - -	159
74. An act to provide for the collection of taxes by the State, and by the several counties of the State, on property, polls and incomes, - - - - -	160
75. An act to transfer cases from the Docket of the late Criminal Court in Craven county to Superior Court of the same, - - - - -	178
76. An act suspending the Code of Civil Procedure in certain cases, - - - - -	179
77. An act to amend an act entitled an act to make bank bills a set off, - - - - -	182
✓ 78. An act to authorize Jonathan Mann, late Sheriff of Stanly county, to collect arrears of taxes for the years 1866-67, - - - - -	183
79. An act in relation to property belonging to the Board of Education, - - - - -	184
80. An act for the relief of the securities of S. A. Warren, late Sheriff of the county of Northampton, - - - - -	184
81. An act relative to the Western Turnpike Road leading from Ashville westward to Murphy, and thence by separate routes to the Georgia and Tennessee lines, - - -	185
82. An act to transfer to the county of Montgomery that portion of the Fayetteville and Albemarle Plank Road that is included within the limits of Montgomery county, - - - - -	189
✓ 83. An act to authorize the late Sheriff of Yadkin county to collect the arrearages of taxes, - - - - -	189
84. An act to empower W. T. Rhodes, R. M. Orrell and others, to remove obstructions out of the Cape Fear river, between Fayetteville and Northington's dam, - - -	190
85. An act to incorporate the Yellow Mountain Bridge Company, - - - - -	191
86. An act in regard to proceedings before Magistrates, - - - - -	193
87. An act to authorize Samuel R. Bunting, late Sheriff of New Hanover county, to collect arrearages of taxes due him, - - - - -	195
88. An act to authorize the County Commissioners of Anson county to levy a special tax, - - - - -	196
89. An act to incorporate the Davidson Rail Road Company, - - - - -	196
90. An act authorizing the North Western North Carolina Rail Road Company to receive subscriptions in lands, &c., to the capital stock of the company, - - -	199
91. An act to continue in force and amend an act entitled an act to authorize the county of Cumberland and the town of Fayetteville to issue bonds for their indebtedness, ratified second March, eighteen hundred and sixty-seven, - - -	201
92. An act to authorize the construction of a Rail Road through the counties of Granville, Person, Caswell, Rockingham, Stokes and Surry, - - - - -	202

CHAPTER.	PAGE.
92. An act to provide the Procedure in special proceedings generally, and in application for widows' years' supply, and in dower, - - - - -	205
94. An act supplemental to, and amendatory of, an act passed by the present session of the General Assembly, entitled an act amendatory of an act to incorporate the Western North Carolina Rail Road Company, ratified the 15th day of February, 1855, and of all other acts amendatory thereof, - - - - -	218
95. An act to make certain amendments in the Code of Civil Procedure, - - - - -	219
96. An act to amend title seven, section seventy-two, Code of Civil Procedure, - - - - -	220
97. An act to authorize and empower Reuben King, late Sheriff of Robeson county, to collect arrears of taxes, - - - - -	221
98. An act to amend an act entitled an act concerning the Register of Deeds, ratified twenty-first August, 1868, - - - - -	222
99. An act to authorize the Commissioners of Northampton county to levy a tax for a special purpose, - - - - -	222
100. An act to provide for the appointment of entry takers, - - - - -	223
101. An act to amend an act entitled an act to incorporate the University Rail Road Company, - - - - -	224
102. An act to authorize the Commissioners of Rockingham county to levy a special tax for the purpose of building and repairing bridges in said county, - - - - -	225
103. An act to cure certain irregularities in the mode of commencing certain actions, and to amend certain sections of the Code of Civil Procedure, - - - - -	225
104. An act concerning public bridges and roads in the county of Robeson, - - - - -	226
105. An act to authorize the Public Treasurer to supply temporary deficiencies in the Treasury, - - - - -	227
106. An act to prevent the obstruction of fish in Little river to K. B. Whitley's Mills, in Johnston county, - - - - -	228
107. An act for the relief of J. A. Long, Sheriff of the county of Richmond, - - - - -	229
108. An act to raise revenue, - - - - -	230
109. An act to establish the Wilmington Water Works Company, - - - - -	245
110. An act to provide a salary for the Governor and Treasurer of the State, - - - - -	251
111. An act supplemental to an act to amend the charter of the Wilmington, Charlotte and Rutherford Rail Road Company, and ratified on the 29th day of January, 1869, - - - - -	252
112. An act to amend an act entitled an act to incorporate the Plaster Banks and Salt Works Rail Road Company, ratified the 29th day of May, 1864, - - - - -	253
113. An act concerning the settlement of the estates of deceased persons, - - - - -	257
114. An act to amend section six, chapter thirty-five, of an act concerning Register of Deeds, - - - - -	260
115. An act to authorize the Swift Island Manufacturing Company to establish a public ferry across the Pedee river, near their Factory, - - - - -	291
116. Proceedings in Habeas Corpus, - - - - -	291
117. An act to create a Mechanic's and Laborer's Lien Law, - - - - -	305
118. An act to authorize the construction of a Toll Bridge across Haw river, - - - - -	309

CHAPTER.	PAGE.
119. An act to amend an act relative to the Western Turnpike Road, ratified March 17th, 1869, - - - - -	310
120. An act to authorize the Board of Education to sell the stock now owned by the Public School Fund in the Cape Fear Navigation Company, - - -	310
121. An act to forbid the sale of spirituous liquors on the line of the North Western North Carolina Rail Road, - - - - -	311
122. An act to regulate proceedings in the partition and sale of real and personal property, - - - - -	311
123. An act to amend section three, chapter thirty-nine, of the Revised Code in regard to obtaining divorcees, - - - - -	323
124. An act to authorize Clay county to levy a special tax, - - - - -	323
125. An act to give Clay county the benefit of her bonds, - - - - -	324
126. An act to authorize the Commissioners of Union county to levy a special tax, - - - - -	325
127. An act to authorize the Commissioners of the county of Robeson to levy a special tax, - - - - -	326
128. An act to raise additional revenue in the county of Greene, - - - - -	326
129. An act to empower the County Commissioners of Wake county to levy a special tax, - - - - -	327
130. An act to authorize the County Commissioners of Randolph county to levy a special tax, - - - - -	328
131. An act to authorize the Commissioners of Washington and Rutherford counties to levy a special tax, - - - - -	328
132. An act to allow the Commissioners of the town of Rutherfordton to levy taxes, and for other purposes, - - - - -	329
133. An act to allow the Commissioners of Alexander county to levy a special tax - - - - -	329
134. An act to authorize the Board of Commissioners of Wilson county to levy a special tax, - - - - -	330
135. An act authorizing the Commissioners of Iredell county to levy a special tax, - - - - -	330
136. An act authorizing the County Commissioners of Stanly county to levy a special tax, - - - - -	331
137. An act to lay off the Homestead and personal property exemption, - - - - -	331
138. An act to authorize the construction of a Rail Road from the town of Edenton in this State, to the town of Suffolk in Virginia, - - - - -	342
139. An act to allow the Commissioners of Buncombe county to levy a special tax, - - - - -	345
140. An act authorizing the County Commissioners of Macon county to levy special taxes for special purposes, - - - - -	345
141. An act to allow the Commissioners of Yadkin county to levy a special tax, - - - - -	346
142. An act to authorize the Commissioners of the county of Pasquotank to levy an extra tax for certain purposes, - - - - -	346
143. An act to authorize the County Commissioners of Johnston county to levy a special tax to pay for the building of a bridge across Neuse River, - - -	347
144. An act to authorize the County Commissioners of the County of Sampson to levy a special tax, - - - - -	348
145. An act authorizing the Commissioners of Jones county to levy a special tax, - - - - -	348

CHAPTER.

PAGE.

146.	An act amendatory of the act to incorporate the Western North Carolina Rail Road Company, ratified the 15th day of February, 1855, and of all acts amendatory thereof, - - - - -	349
147.	An act to regulate the salary and fees of the Supreme Court Clerk, - - -	350
148.	An act to amend certain sections of the Code of Civil Procedure, and to repeal certain sections of the Revised Code, - - - - -	350
149.	An act to authorize, empower and direct the County Commissioners of Halifax to force collection of arrears in taxes, - - - - -	351
150.	An act to provide for the levying a special tax in the county of Perquimans, -	352
151.	An act to provide for levying a special tax for the county of Beaufort, -	352
152.	An act to prevent the taking of illegal fees under Title XVII, of the Code of Civil Procedure, and to extend the time allowed in section four hundred of said Title, - - - - -	353
153.	An act to authorize the Commissioners of Granville county to levy a special tax for the maintenance of the poor, - - - - -	374
154.	An act to authorize the County Commissioners of Franklin county to levy a special tax, - - - - -	354
155.	An act to authorize the Commissioners of Transylvania and Henderson counties to levy a special tax, - - - - -	355
156.	An act in relation to landlord and tenant, - - - - -	355
157.	An act respecting the County Treasurer, - - - - -	374
158.	An act relating to special procedure in cases of mills, - - - - -	377
159.	Amendments to Code of Civil Procedure, - - - - -	388
160.	An act entitled an act to re-establish burnt records, - - - - -	385
161.	An act to authorize the Commissioners of Hertford county to levy a special tax, -	387
162.	An act concerning the estates of insolvent and imprisoned debtors, - - -	388
163.	An act to amend the charter of the Atlantic, Tennessee and Ohio Rail Road Company, - - - - -	400
164.	An act to amend chapter forty of Revised Code, - - - - -	401
165.	An act to amend an act entitled an act relative to the Western Turnpike Road, leading from Asheville westward to Murphy, and thence by separate routes to the Georgia and Tennessee lines, - - - - -	405
166.	An act in relation to a plank road, - - - - -	406
167.	An act in relation to punishment, - - - - -	406
168.	Proceedings of impeachment, - - - - -	400
169.	An act to authorize the erection of a bridge across John's River in Burke County, - - - - -	413
170.	An act providing for a Board of Public Charities and prescribing the duties thereof, - - - - -	415
171.	An act to authorize the several counties of the State to take stock in Rail Road Companies, - - - - -	417
172.	An act to empower the Commissioners of Cumberland County to lay a special tax, - - - - -	419
173.	An act to be entitled an act concerning an Entry Taker, - - - - -	420

CHAPTER.	PAGE.
174. An act to cede to the United States a certain tract of land in Wake County,	421
175. An act to provide a trial jury for the second week of the term of the Superior Courts,	422
176. An act to define and punish bribery,	423
177. An act in relation to proceedings in contempt,	426
178. Of Proceedings in criminal cases,	429
179. An act to authorize the Commissioners of the county of Warren to levy a special tax for the purpose of rebuilding a Poor House in said county,	451
180. An act to provide for the payment of the burial expenses of the late Hon. D. J. Rich, and for other purposes,	452
181. An act to authorize the Commissioners of Halifax county to levy a special tax for building and repairing public bridges and buildings in said county,	453
182. An act to enable the Chatham Rail Road Company to complete its Road,	454
183. An act supplemental to an act entitled an act to raise revenue,	457
184. An act to provide for a system of Public Instruction,	458
185. An act concerning Townships,	478
186. An act to authorize the County Commissioners of Wilkes county to levy and collect a special tax,	482
187. An act to legalize and make valid all municipal elections held in this State during the year 1869,	483
188. An act to authorize David Loftin, ex-Sheriff of Davidson county, to collect arrearages of taxes for the years 1867-'68,	483
189. An act to authorize the County Commissioners of the County of Wayne to levy a special tax for county purposes,	484
190. An act to authorize the Commissioners of Duplin county to levy a special tax for building and repairing public bridges in said county,	485
191. An act to provide forms in civil proceedings before Justices of the Peace,	485
192. An act to abolish and prevent the erection of a toll gate on the north end of the Little River Turnpike Road, which, by an act passed and ratified the fifteenth day of December, 1865, surrendering that part of the road north of C. C. Orr,	527
193. An act for the relief of B. Wallace, Sheriff of Duplin county,	528
194. An act supplemental to an act to establish the Wilmington Water Works Company, ratified March 27th, 1869,	529
195. An act for the relief of S. A. Kelly, Sheriff of Davie county,	529
196. An act to incorporate the Phoenix Transportation Company,	530
197. An act for the relief of James H. Duncan, late Sheriff of McDowell county,	531
198. An act authorizing James I. Moore, Sheriff of Granville county, and others to collect arrearages of taxes,	531
199. An act to incorporate the Cape Fear Agricultural Association,	532
200. An act to charter the Express Steamboat Company,	534
201. An act concerning guardian and ward,	534
202. An act to authorize the Dan River Coalfield Rail Road Company to construct and extend their road,	548

CHAPTER.	PAGE.
203. An act to add another section, to be marked 460a, to chapter seven, Title XIX, of the Code of Civil Procedure, - - - - -	550
204. An act in relation to the execution of certain mortgage deeds, - - - - -	551
205. An act to make the Neuse river a lawful fence to a certain extent, in the county of Johnston, - - - - -	551
206. An act to prevent the felling of trees in Contentnea creek, - - - - -	552
207. An act in relation to the assessment of property for taxation in the year 1859, - - - - -	553
208. An act entitled an act to provide for the election of Commissioners of Navigation and Pilotage for the Port of Beaufort, North Carolina, - - - - -	554
209. An act to protect married women from the wilful abandonment or neglect of their husbands, - - - - -	556
210. An act to authorize the construction of a bridge across Catawba river, at or near Rozzell's Ferry, - - - - -	557
211. An act to authorize the County Commissioners of Lenoir county to levy a special tax, - - - - -	558
212. An act supplemental to an act to raise Revenue, - - - - -	559
213. An act to prohibit the sale of intoxicating liquors within three miles of that part of the Western North Carolina Railroad from Morganton to the western terminus of the road at Ducktown and Paint Rock, - - - - -	559
214. An act authorizing Joseph Cobb, late Sheriff of Edgecombe county, to collect arrears of taxes, - - - - -	560
215. An act authorizing the County Commissioners of Brunswick county to levy a tax, - - - - -	561
216. An act to amend an act entitled an act to incorporate the Cheoah Turnpile Company," passed at session of 1854 and 1855, and amended in 1856-'57, - - - - -	561
217. An act to incorporate the Central North Carolina Rail Road Company, - - - - -	562
218. An act to alter the boundary between the counties of Wilkes and Watauga, - - - - -	565
219. An act to amend the first section of the ninety-third chapter of the Revised Code, - - - - -	566
220. An act to authorize the County Commissioners of Madison county to levy a special tax, - - - - -	566
221. An act to authorize the Superintendent of Public Works to select two laborers to assist in locating a Turnpike Road in Carteret county, - - - - -	567
222. An act to exempt from taxation property held for educational purposes, - - - - -	568
223. An act to be entitled an act for the preservation of the public health by establishing suitable quarantine regulations for Beaufort Harbor, North Carolina, - - - - -	570
224. An act authorizing the Commissioners of Polk county to levy a special tax, - - - - -	573
225. An act to enable William Fields, late Sheriff of the county of Lenoir, to collect arrears of taxes due him, - - - - -	573
226. An act to charter the Scotland Neck and Weldon Rail Road and Steamboat Company, - - - - -	574
227. An act to lay off and establish a public road in the counties of Davie and Davidson, and to establish a public ferry across the Yadkin river, - - - - -	577
228. An act authorizing the County Commissioners of Henderson county to levy a special tax, - - - - -	579
229. An act authorizing the County Commissioners of Duplin to levy a special tax, - - - - -	579

CHAPTER.	PAGE.
230. An act declaring the Reedy Fork of Haw river a lawful fence, - - -	580
231. An act to incorporate the Ashboro' and Albemarle Rail Road Company, -	580
232. An act for the benefit of securities and endorsers, - - - - -	581
233. An act to authorize the County Commissioners of Mitchell and Yancey counties to levy a special tax, - - - - -	582
234. An act to authorize the Commissioners of Onslow county to levy a special tax for building a "poor house;" also, for building and repairing public bridges in said county, - - - - -	583
235. An act concerning fisheries in Carteret county, - - - - -	584
236. An act to confer power upon Commissioners of counties, - - - - -	584
237. An act to establish the days and places for selling real property under execution, - - - - -	585
238. An act to provide for the erection of a Penitentiary, - - - - -	587
239. An act authorizing the Commissioners of Jackson County to issue bonds, -	590
240. An act authorizing the Commissioners of Chatham County to levy a special tax, -	591
241. An act to authorize the County Commissioners of Columbus County to levy a special tax, - - - - -	592
242. An act to charter the Louisburg branch of the Wilmington and Weldon Rail Road, - - - - -	592
243. An act in relation to taking shad and herring in the waters of Neuse River and Contentnea Creek, - - - - -	594
244. An act to authorize and empower J. W. C. Piercy, late Tax Collector of Cherokee, to collect arrears of taxes, - - - - -	595
245. An act requiring Sheriffs to give sufficient bonds, - - - - -	596
246. An act to authorize and empower Rufus Galloway, late Sheriff of Brunswick County, to collect arrears of taxes, - - - - -	597
247. An act to enable John L. Banks, late Tax Collector of Johnston, to collect arrears of taxes due him, - - - - -	598
248. An act to authorize the consolidation of the Charlotte and South Carolina Rail Road Company and the Columbia and Augusta Rail Road Company, and amending the charters thereof, - - - - -	598
249. An act to incorporate the Norfolk and Currituck Rail Road Company, - - -	600
250. An act to prevent the hunting of wild fowl with fire in Carteret and other counties, - - - - -	601
251. An act to amend the twenty-first section of the thirty-fourth chapter of the Revised Code, - - - - -	601
252. An act to extend the time for registering certain deeds, - - - - -	602
253. An act to punish persons injuring or killing live stock, - - - - -	603
254. An act to empower Arthur Gaskins to re-open his ferry from Wiggins' Creek to Newbern, - - - - -	603
255. An act to amend an act entitled "An act to establish Special Courts in the Cities of Wilmington and Newbern," - - - - -	604
256. An act to establish a public ferry across the north-east branch of the Cape Fear River, - - - - -	604

CHAPTER.	PAGE.
257. An act to provide the manner of bringing suit against Rail Road Companies, -	605
258. An act requiring suits on official bonds to be brought in the County where the bonds were given, - - - - -	606
259. An act to amend chapter two, section five of an act entitled "An act concerning the government of counties," ratified 14th of August, 1868, - - -	603
260. An act to declare it a misdemeanor for any county officer to speculate in county claims, - - - - -	607
261. An act to protect Sheriffs in the sale of lands for taxes, - - - - -	608
262. An act authorizing the Secretary of State to furnish a copy of the Code of Civil Procedure as amended in 1868-'69 to each Board of County Commissioners, -	608
263. An act to authorize the Sheriff of Beaufort county to collect the arrears of taxes, - - - - -	609
264. An act to make valid all judgments in attachment cases since the adoption of the Code of Civil Procedure, - - - - -	609
265. An act to require the registration of deeds, - - - - -	610
266. An act to facilitate the transfer of unfinished business from the military tribunals to the Civil Courts of this State, - - - - -	611
267. An act making the act of going masked, disguised or painted a felony, - - -	613
268. An act to amend an act to provide for funding the matured interest on the public debt, ratified August 20th, 1868, - - - - -	613
269. An act authorizing the County Commissioners to purchase the bonds of their counties, - - - - -	614
270. An act concerning the powers and duties of State officers, - - - - -	615
271. An act providing for certain reports from Rail Road Companies, - - - - -	614
272. An act to amend Title XX of the Code of Civil Procedure, and to ratify stays of execution granted by Justices of the Peace in certain cases, - - - -	613
273. An act to provide for holding special terms of the Superior Courts, - - -	614
274. An act in favor of paying the burial expenses, &c., of Hon. Richard I. Wynn, deceased, - - - - -	615
275. An act relating to division fences, - - - - -	617
276. An act to be entitled an act to incorporate the Wilmington and Seaside Rail Road Company, - - - - -	619
277. An act to amend an act entitled "The Code of Civil Procedure," - - - -	653
278. An act to revive and amend the charter of the Tuckasege and Nantihala Turnpike Company, - - - - -	656
279. Title XXI, of the Code of Civil Procedure, amended as follows, - - - -	657
280. An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical and other purposes, - - - - -	659
281. An act to authorize the County Commissioners of the County of Martin to levy a special tax to repair bridges and for other purposes, - - - - -	682
282. An act to authorize the Commissioners of Chowan county to levy a special tax, -	683

RESOLUTIONS.

	PAGE.
Resolution in favor of Sheriffs, - - - - -	687
Senate resolution in regard to pages, - - - - -	687
Resolution concerning mileage and per diem for members banned, - - - - -	688
Joint resolutions providing for a Committee of investigation, - - - - -	688
Joint Resolution to allow the Legislature to take a recess, - - - - -	690
Senate resolution tendering use of Senate Chamber to the Presidential Electors, - - - - -	690
Senate resolution in regard to mortgage bonds of the North Carolina Rail Road Company, - - - - -	691
Resolution on tobacco tax, - - - - -	691
Senate resolution in regard to Senate Library, - - - - -	692
Senate resolution in regard to Map of the State, - - - - -	692
Senate resolution instructing Committee, - - - - -	692
Joint resolution in regard to holding two sessions per day, - - - - -	693
Senate resolution appointing a Committee of Inquiry, - - - - -	693
Joint resolution to raise a Joint Committee to investigate the management, &c., of the Bank of North Carolina, - - - - -	693
Joint resolution in relation to Banks, - - - - -	694
Resolution in regard to the co-operation of the State of North Carolina and the State of Tennessee in certain Rail Road enterprises, - - - - -	696
Resolution in favor of the Sheriff and Register of Deeds for Greene county, - - - - -	697
Senate resolution instructing the Committee on Corporations, - - - - -	698
Resolution instructing Code Commissioners to prepare and report a compilation of Charters, Acts, &c., - - - - -	699
Resolution asking our Representatives in Congress to use their influence to revive and re-open all the mail routes and post offices heretofore existing in North Carolina, - - - - -	699
Resolution in relation to improvement of the navigation of Cape Fear river, - - - - -	700
Resolution in relation to bills presented by the Code Commissioners, - - - - -	700
Joint resolution to provide an office for the State Auditor, - - - - -	701
Resolution to provide an office for the Superintendent of Public instruction, - - - - -	701
Resolution instructing Select Senate Penitentiary Committee, - - - - -	702
Resolution to annul a portion of a joint resolution in regard to the rooms in the Capitol Building, ratified August seventeenth, 1868, - - - - -	702
Resolution instructing the Judiciary Committee, - - - - -	702
Resolution in regard to printing of the laws, - - - - -	703
Resolution asking information of the Supreme Court, - - - - -	703
Joint resolution of instructions to the Treasurer of the State, - - - - -	704
Resolution inviting immigration, - - - - -	704
Resolution setting apart Saturday for the consideration of Private Bills, - - - - -	705
Resolution providing for payment of a clerk to the committee of investigation of Bribery and Corruption, - - - - -	705

	Page.
Resolution in regard to special tax on Whisky, - - - - -	706
Resolution extending time given to Joint Committee on Banks, - - - - -	707
Resolution in relation to Mint at Charlotte, - - - - -	707
Resolution in reference to the Executive Mansion, - - - - -	708
Resolution by the General Assembly of North Carolina, - - - - -	708
Resolution in relation to raising a Joint Committee to consider the erection of a State's Prison, - - - - -	708
Resolution in relation to the Public Treasurer, - - - - -	709
A joint resolution ratifying the proposed amendment to the Constitution of the United States of America, styled Article fifteen, - - - - -	709
Resolution in regard to night sessions, - - - - -	710
Resolution raising a Joint Committee of three on the part of each House to report a bill for the relief of the people of North Carolina, - - - - -	711
A resolution instructing our Senators and Representatives in Congress to vote for a re- peal of the Tenure of Office law, - - - - -	711
Senate resolution, - - - - -	712
Joint resolution appointing committee to investigate the affairs of Albemarle and Ches- apeake Canal Company, - - - - -	712
Joint resolution to adjourn on 12th day of April, 1869, - - - - -	713
Resolution to pay expenses of Investigating Committee, - - - - -	713
Resolution concerning the Treasury, - - - - -	713
Resolution to pay the actual expenses of the Penitentiary Committee, - - - - -	714
Resolution to allow the County Commissioners of Richmond county to levy a special tax, - - - - -	714
Resolution on absent members, - - - - -	714
Resolution concerning Secretary of State, - - - - -	715
A resolution explanatory of an act entitled "An act to regulate the salary and fees of the Supreme Court Clerk," - - - - -	715
Resolution concerning Committee of Investigation into the affairs of the Albemarle and Chesapeake Canal Company, - - - - -	716
A resolution amendatory of a joint resolution in relation to banks, ratified the 21st of December, 1868, - - - - -	716
Joint resolution in relation to direct trade, - - - - -	717
Resolution to sell the States' Interest in the Fayetteville and Warsaw Plank Road, - - - - -	718
Resolution in reference to publication of certain acts, - - - - -	719
Resolution instructing Public Treasurer, &c., - - - - -	719
A resolution authorizing the Commissioners of Polk county to levy a special tax, - - - - -	720
Resolution appointing a Board of Public Charities, - - - - -	720

CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.

CONSTITUTION

OF THE

STATE OF NORTH CAROLINA,

Ratified by the people April 21st, 22d and 23d, 1868.



PREAMBLE.

We, the people of the State of North Carolina, grateful ^{Preamble.} to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him, for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government, may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare :

The equality and rights of men.

SECTION 1. That we hold it to be self-evident that all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Political power and government.

SEC. 2. That all political power is vested in, and derived from, the people ; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Internal government of the State.

SEC. 3. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness ; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

That there is no right to secede.

SEC. 4. That this State shall ever remain a member of the American Union ; that the people thereof are part of the American nation ; that there is no right on the part of the State to secede, and that all attempts from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State.

Of allegiance to the U. S. government.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.

Public Debt.

SEC. 6. To maintain the honor and good faith of the State untarnished, the public debt, regularly contracted before and since the rebellion, shall be regarded as inviolable and never be questioned ; but the State shall never assume or pay, or authorize the collection of, any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

Exclusive emoluments, &c.

SEC. 7. No man or set of men are entitled to exclusive or

separate emoluments or privileges from the community but in consideration of public services.

SEC. 8. The Legislative, Executive, and Supreme judicial powers of the government ought to be forever separate and distinct from each other. The Legislative, Executive and Judicial powers distinct. 4

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised. Of the power of suspending laws. 5

SEC. 10. All elections ought to be free. Elections free. 6

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defence, unless found guilty. In criminal prosecutions. 7

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment, or impeachment. Answers to criminal charges. 8

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal. Right of Jury. 9

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. Excessive bail. 10

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants. 11

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt 12

No person to be taken, &c., but by law of the land.

SEC. 17. No person ought to be taken, imprisoned or dis- seized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land.

Persons restrained of liberty.

SEC. 18. Every person restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful ; and such remedy ought not to be denied or delayed.

Controversies at law respecting property.

SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securi- ties of the rights of the people, and ought to remain sacred and inviolable.

Freedom of the Press.

SEC. 20. The freedom of the press is one of the great bul- warks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Habeas Corpus.

SEC. 21. The privilege of the writ of *habeas corpus* shall not be suspended.

Property qualifica- tion.

SEC. 22. As political rights and privileges are not depen- dent upon, or modified by property, therefore no property qualification ought to affect the right to vote or hold office.

Representation and taxation.

SEC. 23. The people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

Militia, and the right to bear arms.

SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed ; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power.

Right of the peo- ple to assemble to- gether.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their repre- sentatives, and to apply to the Legislature for redress of grievances.

Religious liberty.

SEC. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their

own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

SEC. 27. The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Education. /

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Elections should be frequent. 20

SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Recurrence to fundamental principles. 21

SEC. 30. No hereditary emoluments, privileges, or honors, ought to be granted or conferred in this State.

Hereditary emoluments, &c. 22

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Perpetuities, &c. 23

SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore no *ex post facto* law ought to be made. No law taxing retrospectively, sales, purchases, or other acts previously done, ought to be passed.

Ex post facto laws 24

SEC. 33. Slavery and involuntary servitude, otherwise than for crime whereof the parties shall have been duly convicted, shall be, and are hereby forever prohibited within this State.

Slavery prohibited. 25

SEC. 34. The limits and boundaries of the State shall be and remain as they now are.

State boundaries. 26

SEC. 35. All courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

Courts shall be open, &c. /

SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Soldiers in time of peace. 27

SEC. 37. This enumeration of rights shall not be construed to impair or deny others, retained by the people; and all powers, not herein delegated, remain with the people.

Other rights of the people. 28

ARTICLE II.

LEGISLATIVE DEPARTMENT.

Two branches.

SECTION 1. The Legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives.

Time of assembling.

SEC. 2. The Senate and House of Representatives shall meet annually on the third Monday in November, and when assembled, shall be denominated the General Assembly. Neither House shall proceed upon public business, unless a majority of all the members are actually present.

Number of Senators.

SEC. 3. The Senate shall be composed of fifty Senators biennially chosen by ballot.

Senatorial districts

SEC. 4. Until the first session of the General Assembly which shall be had after the year eighteen hundred and seventy-one, the Senate shall be composed of members elected from districts constituted as follows:

1st District—Perquimans, Chowan, Pasquotank, Currituck, Gates and Camden shall elect two Senators.

2d District—Martin, Washington and Tyrrell shall elect one Senator.

3d District—Beaufort and Hyde shall elect one Senator.

4th District—Northampton shall elect one Senator.

5th District—Bertie and Hertford shall elect one Senator.

6th District—Halifax shall elect one Senator.

7th District—Edgecombe shall elect one Senator.

8th District—Pitt shall elect one Senator.

9th District—Nash and Wilson shall elect one Senator.

10th District—Craven and Carteret shall elect two Senators.

11th District—Jones and Lenoir shall elect one Senator.

12th District—Duplin and Onslow shall elect one Senator.

13th District—Brunswick and New Hanover shall elect two Senators.

14th District—Bladen and Columbus shall elect one Senator.

15th District—Robeson shall elect one Senator.

16th District—Cumberland, Harnett and Sampson shall elect two Senators.

17th District—Johnston shall elect one Senator.

18th District—Greene and Wayne shall elect one Senator.

19th District—Franklin and Wake shall elect two Senators.

20th District—Warren shall elect one Senator.

21st District—Granville and Person shall elect two Senators.

22d District—Orange shall elect one Senator.

23d District—Chatham shall elect one Senator.

24th District—Caswell shall elect one Senator.

25th District—Rockingham shall elect one Senator.

26th District—Alamance and Guilford shall elect two Senators.

27th District—Randolph and Montgomery shall elect one Senator.

28th District—Moore and Richmond shall elect one Senator.

29th District—Anson and Union shall elect one Senator.

30th District—Mecklenburg shall elect one Senator.

31st District—Cabarrus and Stanly shall elect one Senator.

32d District—Davie and Rowan shall elect one Senator.

33d District—Davidson shall elect one Senator.

34th District—Forsythe and Stokes shall elect one Senator.

35th District—Surry and Yadkin shall elect one Senator.

36th District—Alexander and Iredell shall elect one Senator.

37th District—Catawba, Gaston and Lincoln shall elect one Senator.

38th District—Cleveland, Polk and Rutherford shall elect one Senator.

39th District—Alleghany, Ashe and Wilkes shall elect one Senator.

Senatorial districts.

40th District—Buncombe, Henderson and Transylvania shall elect one Senator.

41st District—Burke, Caldwell and Watauga shall elect one Senator.

42d District—Madison, Mitchell, McDowell and Yancey shall elect one Senator.

43d District—Clay, Cherokee, Haywood, Jackson and Macon shall elect one Senator.

Regulations in relation to districting the State for Senators.

SEC. 5. An enumeration of the inhabitants of the State shall be taken under the direction of the General Assembly in the year one thousand eight hundred and seventy-five, and at the end of every ten years thereafter; and the said Senate districts shall be so altered by the General Assembly, at the first session after the return of every enumeration taken as aforesaid, or by order of Congress, that each Senate District shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no County shall be divided in the formation of a Senate District, unless such County shall be equitably entitled to two or more Senators.

Regulations in relation to apportionment of Representatives.

SEC. 6. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the Counties respectively, according to their population, and each County shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts for the Senate are hereinbefore directed to be laid off.

Ratio of Representation.

SEC. 7. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those Counties which do not severally contain the one hundred and twen-

tieth part of the population of the State, by the number of Representatives, less the number assigned to such Counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each County containing the said ratio and not twice the said ratio, there shall be assigned one Representative; to each County containing twice but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the Counties having the largest fractions.

SEC. 8. Until the General Assembly shall have made the apportionment as hereinbefore provided, the House of Representatives shall be composed of members elected from the Counties in the following manner, to-wit:

Apportionment of
Representatives.

The County of Wake shall elect four members; the Counties of Craven, Granville, Halifax and New Hanover shall elect three members each; the Counties of Caswell, Chatham, Cumberland, Davidson, Duplin, Edgecombe, Franklin, Guilford, Iredell, Johnston, Mecklenburg, Northampton, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, Warren and Wayne shall elect two members each; the Counties of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Currituck, Davie, Forsyth, Gaston, Gates, Greene, Harnett, Henderson, Haywood, Hertford, Hyde, Jackson, Jones, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Nash, Onslow, Pasquotank, Perquimans, Person, Polk, Richmond, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Tyrrell, Union, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancey shall elect one member each.

SEC. 9. Each member of the Senate shall be not less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the

Qualifications for
Senators.

District for which he is chosen, one year immediately preceding his election.

Qualifications for Representatives.

SEC. 10. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the County for which he is chosen, for one year immediately preceding his election.

Election of officers.

SEC. 11. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

Powers in relation to divorce and alimony.

SEC. 12. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Private laws in relation to names of persons, &c.

SEC. 13. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days' notice shall be given anterior to passage of private laws.

SEC. 14. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such law shall have been given, under such direction, and in such manner as shall be provided by law.

Vacancies.

SEC. 15. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

SEC. 16. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the Counties, Cities or Towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless

the yeas and nays on the second and third readings of the bill shall have been entered on the Journal.

SEC. 17. The General Assembly shall regulate entails in such manner as to prevent perpetuities. Entails.

SEC. 18. Each House shall keep a Journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly. Journals.

SEC. 19. Any member of either House may dissent from, and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the Journal. Protest.

SEC. 20. The House of Representatives shall choose their own Speaker and other officers. Officers of the House.

SEC. 21. The Lieutenant Governor shall preside in the Senate, but shall have no vote, unless it may be equally divided. President of the Senate.

SEC. 22. The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor. Other Senatorial officers.

SEC. 23. The style of the acts shall be, "The General Assembly of North Carolina do enact." Style of the acts.

SEC. 24. Each House shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws, and the two Houses may also jointly adjourn to any future day, or other place. Powers of the General Assembly.

SEC. 25. All bills and resolutions of a legislative nature shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses. Bills and resolutions to be read three times, &c.

SEC. 26. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives. Oath for members.

Terms of office.

SEC. 27. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election ; and the term of office of those elected at the first election held under this Constitution shall terminate at the same time as if they had been elected at the first ensuing regular election.

Yeas and nays.

SEC. 28. Upon motion made and seconded in either House, by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the Journals.

Election for members of the General Assembly.

SEC. 29. The election for members of the General Assembly shall be held for the respective Districts, and Counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. The first election shall be held when the vote shall be taken on the ratification of this Constitution by the voters of the State, and the General Assembly then elected shall meet on the fifteenth day after the approval thereof by the Congress of the United States, if it fall not on Sunday, but if it shall so fall, then on the next day thereafter ; and the members then elected shall hold their seats until their successors are elected at a regular election.

ARTICLE III.

EXECUTIVE DEPARTMENT.

Officers of the Executive Department

SECTION 1. The Executive Department shall consist of a Governor, (in whom shall be vested the Supreme executive

power of the State) a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Works, a Superintendent of Public Instruction, and an Attorney General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, That the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January, 1869.

Term of office.

SEC. 2. No person shall be eligible as Governor or Lieutenant Governor, unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years unless the office shall have been cast upon him as Lieutenant Governor or President of the Senate.

Qualifications of Governor and Lieutenant-Governor.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively, shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint-ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint vote of both Houses of the General Assembly, in such manner as shall be prescribed by law.

Returns of elections.

SEC. 4. The Governor, before entering upon the duties of

Oath of office for Governor.

his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation, that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

Duties of the Governor.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Reprieves, commutations and pardons.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences, (except in cases of impeachment,) upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall annually communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor.

Annual reports from officers of Executive Department and of Public Institutions.

SEC. 7. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-in-Chief.

SEC. 8. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

a sessions of Assembly.

SEC. 9. The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his

proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. The Governor shall nominate, and, by and with the advice and consent of a majority of the Senators elect, appoint all officers whose offices are established by this Constitution, or which shall be created by law, and whose appointments are not otherwise provided for, and no such officer shall be appointed or elected by the General Assembly.

Officers whose appointments are not otherwise provided for.

SEC. 11. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Duties of the Lieutenant Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disabilities shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities be removed, or a new Governor or Lieutenant Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for a President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President:

In case of impeachment of Governor, or vacancy caused by death or resignation.

Duties of other
Executive officers.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Works, Superintendent of Public Instruction, and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this Article.

Council of State.

SEC. 14. The Secretary of State, Auditor, Treasurer, Superintendent of Public Works, and Superintendent of Public Instruction, shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum: their advice and proceedings in this capacity shall be entered in a Journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such Journal shall be placed before the General Assembly when called for by either House. The Attorney General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of
Executive officers.

SEC. 15. The officers mentioned in this Article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "the Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

SEC. 17. There shall be established in the office of Secretary of State, a Bureau of Statistics, Agriculture and Immigration, under such regulations as the General Assembly may provide.

Bureau of Statistics, Agriculture and Immigration.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits shall be abolished, and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of Court before a jury.

Abolishes the distinction between actions at law and suits in equity.

Feigned issues abolished.

SEC. 2. Three Commissioners shall be appointed by this Convention to report to the General Assembly at its first session after this Constitution shall be adopted by the people, rules of practice and procedure in accordance with the provisions of the foregoing section, and the Convention shall provide for the Commissioners a reasonable compensation.

Apportionment and duties of three Commissioners.

SEC. 3. The same Commissioners shall also report to the General Assembly as soon as practicable, a code of the law of North Carolina. The Governor shall have power to fill all vacancies occurring in this Commission.

Code of law.

SEC. 4. The Judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and Special Courts.

Division of Judicial powers.

Trial court of impeachment.

SEC. 5. The Court for the trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Impeachment.

SEC. 6. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Treason against the State.

SEC. 7. Treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Five Supreme Court Justices.

SEC. 8. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Terms of the Supreme Court.

SEC. 9. There shall be two terms of the Supreme Court held at the seat of government of the State in each year, commencing on the first Monday in January, and first Monday in June, and continuing as long as the public interests may require.

Jurisdiction of Supreme Court.

SEC. 10. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the Courts below, upon any matter of law or legal inference; but no issue of fact shall be tried before this Court; and the Court shall have power to issue any remedial writs necessary to give it a general supervision and control of the inferior Courts.

Claims against the State.

SEC. 11. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory: no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Twelve Judicial Districts for Superior Courts.

SEC. 12. The State shall be divided into twelve judicial

Districts, for each of which a Judge shall be chosen, who shall hold a Superior Court in each County in said District at least twice in each year, to continue for two weeks, unless the business shall be sooner disposed of.

SEC. 13. Until altered by law, the following shall be the Judicial Districts: Apportionment to said districts.

First District—Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hertford, Bertie.

Second District—Tyrrell, Hyde, Washington, Beaufort, Martin, Pitt, Edgecombe.

Third District—Craven, Carteret, Jones, Greene, Onslow, Lenoir, Wayne, Wilson.

Fourth District—Brunswick, New Hanover, Duplin, Columbus, Bladen, Sampson, Robeson.

Fifth District—Cumberland, Harnett, Moore, Richmond, Anson, Montgomery, Stanly, Union.

Sixth District—Northampton, Warren, Halifax, Wake, Nash, Franklin, Johnston, Granville.

Seventh District—Person, Orange, Chatham, Randolph, Guilford, Alamance, Caswell, Rockingham.

Eighth District—Stokes, Forsyth, Davidson, Rowan, Davie, Yadkin, Surry.

Ninth District—Catawba, Cabarrus, Mecklenburg, Lincoln, Gaston, Cleveland, Rutherford, Polk.

Tenth District—Iredell, Wilkes, Burke, Alexander, Caldwell, McDowell.

Eleventh District—Alleghany, Ashe, Watanga, Mitchell, Yancey, Madison, Buncombe.

Twelfth District—Henderson, Transylvania, Haywood, Macon, Jackson, Clay, Cherokee.

SEC. 14. Every Judge of a Superior Court shall reside in his District while holding his office. The Judges may exchange Districts with each other with the consent of the Governor, and the Legislature, for good reasons, which he shall report to the Legislature at its current or next session, may require any Judge to hold one or more specified Residences of Judges, and special terms of courts.

terms of said Courts in lieu of the Judge in whose District they are.

Original jurisdiction of the Superior Courts.

SEC. 15. The Superior Courts shall have exclusive original jurisdiction of all civil actions, whereof exclusive original jurisdiction is not given to some other Courts; and of all criminal actions in which the punishment may exceed a fine of fifty dollars or imprisonment for one month.

Appellate jurisdiction.

SEC. 16. The Superior Courts shall have appellate jurisdiction of all issues of law or fact, determined by a Probate Judge or a Justice of the Peace, where the matter in controversy exceeds twenty-five dollars, and of matters of law in all cases.

Jurisdiction of Superior Court Clerks.

SEC. 17. The Clerks of the Superior Courts shall have jurisdiction of the probate of deeds, the granting of letters testamentary and of administration, the appointment of guardians, the apprenticing of orphans, to audit the accounts of executors, administrators and guardians, and of such other matters as shall be prescribed by law. All issues of fact joined before them shall be transferred to the Superior Courts for trial, and appeals shall lie to the Superior Courts from their judgments in all matters of law.

Right of appeal.

In case of waiver of trial by jury.

SEC. 18. In all issues of fact, joined in any Court, the parties may waive the right to have the same determined by jury, in which case the finding of the Judge upon the facts shall have the force and effect of a verdict of a jury.

Special courts in cities.

SEC. 19. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in Cities and Towns, where the same may be necessary.

Clerk of Supreme Court.

SEC. 20. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Election of Superior Court Clerk.

SEC. 21. A Clerk of the Superior Court for each County shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

SEC. 22. Clerks of the Superior Courts shall hold their offices for four years. Term of office.

SEC. 23. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this Article; but the salaries of the Judges shall not be diminished during their continuance in office. Fees, salaries and emoluments.

SEC. 24. The laws of North Carolina, not repugnant to this Constitution, or to the Constitution and laws of the United States, shall be in force until lawfully altered. What laws are and shall be in force.

SEC. 25. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the Courts having jurisdiction thereof, without prejudice by reason of the change, and all such actions and suits, commenced before, and pending at, the adoption by the General Assembly, of the rules of practice and procedure herein provided for, shall be heard and determined, according to the practice now in use, unless otherwise provided for by said rules. Disposition of actions at law and suits in equity pending when this Constitution shall go into effect, &c.

SEC. 26. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years; but the Judges of the Superior Courts elected at the first election under this Constitution shall, after their election, under the superintendence of the Justices of the Supreme Court, be divided by lot into two equal classes, one of which shall hold office for four years, the other for eight years. Election, terms of office, &c., of Supreme and Superior Court Judges.

SEC. 27. The General Assembly may provide by law that the Judges of the Superior Courts, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective Districts. Provision in relation to election of Superior Court Judges.

SEC. 28. The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury. Transaction of business in the Superior Courts.

Solicitors for each
Judicial District.

SEC. 29. A Solicitor shall be elected for each Judicial District by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his District.

Sheriffs and Coro-
ners.

SEC. 30. In each County a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each Township there shall be a Constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in the County, the Clerk of the Superior Court for the County may appoint one for special cases. In case of a vacancy existing for any cause, in any of the offices created by this section, the Commissioners for the County may appoint to such office for the unexpired term.

Vacancies.

SEC. 31. All vacancies occurring in the offices provided for by this Article of this Constitution, shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election.

Terms of office of
first officers under
this Article.

SEC. 32. The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Jurisdiction of
Justices of the
Peace.

SEC. 33. The several Justices of the Peace shall have exclusive original jurisdiction under such regulations as the General Assembly shall prescribe, of all civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their Counties, where the punishment cannot exceed a fine of fifty dollars, or imprisonment for one month. When an issue of fact shall be joined before

a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action may appeal to the Superior Court from the same, and, if the judgment shall exceed twenty-five dollars, there may be a new trial of the whole matter in the appellate Court; but if the judgment shall be for twenty-five dollars or less, then the case shall be heard in the appellate Court only upon matters of law. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his County.

SEC. 34. When the office of Justice of the Peace shall become vacant, otherwise than by expiration of the term, and in case of a failure by the voters of any District to elect, the Clerk of the Superior Court for the County shall appoint to fill the vacancy for the unexpired term.

Vacancies in office
of Justices.

SEC. 35. In case the office of Clerk of a Superior Court for a County shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the County shall appoint to fill the vacancy until an election can be regularly held.

Vacancies in office
of Superior Court
Clerk.

ARTICLE V.

REVENUE AND TAXATION.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which shall be equal on each,

Capitation tax.

Exemptions.

to the tax on property valued at three hundred dollars in cash. The Commissioners of the several Counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and County capitation tax combined shall never exceed two dollars on the head.

Application of proceeds of State and County capitation tax.

SEC. 2. The proceeds of the State and County capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent. thereof be appropriated to the latter purpose.

Taxation shall be by uniform rule and ad valorem.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property, from which the income is derived, is taxed.

Payment of interest on public debt.

SEC. 4. The General Assembly shall, by appropriate legislation and by adequate taxation, provide for the prompt and regular payment of the interest on the public debt, and after the year 1880, it shall lay a specific annual tax upon the real and personal property of the State, and the sum thus realized shall be set apart as a sinking fund, to be devoted to the payment of the public debt.

Restriction upon the increase of the public debt, except in certain contingencies.

SEC. 5. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such Rail Roads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

SEC. 6. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious purposes; also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, to a value not exceeding three hundred dollars.

Property exemptions from taxation.

SEC. 7. The taxes levied by the Commissioners of the several Counties for County purposes, shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Taxes levied by County Commissioners.

SEC. 8. Every act of the General Assembly, levying a tax, shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Acts levying taxes shall state object, &c.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty one years old, or upward, who shall have resided in this State twelve months next preceding the election, and thirty days in the County in which he offers to vote, shall be deemed an elector.

Qualification of an elector.

SEC. 2. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors, and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and

Registration of electors.

laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith.

Elections by people and General Assembly.

SEC. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Oath of office.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, —, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me God."

Disqualifications for office.

SEC. 5. The following classes of persons shall be disqualified for office: First, All persons who shall deny the being of Almighty God. Second, All persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or mal-practice in office, unless such person shall have been legally restored to the rights of citizenship.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

County officers.

SECTION 1. In each County, there shall be elected, biennially, by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A Treasurer, Register of Deeds, Surveyor and Five Commissioners.

Duty of County Commissioners.

SEC. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes and finances of the County, as may be prescribed by

law. The Register of Deeds shall be, *ex officio*, Clerk of the Board of Commissioners.

SEC. 3. It shall be the duty of the Commissioners first elected in each County, to divide the same into convenient Districts, to determine the boundaries and prescribe the names of the said Districts, and to report the same to the General Assembly before the first day of January, 1869.

Counties to be divided into districts.

SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said Districts shall have corporate powers for the necessary purposes of local government, and shall be known as Townships.

Said districts shall have corporate powers as Townships.

SEC. 5. In each Township there shall be biennially elected, by the qualified voters thereof, a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the Township as may be prescribed by law. The General Assembly may provide for the election of a larger number of Justices of the Peace in Cities and Towns and in those Townships in which Cities and Towns are situated. In every Township there shall also be biennially elected a School Committee, consisting of three persons, whose duty shall be prescribed [by] law.

Officers of Townships.

SEC. 6. The Township Board of Trustees shall assess the taxable property of their Townships and make return to the County Commissioners, for revision, as may be prescribed by law. The Clerk shall also be, *ex officio*, Treasurer of the Township.

Trustees shall assess property.

SEC. 7. No County, City, Town, or other municipal corporation shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied, or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of a majority of the qualified voters therein.

No debt or loan except by a majority of voters.

SEC. 8. No money shall be drawn from any County or Township Treasury, except by authority of law.

Drawing of money

Taxes to be ad
valorem.

SEC. 9. All taxes levied by any County, City, Town, or Township, shall be uniform and *ad valorem*, upon all property in the same, except property exempted by this Constitution.

When officers en-
ter on duty.

SEC. 10. The County officers first elected under the provisions of this Article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Governor to ap-
point Justices.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each County, who shall hold their places until sections four, five and six of this Article shall have been carried into effect.

Charters to remain
in force until legally
changed.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Debts in and of
the rebellion not to
be paid.

SEC. 13. No County, City, Town or other municipal corporation shall assume or pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

Corporations un-
der general laws.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporations cannot be attained under general laws. All general laws and special acts passed, pursuant to this section, may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means, as may be prescribed by law.

Debts of corporations, how secured.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint-stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all Courts, in like cases as natural persons.

What corporations shall include.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of Cities, Towns and incorporated Villages, and to restrict their power of taxation, assessments, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporation.

Legislature to provide for organizing Cities, Towns, &c.

ARTICLE IX.

EDUCATION.

SECTION 1. Religion, morality and knowledge being necessary to good government and happiness of mankind, schools and the means of education shall forever be encouraged.

Education shall be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years.

General Assembly shall provide for schools.

SEC. 3. Each County of the State shall be divided into a convenient number of Districts, in which one or more public schools shall be maintained at least four months in

Counties divided into districts.

every year; and if the Commissioners of any County shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

What property shall be devoted to educational purposes.

SEC. 4. The proceeds of all lands that have been, or hereafter may be granted by the United States to this State and not otherwise specially appropriated by the United States or heretofore by this State; also, all moneys, stocks, bonds, and other property now belonging to any fund for purposes of education; also, the net proceeds that may accrue the State from sales of estrays, or from fines, penaltics and forfeitures; also, the proceeds of all sales of the swamp lands belonging to the State; also, all money that shall be paid as an equivalent for exemption from military duty; also, all grants, gifts or devises that may hereafter be made to this State, and not otherwise appropriated by the grant, gift or devise, shall be securely invested, and sacredly preserved as an irreducible educational fund, the annual income of which, together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and perfecting in this State a system of free public schools, and for no other purposes or uses whatsoever.

University and Public Schools not to be separated.

SEC. 5. The University of North Carolina, with its lands, emoluments and franchises, is under the control of the State, and shall be held to an inseparable connection with the free public school system of the State.

Benefits of the University.

SEC. 6. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Board of Education.

SEC. 7. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Works, Superintendent of Public Instruction and Attorney General, shall constitute a State Board of Education.

SEC. 8. The Governor shall be President, and the Superintendent of Public Instruction shall be Secretary of the Board of Education. President and Secretary.

SEC. 9. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be re-enacted by the Board. Power of Board.

SEC. 10. The first session of the Board of Education shall be held at the Capital of the State, within fifteen days after the organization of the State government under this Constitution; the time of future meeting may be determined by the Board. First session of Board.

SEC. 11. A majority of the Board shall constitute a quorum for the transaction of business. Quorum.

SEC. 12. The contingent expenses of the Board shall be provided for by the General Assembly. Expenses.

SEC. 13. The Board of Education shall elect Trustees for the University as follows: One Trustee for each County in the State, whose term of office shall be eight years. The first meeting of the Board shall be held within ten (10) days after their election, and at this and every subsequent meeting, ten Trustees shall constitute a quorum. The Trustees, at their first meeting, shall be divided, as equally as may be, into four classes. The seats of the first class shall be vacated at the expiration of two years; of the second class, at the expiration of four years; of the third class, at the expiration of six years; of the fourth class, at the expiration of eight years; so that one-fourth may be chosen every second year. Trustees for the University.

SEC. 14. The Board of Education and the President of the University shall be *ex officio* members of the Board of Trustees of the University; and shall, with three other Trustees, to be appointed by the Board of Trustees, con- Board of Trustees.

stitute the Executive Committee of the Trustees of the University of North Carolina, and shall be clothed with the powers delegated to the Executive Committee under the existing organization of the Institution. The Governor shall be *ex officio* President of the Board of Trustees and Chairman of the Executive Committee of the University. The Board of Education shall provide for the more perfect organization of the Board of Trustees.

Privileges and rights vested in new Board.

SEC. 15. All the privileges, rights, franchises and endowments heretofore granted to, or conferred upon, the Board of Trustees of the University of North Carolina by the charter of 1789, or by any subsequent legislation, are hereby vested in the Board of Trustees, authorized by this Constitution, for the perpetual benefit of the University.

Agricultural Department.

SEC. 16. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain in connection with the University, a Department of Agriculture, of Mechanics, of Mining, and of Normal Instruction.

Children must attend school.

SEC. 17. The General Assembly is hereby empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

Exemption.

SECTION 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted from sale

under execution, or other final process of any Court, issued for the collection of any debt.

SEC. 2. Every homestead, and the dwelling and buildings used therewith, not exceeding in value one thousand dollars to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a City, Town or Village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempted from sale under execution, or other final process, obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

Homestead.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt, during the minority of his children, or any one of them.

Homestead exempted from debt.

SEC. 4. The provisions of section one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Laborer's lien.

SEC. 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

Benefit of widow.

SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised or bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

Property of a married female secured to her.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the

Husband may insure his life for the benefit of wife and children.

death of the husband the amount thus insured shall be paid over to the wife and children, or the guardian, if under age, for her, or their own use, free from all the claims of the representatives of the husband, or any of his creditors.

How deed for
Homestead may be
made.

SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

Punishments.

SECTION 1. The following punishments only shall be known to the laws of this State, viz: death, imprisonment, with or without hard labor, fines, removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

Death punishment.

SEC. 2. The object of punishments, being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Penitentiary.

SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or Penitentiary at some central and accessible point within the State.

Houses of correc-
tion.

SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

SEC. 5. A House or Houses of Refuge may be established whenever the public interest may require it, for the correction and instruction of other classes of offenders. Houses of refuge.

SEC. 6. It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the County jails, and City police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell. The sexes to be separated.

SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and a Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be intrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement. Provision for the poor and orphans.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated and taught some business or trade. Orphan houses.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates. Inebriates and idiots.

SEC. 10. The General Assembly shall provide that all the deaf mutes, the blind, and the insane of the State, shall be cared for at the charge of the State. Deaf mutes and insane.

SEC. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation. Self-supporting.

ARTICLE XII.

MILITIA.

Who are liable to militia duty.

SECTION 1. All able bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the Militia: *Provided*, That all persons who may be adverse to bearing arms, from religious scruples, shall be exempt therefrom.

Organizing, &c.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the Militia, and for paying the same when called into active service.

Governor Commander-in-Chief.

SEC. 3. The Governor shall be Commander-in-Chief, and have power to call out the Militia to execute the law, suppress riots or insurrection, and to repel invasion.

Exemptions.

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the Militia.

ARTICLE XIII.

AMENDMENTS.

Convention, how called.

SECTION 1. No Convention of the people shall be called by the General Assembly unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

How the Constitution may be altered.

SEC. 2. No part of the Constitution of this State shall be altered, unless a bill to alter the same shall have been read three times in each House of the General Assembly and

agreed to by three-fifths of the whole number of members of each House respectively; nor shall any alteration take place until the bill, so agreed to, shall have been published six months previous to a new election of members to the General Assembly. If, after such publication, the alteration proposed by the preceding General Assembly shall be agreed to, in the first session thereafter, by two-thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times on three several days in each House, then the said General Assembly shall prescribe a mode by which the amendment or amendments may be submitted to the qualified voters of the House of Representatives throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters voting thereon have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.

ARTICLE XIV.

MISCELLANEOUS.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before this Constitution takes effect, may be proceeded upon in the proper Courts, but no punishment shall be inflicted, which is forbidden by this Constitution. Indictments.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State. Penalty for fighting duel.

SEC. 3. No money shall be drawn from the Treasury but in consequence of appropriations made by law, and an Drawing money.

accurate account of the receipts and expenditures of the public money shall be annually published.

Mechanics lien.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

Governor to make appointments.

SEC. 5. In the absence of any contrary provision, all officers in this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified, according to the provisions of this Constitution.

Seat of government.

SEC. 6. The seat of government in this State shall remain at the City of Raleigh.

Holding office.

SEC. 7. No person shall hold more than one lucrative office under the State, at the same time: *Provided*, That officers in the Militia, Justices of the Peace, Commissioners of Public Charities and Commissioners appointed for special purposes, shall not be considered officers within the meaning of this section.

Done in Convention at Raleigh, the sixteenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-second.

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA.

PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA,

Session 1868-'69.

CHAPTER I.

AN ACT IN REGARD TO OBTAINING LICENSE TO PRACTICE LAW
IN THIS STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That all applicants for license to practice law, who have had license from the Supreme Court of the State, to practice in the County Courts as they heretofore existed, shall now be allowed to practice in all the Courts of the State.

Persons heretofore practicing in County Courts may practice in all Courts.

SEC. 2. This act shall take effect from and after its ratification.

When act to take effect.

Ratified the 7th day of December, A. D. 1868.

[All local general laws, affecting one or more Counties, Charters of Rail Roads, Steamboats, Ferry and Turnpike and Bridge Companies are included in this publication.]

CHAPTER II.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES IN CARTERET COUNTY FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY EIGHT.

Preamble.

WHEREAS, From unavoidable causes, the tax lists of Carteret County for the year eighteen hundred and sixty-eight have not been placed in the hands of the Sheriff of that County, as required by existing revenue law; by reason whereof the County is without the means of raising revenue for the support of the poor, and for other County purposes, and for the payment of the taxes due the State; therefore,

County Commissioners to have list of taxables made out.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of the County Commissioners of Carteret County to cause a copy in alphabetical order of the lists of taxables of said County, which have been returned by the list takers for the year eighteen hundred sixty eight, to be made by their Clerk, showing the amount of taxes due thereon, for State and County purposes at the rates imposed by last general revenue law of the State, and the order of the County Court of Carteret County, made at February Term, eighteen hundred and sixty-eight, and delivered by said Clerk to the Sheriff of said County, on or before the first day of January, eighteen hundred and sixty-nine; and also, to cause such an abstract of the said lists as existing Revenue laws require, to be transmitted to the Auditor at Raleigh on or before the fifth day of January, eighteen hundred and sixty-nine.

List to be delivered to Sheriff.

Abstract to be transmitted to Auditor.

Sheriff to collect taxes forthwith.

To settle with Treasurer.

SEO. 2. The Sheriff of said County, on receiving said copy shall proceed forthwith to collect the taxes due thereon, under the rules and regulations prescribed by existing laws for the collection of such taxes; and shall settle with the Treasurer of the State for the State taxes, at the time now prescribed, or which may hereafter be prescribed by law, for his settlement with said officer, for the taxes of the year eighteen hundred and sixty-nine. And shall pay the taxes

collected for the poor, and for other County purposes, on said lists, on or before the first day of the Spring Term, eighteen hundred and sixty-nine, of the Superior Court of Carteret County, to such person or persons, as the said County Commissioners may direct; and on failure of the said Sheriff to pay the said County taxes as herein required, the said Superior Court at the Spring Term, eighteen hundred and sixty-nine, thereof, may, on motion of the said Commissioners, render judgment against the said Sheriff and his sureties, (ten days' notice having been previously given to them,) for the amount of such taxes then due, and on failure of the said Sheriff to pay the State taxes to the Treasurer as herein required, the Treasurer may recover the same in the manner now prescribed by law for the recovery of State taxes from delinquent Sheriffs.

To pay taxes collected for the poor.

Remedy in case of failure on part of Sheriff to pay the taxes.

SEC. 3. This act shall be in force from and after its ratification.

When act to be in force.

Ratified the 11th day of December, A. D. 1868.

CHAPTER III.

AN ACT TO PROVIDE FOR THE REGISTRATION OF VOTERS IN ALL SPECIAL ELECTIONS IN THIS STATE.

WHEREAS, Doubts and uncertainty exists as to the true construction of the registration law of the State; therefore,

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That all persons heretofore registered as voters in this State, shall be allowed to vote in all special elections.

Persons heretofore registered allowed to vote.

SEC. 2. That in all special elections held in this State under proclamation of the Governor or otherwise, it shall be the duty of the Judges holding said election in the several precincts to register on application all persons who

Judges to register applicants not heretofore registered.

have not heretofore been registered, subject to all the requirements of the general registration law of the State.

When act to take effect.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 16th day of December, A. D. 1868.

CHAPTER IV.

AN ACT TO 'AMEND THE CHARTER OF THE CHERAW AND COALFIELDS RAIL ROAD COMPANY.

Company authorized to continue construction of Road.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of the Cheraw and Coalfields Rail Road Company be, and the same is hereby so altered and amended as to authorize the said Company to continue the construction of their said Road, from such point on the South Carolina line as may be selected by the said Company, to a point on the line of the Wilmington, Charlotte and Rutherford Rail Road, at or near Wadesboro', with the privilege of extending the same across the track of the said Wilmington, Charlotte and Rutherford Rail Road to such point on the North Carolina Rail Road at or near Salisbury as may be selected by said Company.

Proviso to ordinance repealed.

SEC. 2. That the proviso to an ordinance entitled an ordinance to repeal the ninth section of the charter of the Cheraw and Coalfields Rail Road, as amended by the Legislature of eighteen hundred and sixty and eighteen hundred and sixty-one, ratified on the tenth day of May, eighteen hundred and sixty-two, be and the same is hereby repealed, and that the said Company be allowed five years, from the ratification of this act, to complete their Road to the crossing of the Wilmington, Charlotte and Rutherford Rail Road, and five additional years thereto to complete the extension hereby authorized.

SEC. 3. That the name of the said Company shall be, and the same is hereby changed from that of the "Cheraw and Coalfields Rail Road Company," to that of the "Cheraw and Salisbury Rail Road Company." Name changed.

SEC. 4. *Provided further*, That no discrimination shall be made in tariffs in favor of either North or South Carolina Rail Road, crossing or connecting with this Road. No discrimination of tariff.

SEC. 5. This act shall be in force from its ratification.

Ratified the 16th day of December, A. D. 1868.

CHAPTER V.

AN ACT TO PROVIDE FOR THE HOLDING OF MUNICIPAL ELECTIONS IN NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That no person not actually residing within the corporate limits of any Town in this State shall be entitled to vote therein in any municipal election, or to hold any municipal election, or to hold any municipal office in said town. Qualification of voters.

SEC. 2. An actual residence of ten days within the corporate limits of any Town in this State shall constitute any citizen of the United States a qualified voter therein in any municipal election, and such qualified voter shall be eligible to any municipal office within said corporation: *Provided*, That said person is in other respects a qualified voter in the State.

SEC. 3. All acts or charters, or parts of the same inconsistent with the provisions of this act are hereby repealed. Repealing clause.

SEC. 4. This act shall go into effect from and after its ratification.

Ratified the 16th day of December, A. D. 1868.

CHAPTER VI.

AN ACT FOR THE RELIEF OF JAMES F. WHITE, FORMER SHERIFF
OF GASTON COUNTY.

To collect taxes
due for the years
1866-'67.

SECTION 1. *The General Assembly of North Carolina do enact*, That James F. White, former Sheriff of the County of Gaston, is authorized to collect the amount of taxes still due on the tax lists of his County for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven: *Provided*, That said ex-Sheriff shall not collect taxes out of any tax-payer who may make affidavit before any Magistrate that he has formerly paid the taxes aforesaid, and has lost the receipt for the same: *And provided further*, That the authority given said White by this act shall cease on the first of July, eighteen hundred and sixty-nine.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 16th day of December, A. D. 1868.

CHAPTER VII.

AN ACT TO RE-ENACT AND CONFIRM CERTAIN ACTS OF THE
GENERAL ASSEMBLY AUTHORIZING THE ISSUE OF STATE
BONDS TO AND FOR CERTAIN RAIL ROAD COMPANIES.

Preamble.

WHEREAS, Doubts have been raised as to the validity of bonds of the State issued to and for certain Rail Road Companies under acts whose titles are hereinafter recited; and whereas, it is the purpose of this General Assembly to place the validity of such bonds beyond question; now, therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled "An act to amend the charter of the Williamston and Tarboro' Rail Road Company," ratified the seventeenth day of August, Anno Domini eighteen hundred and sixty-eight, and an act entitled "An act to amend the charter of the Western North Carolina Rail Road Company," ratified the nineteenth day of August, Anno Domini eighteen hundred and sixty-eight, and all the provisions thereof be and the same are hereby re-enacted and in all things confirmed, and they are hereby constituted part of this act; and all bonds of the State heretofore made and issued to and for the Rail Road Companies and for the purposes in said act specified, and in pursuance of the same, are hereby ratified and made good to all intents and purposes as if issued under and in pursuance of the provisions of this act.

Acts of August 17 and 19, 1868, re-enacted and confirmed.

SEC. 2. That on the surrender of any of the bonds heretofore issued under and by virtue of any one of said acts, the Treasurer is hereby authorized and required to issue and substitute new bonds of the State, of like tenor and date, executed in like manner and in all respects similar, for such bonds so surrendered, except that such new and substituted bonds shall be issued and purport to be issued under and by virtue of this act, and the bonds so surrendered shall be burnt by the Treasurer in the presence of the Governor and Auditor, who shall cause to be made and sign a certificate specifying the number and dates of such bonds so burnt and the acts under which the same were issued, and the Treasurer shall report such action and certificate to the General Assembly.

Treasurer required to issue new bonds.

SEC. 3. In order to provide for the payment of the interest that may, from time to time, accrue upon such bonds so issued under said acts and the bonds to be issued and so substituted under this act, there shall be annually levied and collected a special tax of one-thirtieth of one per cent. on the taxable property of the State to pay the interest that has accrued and may, from time to time, accrue on the

A tax of one-thirtieth of one per cent. to be levied annually to pay interest.

A special tax to be annually levied of one-thirtieth of one per cent. to pay interest.

bonds so issued and so to be issued to and for the said the Williamston and Tarboro' Rail Road Company, and a like special tax shall be annually levied and collected of one-twentieth of one per cent. on all taxable property of the State to pay the interest that has accrued and may, from time to time, accrue on the bonds so issued and so to be issued to and for and on account of the said the Western North Carolina Rail Road Company.

Public Treasurer directed to subscribe \$2,000,000 payable in thirty years.

SEC. 4. The Public Treasurer is hereby directed, whenever the President of the Chatham Rail Road Company shall certify that the grading of the Road, between Cheraw, in South Carolina, and the Gulf or some other point on the Chatham Rail Road between Raleigh and the Gulf has been let to contract, to subscribe to the capital stock of said Company two million dollars in behalf of the State, which subscription shall be paid by delivering to the President of said Company coupon bonds of the State at par of the denomination of one thousand dollars, dated October first, eighteen hundred and sixty-eight, and payable in thirty years thereafter, bearing six per cent. interest, payable semi-annually, principal and interest payable in the City of New York, said bonds to be signed by the Governor, countersigned by the Treasurer and sealed with the "The great seal of the State," and issued under the provisions of chapter ninety, Revised Code: *Provided*, That said bonds shall only be issued on the surrender of a like amount of bonds of the State heretofore issued under an act to amend the charter of the Chatham Rail Road Company, ratified the fifteenth day of August, eighteen hundred and sixty-eight. On which surrender the same amount of bonds delivered by said Company to the State under the said act shall be cancelled. Said subscription shall be preferred stock and pay a dividend of six per cent. before any dividend shall be declared on the other stock.

Bonds, how issued.

Interest provided for on Chatham Rail Road Bonds.

SEC. 5. In order to provide for the payment of the interest which may accrue on the bonds issued as above mentioned, there is hereby and shall be annually levied and collected

a special tax of one twentieth of one per cent. on the taxable property of the State, collectable and payable into the Treasury as other public taxes. ✓

SEC. 6. In all meetings of stockholders of said Company the State shall, for and in behalf of its stock, be entitled to a vote equal to one-third of that cast by individual stockholders, and all the officers of said Company shall be elected by the stockholders as heretofore.

Officers, by whom elected.

SEC. 7. The capital stock of said Chatham Rail Road Company is hereby increased to three million two hundred thousand dollars. ✓

Stock increased.

SEC. 8. This act shall be in force from its ratification.

Ratified the 18th day of December, A. D. 1868.

CHAPTER VIII.

AN ACT FOR HOLDING SPECIAL TERMS OF SUPERIOR COURT IN CRAVEN COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That a special term of the Superior Court be held for the County of Craven, at New Berne, on the third Monday of January next, by the Judge of the third Judicial District, for the trial of criminal cases.

Special term of Court for Craven authorized.

SEC. 2. That said Court shall continue until the criminal calendar is exhausted.

Court to continue till calendar exhausted.

SEC. 3. That a grand and petit jury shall be summoned as provided by law for regular terms of the Court.

Juries to be summoned.

SEC. 4. That this act shall take effect from and after its ratification.

Ratified the 21st day of December, A. D. 1868.

CHAPTER IX.

AN ACT TO INCORPORATE THE SILVER HILL RAIL ROAD COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing a Rail Road, to be used and operated by steam, horse, or other motive power from Silver Hill in Davidson County, to the nearest practicable and convenient point on the North Carolina Rail Road, Franklin Osgood, George C. Irwin, E. R. Bennett, J. B. Stafford, Thaddeus Ford, Henderson Adams, P. A. Long, and such other persons as they may associate with them, their successors and assigns are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name and style of the Silver Hill Rail Road Company, with all the corporate powers and authority hereby created and granted, to be held and exercised by said Company and their successors and assigns in perpetuity; and in that name shall have power to purchase, receive, hold, possess and enjoy, sell and convey real and personal estate, to have and use a common seal, alterable at their pleasure, to pass such by-laws, rules and regulations for their government, not inconsistent with the laws of this State, as may be necessary to carry into effect the objects, and conduct the affairs of the corporation; may sue and be sued, plead and be impleaded, and shall have and enjoy all the rights of similar corporate bodies, under the laws of this State to survey and condemn land for right of way and all other purposes necessary to carry into effect the objects of said Company, and shall generally have and possess all the rights, privileges and immunities, and be subject to the limitations and restrictions of corporate bodies under the laws of this State.

Powers of corporation.

A majority may appoint Commissioners to open

SEC. 2. That for the purpose of creating the capital of said Company, the persons named in the first section of

this act, or a majority of them, may appoint commissioners to open books of subscription at such places and times as they may deem expedient, and under such rules as they may prescribe.

books of subscrip-
tion.

SEC. 3. That the capital stock of said Company shall be one hundred thousand dollars, and may be increased to three hundred thousand dollars, whenever the said Company may direct, to be divided into shares of one hundred dollars each.

Capital stock.

SEC. 4. When the sum of ten thousand dollars shall have been subscribed to the capital stock of said Company by solvent subscribers, a general meeting of the stockholders shall be called by the said Commissioners, after due notice; and such general meeting, a majority of the stock subscribed being present, either in person or by proxy, shall have power to appoint a Board of Directors, and such other officers as they may desire, and to do and to perform all other acts and things necessary for their organization as a Company, and to carry into effect the objects of this charter; and to continue its operations under the provisions thereof.

General meeting.

Directors and
other officers.

SEC. 5. That one of the Board of Directors shall be a resident of Davidson County, and notice of process upon the President or any Director or acting agent of said Company shall be deemed lawful notice of serving process upon the Company.

Process, when
deemed lawful.

SEC. 6. That said Company shall have the exclusive privilege of conveying and transporting over and along their Road, persons or produce, merchandise, minerals and ores, and all such other things as are usually carried on Rail Roads in this State, at such rates and fares for freight and passage as they may determine.

Company to have
exclusive privilege,
&c.

SEC. 7. That in the absence of any contract with said Company in relation to the land through which said Road may pass, it shall be presumed that the land upon which said Road may be constructed, together with the necessary space not exceeding one hundred feet on each side of the center of said Road, has been granted to the Company

In absence of con-
tract land shall be
presumed granted.

thereof, and said Company shall have good right and title thereto, and shall have, hold and enjoy the same, as long as the same shall be used for the purposes of said Road, and no longer, unless the owner of said land shall apply for an assessment of the value of said land, according to law, within two years next after that part of the Road which may be upon said land was finished; and in case the said owner, or those claiming under him, her, or them, shall not apply within two years next after the said part was finished, he, she, or they, shall be forever barred from recovering said land, or having any assessment or compensation therefor; *Provided*, That nothing herein contained shall affect the rights of *feme covert*s or infants, until two years after the removal of their disabilities.

Assessment, how applied for.

Proviso.

SEC. 8. That this act shall be in force and have effect from and after its ratification.

Ratified the 21st day of December, A. D. 1868.

CHAPTER X.

AN ACT TO AUTHORIZE THE PUBLIC TREASURER TO SUPPLY TEMPORARY DEFICIENCIES IN THE TREASURY.

SECTION 1. *The General Assembly of North Carolina do enact*, To enable the Public Treasurer, in advance of the collection and return of public taxes, to raise money which may be needed to pay the interest on the public debt, the Public Treasurer is hereby authorized to borrow such sums as may be necessary to meet the interest due January first, eighteen hundred and sixty-nine, at a rate of interest not to exceed eight per cent., and on such terms, as to time and place of payment; as may be agreed on, the time of payment not to be later than the day fixed by law for the payment of public taxes into the Treasury.

Public Treasurer authorized to borrow sums to meet interest, &c.

SEC. 2. As collateral security for the payment of the amount borrowed as above mentioned, the Public Treasurer is authorized to pledge such an amount from the first moneys received from the tax list of eighteen hundred and sixty-nine, and to pay the same from the first moneys received into the Treasury from this or any other source.

As security first money received from tax list or any other source may be pledged.

Ratified the 21st day of December, A. D. 1868.

CHAPTER XI.

AN ACT IN RELATION TO MUNICIPAL ELECTIONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of the several corporated Towns in the State of North Carolina shall appoint three persons of their respective Towns to hold their municipal elections for Mayor and Commissioners, and said inspectors shall make out two statements of the election so held, and return one to the Register of Deeds of their County, and return the other to the Secretary of the Town in which the election was held.

Three persons to be appointed by Commissioners to hold elections, who shall make list, &c.

SEC. 2. This act shall be in force from and after its passage.

Ratified the 21st day of December, A. D. 1868.

CHAPTER XII.

AN ACT IN FAVOR OF BUILDERS OF PUBLIC MILLS.

SECTION 1. *The General Assembly of North Carolina do enact*, That all powers conferred upon the County Courts by chapter seventy-one of the Revised Code, in reference to

Powers conferred upon County Commissioners.

the building of public water mills be and the same are hereby conferred upon the County Commissioners.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 21st day of December, A. D. 1868.

CHAPTER XIII.

AN ACT MAKING AN APPROPRIATION FOR THE DEAF AND DUMB AND BLIND ASYLUM.

Appropriation for defraying expenses.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of thirty thousand dollars is hereby appropriated for the purpose of defraying the expenses of the Deaf and Dumb and Blind Asylum, during the current fiscal year.

Public Treasurer authorized to pay out of moneys.

SEC. 2. That the Public Treasurer be authorized to pay the said amount of thirty thousand dollars to the Treasurer of said Asylum out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 13th day of January, A. D. 1869.

CHAPTER XIV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT CONCERNING THE GOVERNMENT OF COUNTIES.

Preamble.

WHEREAS, Doubts have arisen in regard to the proper construction of sub-division fourteen of section eight of an act

entitled "An act concerning the government of Counties," approved August fourteenth, eighteen hundred and sixty-eight; and the Commissioners of Counties in some parts of the State have been advised that it was their duty to cause new surveys of their Counties to be made and maps of the same filed with the Secretary of State before January first, eighteen hundred and sixty-nine, contrary to the intention of the framers of said act; therefore, for the purpose of removing all doubts in the premises,

SECTION 1. *The General Assembly of North Carolina do enact*, That sub-division fourteen of section eight of said act shall not be so construed as to make an instrumental survey of their Counties mandatory upon the Commissioners, but such survey shall be made when, in the opinion of the Commissioners, it is necessary for the proper defining of Township boundaries, at such time as may be convenient, and when made, a map and survey shall be filed as provided by said section.

Sub-division fourteen, how construed

Ratified the 19th day of January, A. D. 1869.

CHAPTER XV.

AN ACT FOR THE CHARTER OF A FERRY ACROSS NEUSE RIVER IN THE COUNTY OF CRAVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That Israel Pettiford, of the County of Craven, and his heirs and assigns, shall have the right unmolested to establish and maintain a ferry across Neuse River, from and opposite the City of Newbern, along the line and place as used by the old Gaskins' Ferry, and that the said Israel Pettiford and his successors shall be authorized to make reasonable charges and rates of transit thereon.

Israel Pettiford to establish a Ferry.

Grant for 25 years.

SEC. 2. That this grant shall continue for twenty-five years.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 19th day of January, A. D. 1869.

CHAPTER XVI.

AN ACT TO AUTHORIZE W. D. JUSTICE, FORMER SHERIFF OF HENDERSON COUNTY, AND OTHER SHERIFFS TO COLLECT ARREARS OF TAXES FOR THE YEARS EIGHTEEN HUNDRED AND SIXTY-SIX AND EIGHTEEN HUNDRED AND SIXTY-SEVEN.

Sundry Sheriffs authorized to collect arrears of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. D. Justice, former Sheriff of Henderson County, and the other Sheriffs herein named: O. R. Colgrove, Jones; E. F. Cox, Lenoir; T. W. Patterson, Rockingham; E. A. Gupton, Franklin; Geo. Credle, Hyde; N. R. Jones, Warren; G. J. Williams, Chatham; Wm. Haymore, Surry; W. E. Pearey, Yancey; R. M. Stafford, Guilford; K. H. Worthy, Moore; S. R. Bunting, New Hanover; Lewis Bond, Bertie; E. H. Ray, Wake; Nelson Slough, Cabarrus; John L. Harris, Person; W. A. Murray, Alamance; David Lofton, Davidson, be, and they are hereby authorized and empowered to collect all arrears of taxes due them for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, under the same rules and restrictions as other collection of taxes by virtue of the laws of the State: *Provided*, That if any person shall have paid his tax and lost their receipt, may make oath to the same, and it shall have the same effect as a receipt.

Proviso.

When authority to cease.

SEC. 2. *Be it further enacted*, That the power and

authority hereby granted shall cease with the year eighteen hundred and sixty-nine.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 26th day of January, A. D. 1869.

CHAPTER XVII.

AN ACT TO TRANSFER CASES FROM THE DOCKET OF THE LATE CRIMINAL COURT IN CRAVEN COUNTY TO THE SUPERIOR COURT OF THE SAME.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Clerk of the Criminal Court in Craven County, abolished by act of General Assembly, ratified the eleventh day of August, Anno Domini, eighteen hundred and sixty-eight, be, and he is hereby authorized and directed to transfer the cases on the docket of the same at the time it was abolished to the Superior Court of Craven County, on or before the third Monday in January, Anno Domini, eighteen hundred and sixty-nine.

Clerk Criminal Court directed to transfer cases to Superior Court.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 26th day of January, A. D. 1869.

CHAPTER XVIII.

AN ACT TO PROHIBIT HUNTING ON THE SABBATH.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person or persons whomsoever shall be known to hunt in this State on the Sabbath with a

Hunting on the Sabbath prohibited.

dog or dogs, or shall be found off' of their premises on the Sabbath, having with him or them a shot-gun, rifle or pistol, he or they shall be subject to indictment; and, upon conviction, shall pay a fine not to exceed fifty dollars at the discretion of the Court, two-thirds of such fine to enure to the benefit of the free public schools in the County of which such convict is a resident, the remainder to the informant.

Penalty upon failure to pay fine.

SEC. 2. That upon failure of such convict to pay the required fine, he shall be imprisoned at hard labor for not more than three months as the Court, in its judgment, shall direct: *Provided*, That this act shall not apply to any person who may violate its provision in defence of his own property.

Proviso.

SEC. 3. This act shall take effect from and after March first, eighteen hundred and sixty-nine.

Ratified the 27th day of January, A. D. 1869.

CHAPTER XIX.

AN ACT TO AUTHORIZE AND EMPOWER R. W. HARDIE, LATE SHERIFF OF CUMBERLAND COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEARS EIGHTEEN HUNDRED AND SIXTY-SIX AND EIGHTEEN HUNDRED AND SIXTY-SEVEN.

Sheriff of Cumberland empowered to collect taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That R. W. Hardie, late Sheriff of Cumberland County, be and he is hereby authorized and empowered to collect all arrears of taxes due him for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, which collection shall be made under the same rules, regulations and restrictions as other collection of taxes by virtue of the laws of the State.

When power to cease.

SEC. 2. *Be it further enacted*, That the power and

authority hereby granted shall cease and determine with the year eighteen hundred and sixty-nine.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 27th day of January, A. D. 1869.

CHAPTER XX.

AN ACT AMENDATORY OF THE ACT TO INCORPORATE THE WESTERN NORTH CAROLINA RAILROAD COMPANY, RATIFIED THE FIFTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE, AND OF ALL OTHER ACTS AMENDATORY THEREOF. ✓

SECTION 1. *The General Assembly of North Carolina do enact*, That the act incorporating the Western North Carolina Rail Road Company, ratified on the fifteenth day of Eebruary, one thousand eight hundred and fifty-five, and all other acts amendatory thereof, be amended as follows, to-wit: The capital stock of the Western North Carolina Rail Road Company, for the Western Division of said Road, shall be ten millions of dollars, and the capital stock of the Eastern Division shall be increased to six and one-half millions of dollars, and the State shall subscribe for the stock of said Company, as now provided by law, until the Road shall be completed: *Provided, nevertheless*, That, of the appropriation made for the Eastern Division of said Road, a sum of not exceeding eighty thousand dollars, shall be expended in the construction of a branch Road, leading from a point at or near Catawba Station, in Catawba County, to the Lime Beds, in said County, said branch not to exceed five miles in length.

Amendments.

Capital stock.

Proviso.

SEC. 2. That the Board of Directors of the Western Division of said Road, at any time, by order of the stock-

Directors of Western Division empowered to borrow money.

holders of said Division, shall have power to borrow money from time to time, not exceeding in amount the sum of two millions of dollars, and to secure the payment of the same by bonds of the Western North Carolina Rail Road Company, signed by the President and countersigned by the Treasurer of the Western Division of said Road, bearing interest at a rate not greater than eight per cent. per annum, payable at such place, and maturing at such time, not exceeding thirty years, as may be designated, and to secure the payment of such bonds, and enhance the value of the same, the said Board of Directors may mortgage from time to time, all the property of said Company, including the franchise and road bed, belonging or appertaining to the said Western Division, and no more, and it shall be sufficient to register such mortgage deeds in the County of Buncombe, according to law, to make the same effectual, as if the same were registered in every County in which the property of said Company, so conveyed, is situated.

Property may be mortgaged.

Capital stock paid in land, same price as gold value.

SEC. 3. When the capital stock is paid for with land, the price allowed for such land shall be fixed at the value of the same in gold, before the Treasurer shall subscribe for stock on the part of the State, on account of such stock. And the President of said Western Division shall certify the solvency of all subscriptions, whether payable in land or not, as provided by law.

Act of August 19, 1868, re-enacted.

SEC. 4. That an act entitled "An act to amend the charter of the Western North Carolina Rail Road Company," ratified the nineteenth day of August, one thousand eight hundred and sixty-eight, and all the provisions thereof be, and the same is hereby re-enacted, and in all things confirmed: and the said act is hereby constituted a part of this act; and all the bonds of the State, heretofore made and issued to and for and on account of said Rail Road Company, and for the purposes therein specified, are hereby ratified and made good, to all intents and purposes, as if issued under and in pursuance of the provisions of this act.

Constituted a part of this act.

State bonds ratified.

SEC. 5. That on the surrender of the bonds heretofore issued under and by virtue of the provisions of the said act, the Treasurer is hereby authorized and required to issue and substitute new bonds of the State, of like tenor and date, executed in like manner, and in all respects similar, for such bonds so surrendered: except that such new and substituted bonds shall be issued and purport to be issued, under and by virtue of this act, and the bonds so surrendered shall be burnt by the Treasurer in the presence of the Governor and Auditor, who shall cause to be made and signed a certificate specifying the numbers and dates of such bonds so burnt, and the act under which the same were issued, and the Treasurer shall report such action and certificate to the General Assembly at its first session thereafter.

New bonds issued by virtue of this act.

Bonds surrendered to be burnt.

SEC. 6. In order to provide for the payment of the interest upon such bonds, so issued under said act, and the bonds to be issued and so substituted under this act, as well as for that on all such other bonds as may be issued under the provisions of this act, which has accrued and which may hereafter from time to time accrue, there shall be annually levied and collected as other taxes, a special tax of one-eighth of one per cent. on all the taxable property in the State; and the Treasurer shall apply the tax so collected to the payment of such interest as the same shall accrue.

Interest on bonds.

SEC. 7. That in further subscription for the capital stock of the Western North Carolina Rail Road Company by Counties, the County Commissioners of any County shall, in all respects, for their Counties respectively, do all things and discharge all duties to that end and purpose, that heretofore by law devolved upon the County Courts in Counties proposing to subscribe, and subscribing for such capital stock, and a majority of the County Commissioners may act, and at such time or times as they may from time to time designate, and a majority of the votes cast upon any proposition to the people of a County to subscribe for such capital stock, shall be sufficient to authorize such subscrip-

Commissioners to discharge duties heretofore imposed on County Courts.

tions for such capital stock heretofore made, are here in all things ratified.

Commissioners having stock.

SEC. 8. That the County Commissioners of any County having stock in said Company, shall appoint a proxy to represent such stock in the stockholders' meetings, said proxy to be appointed by a majority of the Commissioners.

Proxy, how appointed.
Time of meeting.

SEC. 9. The stockholders of the Western Division of said Road shall have power to fix the time and place of their meetings, and the proceedings had and acts done, by such stockholders, and the Directors of said Division in and at the organization of the same are hereby in all things ratified and confirmed.

Stockholders of Eastern Division to elect Directors and officers.

SEC. 10. The stockholders of said Company, including the State, for the Eastern Division, shall have the power and the right to elect all the Directors and officers of the Company and to prescribe the duties of each, except that the Board of Directors shall elect the President from the Board of Directors: *Provided*, That on all questions, and in all elections, the State shall be entitled to a *pro rata* vote upon all her stock according to the representation of the individual stock in the meeting; and a proxy appointed by the Governor shall cast the vote of the State.

Proviso.

Stockholders of Western Division to elect Directors and officers.

SEC. 11. The stockholders of said Company, including the State for the Western Division, shall have the power and the right to elect all the Directors and officers of the Company, and to prescribe the duties of each, except that the Board of Directors shall elect the President from the Board of Directors: *Provided*, That the State shall be entitled to a *pro rata* vote upon one-third her stock, according to the representation of the individual stock in the meeting.

Proviso.

Company have power to take securities, &c.

SEC. 12. That said Company shall have power and the right to take all such securities and mortgages of real and personal estate, as it may deem proper, to secure the faithful performance of contracts, for the construction and repairs of said Road, and the buildings and other things incident

thereto, and all such securities and mortgages heretofore taken are hereby ratified and confirmed.

SEC. 13. The Board of Directors of the Western Division of said Road shall have power, in their discretion, to fix the Western terminus of the main branch thereof, on the Tennessee or Georgia line in Cherokee County. Western terminus.

SEC. 14. That it shall be sufficient to register the deeds, conveying the right of way, depots and station grounds to the Western Division of said Company in the County of Buncombe, and all such deeds and conveyances not heretofore registered shall be registered in that County. Shall be sufficient to register in Buncombe County.

SEC. 15. That said Western North Carolina Rail Road Company shall have power to make or discontinue branches of said Road at will, and it may use the branches as will best promote its convenience and interest: *Provided, nevertheless,* This section shall not confer any power to interfere with the branch Road to Paint Rock, and no other branch shall be begun until the main trunk to Ducktown and the branch to Paint Rock shall have been completed. May discontinue branches at will.

SEC. 16. The acceptance of this amendment to the original charter of the Western North Carolina Rail Road Company, and of the acts heretofore passed amendatory thereof, shall be submitted to the private stockholders of both Divisions jointly, and if a majority of all the votes cast in a joint meeting of said private stockholders shall be in favor of the acceptance, then this act shall go into effect and not before, and it shall be the duty of the Presidents of the Eastern and Western Divisions to call a joint meeting of the private stockholders of their respective Divisions, at such time and place as may be agreed upon by said Presidents, and within ninety days from the ratification of this act, and a majority of the votes in said joint meeting, (a quorum being present, either in person or by proxy,) shall determine the question of the acceptance or rejection of this act. To be submitted to private stockholders.

SEC. 17. If a quorum of private stock, (represented either in person or by proxy,) shall not be present at the first If a quorum shall not be present, the President shall call another meeting.

Pub. 5.]

meeting as provided in the sixteenth section of this act, then it shall be lawful, and it shall be the duty of the Presidents aforesaid, to call another meeting at some other time, not exceeding thirty days, and so on as often as necessary until a quorum is obtained.

If accepted, duty
of the President.

SEC. 18. In the event the amendments proposed herein to the charter of the Western North Carolina Rail Road Company shall be accepted by the private stockholders as hereinbefore provided, it shall be the duty of the Presidents of the Eastern and Western Divisions of said Road to notify the Governor of the State of said acceptance forthwith; and the Governor shall then immediately make proclamation thereof in three newspapers within the State; whereupon this act shall be in full force and effect.

Governor to make
proclamation.

Proviso.

SEC. 19. *Provided*, That on or before the day upon which the first coupon of the bonds authorized to be issued by this act, shall become due, the President of the above named Rail Road Company shall pay to the Public Treasurer, either in cash or matured coupons of bonds, upon which the Public Treasurer is made to pay the interest under this act, the sum of ninety thousand dollars: and on or before the day upon which the second coupon of the bonds authorized by this act shall become due, the President of the above named Rail Road Company shall pay in like manner the sum of ninety thousand dollars: and on or before the day upon which the third coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer in like manner the sum of sixty thousand dollars: and on or before the day upon which the fourth coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer in like manner the sum of thirty thousand dollars.

Further proviso.

SEC. 20. *Provided, further*, That of the bonds authorized to be issued under this act, five hundred and forty thousand dollars shall be retained by the Public Treasurer as collateral security for the faithful performance of the conditions of the preceding section, and that upon the payment of the first

ninety thousand dollars as aforesaid, the Public Treasurer shall be authorized to deliver to said Rail Road Company one hundred and eighty thousand dollars of the above named five hundred and forty thousand dollars of bonds, and upon the payment of the succeeding amounts named in said section, the Public Treasurer is authorized to deliver bonds to the amount of double the sum paid, until all said bonds are delivered to said Rail Road Company: *Provided,* also, That at the expiration of two years from the date of the first coupon of the bonds authorized in this act, the Public Treasurer shall be authorized to issue to said Rail Road Company, an additional amount of bonds, equal at their par value, to the amount paid in cash by said Company in behalf of the State, according to the provisions of section nineteen of this act, said bonds to be in all respects similar to those authorized to be issued by this act.

Proviso.

SEC. 21. All laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause

Ratified the 29th day of January, A. D. 1869.

CHAPTER XXI.

AN ACT TO AMEND THE CHARTER OF THE WILMINGTON, CHARLOTTE AND RUTHERFORD RAIL ROAD COMPANY TO PROVIDE FOR THE COMPLETION OF SAID ROAD, AND TO SECURE TO THE STATE A REPRESENTATION IN THE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the capital stock of the Wilmington, Charlotte and Rutherford Rail Road Company be increased to the sum of seven millions of dollars, and that, in order to complete the Road, the Public Treasurer of the State is hereby directed, as soon as this amendment shall be accepted by the stockholders in said Company, provided it shall be done.

Capital stock increased, and Public Treasurer directed to subscribe.

within ninety days of the ratification of this act, to subscribe in behalf of the State, four millions of dollars to the capital stock of said Company, upon the terms and conditions hereinafter provided.

Treasurer to issue bonds bearing interest.

SEC. 2. For the payment of the subscription of said four millions of dollars, directed in the foregoing section, the Public Treasurer shall cause to be made and issued coupon bonds of the State, in sums of one thousand dollars each, bearing interest at the rate of six per cent. per annum, payable semi-annually, and the principal thereof at the end of thirty years; said bonds to be signed by the Governor of the State and countersigned by the Public Treasurer, and sealed with the great seal of the State, and to be delivered to the President of said Wilmington, Charlotte and Rutherford Rail Road Company as hereafter provided.

By whom signed, and to whom delivered.

Subscription, how applied.

SEC. 3. That two millions of the subscription so made shall be applied exclusively to that portion of said Road which is west of Charlotte, called the Western Division, the first portion of said amount expended to be expended in completing said Road to Rutherfordton, and two millions of dollars of it shall be exclusively applied to that portion of the Road east of Charlotte, called the Eastern Division.

Directors, how appointed.

SEC. 4. That the Directors of said Company, as provided for in the charter, shall be limited to the number of thirteen, of which number the Governor of the State shall appoint seven, and the stockholders shall elect six, and upon the acceptance of this act by the stockholders, and the payment of one million of dollars of the bonds of the subscription authorized on the part of the State, there shall, within sixty days after such payment, be a meeting of the stockholders of the Company, and Directors elected and appointed as herein provided for, and a re-organization of the Company immediately effected which shall conform to the true intent and meaning of the charter of said Company as amended by this act.

Re-organization, when effected.

Acceptance in no wise to affect liabilities.

SEC. 5. That the acceptance of this act by the stockholders shall in no wise affect any of the liabilities, contracts

or obligations of the said Wilmington, Charlotte and Ruth-
erford Rail Road Company.

SEC. 6. For the purpose of providing for the payment of ^{Interest provided} the interest upon the bonds hereby authorized, and the _{for.} principal at its maturity, an annual tax of one-eighth of one per cent. is hereby imposed upon all the taxable property of the State, which shall be levied, collected and paid into the State Treasury as other public taxes, and the surplus, after paying the interest, shall be invested in securities of the United States or other safe securities and kept as a sinking fund for the payment of the principal money at maturity. ✓

SEC. 7. *Provided*, That on or before the day upon which the first coupon of the bonds authorized to be issued by this act shall become due, the President of the above named Rail Road Company shall pay to the Public Treasurer, ^{Proviso.} either in cash or in matured coupons of bonds upon which the Public Treasurer is made to pay the interest under this act the sum of one hundred and twenty thousand dollars; and on or before the day upon which the second coupon of the bonds authorized by this act shall become due, the President of the above named Rail Road Company shall pay, ^{President to pay} in like manner, the sum of one hundred and twenty thousand _{matured interest,} dollars; and on or before the day upon which the third _{&c.} coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer, in like manner, the sum of eighty thousand dollars; and on or before the day upon which the fourth coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer, in like manner, the sum of forty thousand dollars.

SEC. 8. *Provided, further*, That of the bonds authorized ^{Treasurer to re} to be issued under this act, seven hundred and twenty _{tain as security.} thousand dollars shall be retained by the Public Treasurer as collateral security for the faithful performance of the conditions of the preceding section: and that upon the payment of the first one hundred and twenty thousand dollars as aforesaid, the Public Treasurer shall be author-

Treasurer to deliver bonds. ized to deliver to said Rail Road Company two hundred and forty thousand dollars of the above named seven hundred and twenty thousand dollars of bonds; and upon the payment of the succeeding amounts named in said section, the Public Treasurer is authorized to deliver bonds to the amount of double the sum paid, until all said bonds are delivered to said Rail Road Company: *Provided, also,* That at the expiration of two years from the date of the first coupon of the bonds authorized in this act, the Public Treasurer shall be authorized to issue to said Rail Road Company an additional amount of bonds equal at their par value to the amount paid in cash by said Company in behalf of the State according to the provisions of section seven of this act, said bonds to be in all respects similar to those authorized to be issued by this act.

Proviso.

Dividend, how applied. SEC. 9. All dividends, that may hereafter accrue to the State upon the stock owned by the State in said Rail Road Company, or so much thereof as may be necessary for that purpose, shall be applied exclusively to the payment of the interest on the bonds of the State authorized by this act.

No discrimination to be made. SEC. 10. No discrimination shall be made by the Wilmington, Charlotte and Rutherford Rail Road Company in rates of charges for the carrying of passengers or freights over any part of said Road, but the rates charged for freights and travel between either terminus and any intermediate point, shall be the same per mile as the rates charged for travel or for like classes and qualities of freights over the whole line of said Road: *Provided,* That the said Company, in addition to the rates per mile charged for the carrying of passengers and freights over the whole line of said Road may, for the carrying of passengers and for freights of like classes and qualities between intermediate points, and between either terminus and any intermediate point, charge the following and no other: For any distance under twenty-five miles, not exceeding fifty per cent.; for any distance over twenty-five and not exceeding fifty miles, not exceeding forty per cent.; for any distance over fifty

Proviso.

Rates of freight between intermediate points.

and not exceeding one hundred miles, not exceeding thirty per cent.; for any distance over one hundred and not exceeding two hundred miles, not exceeding twenty per cent; and for any distance over two hundred miles, not exceeding ten per cent. And if any officer or agent of said Company shall violate the provisions of this section, any person injured or suffering loss thereby may sue the Company, or such officer or agent, in any Court having jurisdiction of the cause, and recover his actual damages and costs, and in addition thereto shall recover the sum of fifty dollars as liquidation and settled damages.

Persons injured may sue, &c.,

SEC. 11. Nothing in the foregoing section shall operate to prevent said Company from arranging local rates for any distance under twenty-five miles.

Local rates not prevented.

SEC. 12. That the Directors in this Company shall have power to receive subscriptions to stock in said Company in lands, moneys, bonds, stocks or any other property. And in case land be subscribed as stock, the Directors may provide the mode in which the value of the same may be ascertained and conveyance thereof executed.

Directors to receive subscriptions.

SEC. 13. That any laws or clauses of laws conflicting with or repugnant to this act are hereby repealed.

Repealing clause.

SEC. 14. That this act shall be in force and take effect from and after its ratification.

Ratified the 29th day of January, A. D. 1869.

CHAPTER XXII.

AN ACT TO INCORPORATE THE UNIVERSITY RAIL ROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be a body politic and corporate known as the University Rail Road Company, with corpo-

Corporate powers same as N. C. R. R. Company,

rate powers and franchises to the same extent as are possessed by the North Carolina Rail Road Company.

SEC. 2. The said University Rail Road Company shall build a Rail Road, with one or more tracks, from some point on the North Carolina Rail Road between Durham's and Hillsboro', or from either of those points to the village of Chapel Hill, the seat of the University of the State.

Board of Directors

SEC. 3. The affairs of said University Rail Road Company shall be managed by a Board of five Directors, to be appointed by the Governor of the State, which Board shall, out of their number, choose a President, and said Board shall serve for twelve months and until their successors are qualified.

Directors to appoint officers.

SEC. 4. The Board of Directors shall have power to appoint such officers as they may deem necessary, and prescribe their duties, term of service, and compensation. They shall likewise fix the salary of the President, which shall be subject to approval by the Governor.

Coupon bonds to be issued.

SEC. 5. To secure the completion of said Road, coupon bonds of the State are hereby authorized to be issued and delivered by the Treasurer of the State to the President of said Company to the amount of three hundred thousand dollars, for which he shall give to said Treasurer a certificate of stock in said Road to said amount of three hundred thousand dollars. The said bonds shall be of the denomination of one thousand dollars each, shall be dated January first, eighteen hundred and sixty-nine, and shall become due January first, eighteen hundred and ninety-nine, shall bear interest at the rate of six per centum per annum, payable semi-annually, shall be signed by the Governor, countersigned by the Treasurer, shall be sealed with the great seal of the State, and principal and interest shall be payable in the City of New York.

By whom signed.

Interest payable in New York.

Contracts, how let.

SEC. 6. The said Rail Road shall be let to contract on such terms as the Directors may deem best, and the Directors shall have power to make contracts with the North Carolina Rail Road Company for the use of its rolling-

stock, and running the Road upon such terms as may be agreed upon.

SEC. 7. For the purpose of raising the necessary funds to pay the interest on said bonds as the same may become due, there shall be, until the maturity of said bonds, issued as aforesaid, levied and collected an annual tax of one hundredth of one per cent. on all the real and personal property of the State, subject to be collected and paid into the Treasury in like manner with other taxes.

SEC. 9. This act shall be in force from its ratification.

Ratified the 30th day of January, A. D. 1869.

CHAPTER XXIII.

AN ACT AMENDATORY OF, AND SUPPLEMENTAL TO, AN ACT ENTITLED AN ACT AMENDATORY OF THE ACT TO INCORPORATE THE WESTERN NORTH CAROLINA RAIL ROAD COMPANY, RATIFIED THE FIFTEENTH DAY OF FEBRUARY, EIGHTEEN HUNDRED AND FIFTY-FIVE, AND OF ALL OTHER ACTS AMENDATORY THEREOF, PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY, AND RATIFIED ON THE TWENTY-NINTH DAY OF JANUARY, EIGHTEEN HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sixteenth section of an act amendatory of the act to incorporate the Western North Carolina Rail Road Company, ratified the fifteenth day of February, eighteen hundred and fifty-five, and of all other acts amendatory thereof, passed at the present session of the General Assembly, and ratified on the twenty-ninth day of January, eighteen hundred and sixty-nine, be so altered and amended as to make the said act go into effect from and after its ratification, instead of after its acceptance by the private stockholders.

Conflicting parts
of 18th section re-
pealed.

SEC. 2. That so much of the eighteenth section of the above recited act as comes in conflict with this act, or is repugnant thereto, be, and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 30th day of January, A. D. 1869.

CHAPTER XXIV.

AN ACT TO PREVENT THE FELLING OF TIMBER OR OTHERWISE OBSTRUCTING ROCK FISH CREEK, THE BOUNDARY LINE BETWEEN NEW HANOVER AND DUPLIN COUNTIES.

Unlawful to ob-
struct the waters of
Rock Fish.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to fell timber, or build fish hedges, or otherwise obstruct the waters of Rock Fish Creek, the dividing line between the Counties of New Hanover and Duplin, from the junction of said Creek with the northeast branch of the Cape Fear River to Samuel A. Williams'.

Penalty.

SEC. 2. That any person violating the foregoing section shall be guilty of a misdemeanor, and shall be liable to indictment for the same, and on conviction shall be fined not less than twenty-five dollars or be imprisoned not less than three months, or both, at the discretion of the Court.

Indictable in
either Court.

SEC. 3. Any person violating section one of this act may be indictable in the Courts of either New Hanover or Duplin Counties, either of which are hereby declared to have jurisdiction.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 30th day of January, A. D. 1869.

CHAPTER XXV.

AN ACT TO ENABLE THE COUNTY COMMISSIONERS OF NEW HANOVER COUNTY THE BETTER TO CARRY OUT THE PROVISIONS OF THE THIRTEENTH SECTION OF ARTICLE SEVEN OF THE CONSTITUTION OF THE STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Board of County Commissioners for New Hanover County shall have power to examine all and any of the books or accounts of all public officers within their County, who have heretofore been authorized to make any appropriation of the public money for any purpose whatever, or who may have disbursed the same, and to that end the said Board of Commissioners shall have power to compel the attendance of any persons as a witness before them, and the production of any paper writing that they may deem necessary for such examination.

County Commissioners empowered to examine books, &c.

SEC. 2. That if any person who may be summoned as a witness before said Board of Commissioners, or who shall be required to produce any paper writing, books, notes, bonds, contracts, or accounts, that they may be directly or indirectly connected with, the raising or expenditure of any public money heretofore raised or expended, or by which the County of New Hanover has heretofore, or may hereafter become chargeable, shall fail or neglect to obey such summons, or to produce such books and papers, the person so refusing or neglecting may be punished by said Board of Commissioners as for a contempt by fine and imprisonment at their discretion: *Provided*, Such person shall have been summoned in writing at least five days before the day named in the summon requiring the attendance of witness which summons shall set forth the time and place at which the witness shall be required to attend, and the summons shall be served by the Sheriff or other lawful officer of said County in the same manner, and under the same rules, reg-

Parties failing to obey summons punished by fine or imprisonment.

Proviso.

ulations and requirements as by the existing laws similar process is required to be served when returnable to a Superior Court.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 30th day of January, A. D. 1869.

CHAPTER XXVI.

AN ACT TO AUTHORIZE A. B. JONES, FORMER TAX COLLECTOR OF BUNCOMBE COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEARS EIGHTEEN HUNDRED AND SIXTY SIX AND EIGHTEEN HUNDRED AND SIXTY-SEVEN.

Sheriff of Buncombe authorized to collect taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. B. Jones, former Tax Collector for Buncombe County, be, and he is hereby authorized and empowered to collect arrears of taxes for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, which collection shall be made under the same rules and regulations and restrictions as other collections of taxes by virtue of the laws of the State.

SEC. 2. *Be it further enacted*, That the power and authority hereby granted shall cease and determine with the year eighteen hundred and sixty-nine.

Proviso.

SEC. 3. *Provided*, That no person shall be compelled to pay such taxes, who will make oath that they have paid the same and have lost their receipt.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 30th day of January, A. D. 1869.

CHAPTER XXVII.

AN ACT TO CONSOLIDATE THE ATLANTIC AND NORTH CAROLINA RAIL ROAD COMPANY AND THE NORTH CAROLINA RAIL ROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Atlantic and North Carolina Rail Road Company, chartered at the session of the General Assembly, in eighteen hundred and fifty-two, and the North Carolina Rail Road Company, chartered in eighteen hundred and forty-eight and forty-nine, are hereby authorized and empowered to consolidate, so as to form and constitute one Company, with the corporate name and style of the North Carolina Central Rail Road Company, and when the consolidation of the two Companies aforesaid shall have been consummated in the manner hereafter prescribed, the North Central Rail Road Company, extending from Beaufort Harbor, North Carolina, to the Town of Charlotte, North Carolina, shall be invested with all the powers, rights, immunities, privileges and franchises conferred on the first named corporation, in and by an act entitled an act to incorporate the Atlantic and North Carolina Rail Road Company, and the North Carolina and Western Rail Road Company, ratified the twenty-seventh day of December, Anno Domini eighteen hundred and fifty-two, and by any amendments thereof, and also with all the rights, powers, immunities, privileges and franchises, conferred on the second named corporation by an act entitled "An act to incorporate the North Carolina Rail Road Company," ratified the twenty seventh day of January, Anno Domini eighteen hundred and forty nine, and by any amendments thereof: and all the property owned or acquired by either of said corporations, shall be taken to be the joint property of the State and stockholders of the two Companies as hereinafter prescribed.

Empowered to consolidate and form one Company.

Powers.

Question sub-
mitted to stock-
holders.

SEC. 2. That at the first meeting of the stockholders of the corporations aforesaid, a majority of the stock being represented in person or by proxy, each of said Companies shall decide, by a majority vote, according to the method prescribed in its charter, in favor of or against the consolidation and union of the two Companies aforesaid, and if said Companies shall decide in favor of consolidation, it shall be the duty of their respective stockholders to fix and agree upon the terms and conditions of their consolidation by a valuation of the stock, property, rights, immunities, franchises and privileges of each, and, for this purpose, each corporation may appoint a committee of three stockholders, whose action shall be submitted to the decision of the stockholders of each Company; the union of the two Companies aforesaid shall be consummated upon the basis of this valuation, and upon such terms, and in such manner, as the majority of stockholders of each Company may agree upon; and after their union and consolidation is completed all the property, real, personal and mixed, and all the powers, rights, privileges, immunities and franchises of the two corporations, conferred by their respective charters and the various amendments thereof, shall vest and be conferred on the united corporations, under the name and style of the North Carolina Central Rail Road Company, and shall belong to the stockholders thereof.

Stock, how valued

Directors, how ap-
pointed.

SEC. 3. That upon the union of said Companies in the manner prescribed, the individual stockholders of said "North Carolina Central Rail Road Company" shall have the right to elect four Directors as prescribed in the charter of the "North Carolina Rail Road Company," and the State shall be entitled to eight directors, to be appointed by the Governor of the State, who shall manage the affairs of the said "North Carolina Central Rail Road Company." A majority of said Board of Directors shall, out of their number, elect a President of the Company.

Shall be in force
ninety years.

SEC. 4. That the corporate powers of the said "North Carolina Central Rail Road Company" shall continue and

be in force for ninety years from the time of the union and consolidation of the said Rail Roads.

SEC. 5. That the two corporations aforesaid shall have the period of two years in which to negotiate, establish and settle the terms of their union and consolidation, and their failure to consummate, the union of said companies shall not be considered final until the expiration of the said period of two years from the ratification of this act.

Consolidation,
when to be effected

SEC. 6. No discrimination shall be made by the North Carolina Central Rail Road Company, in rates and charges for the carrying of passengers and freights over any part of said road, but the rates charged for freight and travel between intermediate points, and between either terminus and any intermediate point, shall be the same per mile as the rates charged for travel or for like classes and qualities of freight on the whole line of said Road: *Provided*, That the rates shall apply to the line of said Road only, and not to through rates in connection with other lines of transportation: *Provided further*, That the said Company, in addition to the rates per mile charged for the carrying of passengers and freights over the whole line of said Road, may, or the carrying of passengers and freights of like classes and qualities between intermediate points, charge the following, and no other: For any distance under fifty miles, not exceeding twenty-five per cent.; for any distance over fifty and under one hundred miles, not exceeding twenty per cent.; for any distance over one hundred and not exceeding two hundred miles, not exceeding fifteen per cent.; any distance over two hundred and not exceeding three hundred miles, ten per cent.; *Provided further*, That the incurred rates herein authorized between intermediate points and between either terminus—and any intermediate point shall be equal on all parts of said Road; and if any officer or agent of said Company shall violate the provisions of this section, any person injured or suffering loss thereby, may sue the Company, or such officer or agent

No discrimination
shall be made in
rates and charges.

Proviso.

in any Court having jurisdiction of the cause, and recover his actual damages and costs, and in addition thereto shall recover the sum of fifty dollars, as liquidation and settled damages.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 1st day of February, A. D. 1869.

CHAPTER XXVIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND THE CHARTER OF THE WESTERN RAIL ROAD COMPANY, RATIFIED TWENTY-FIRST OF AUGUST, EIGHTEEN HUNDRED AND SIXTY-EIGHT.

Amendments to
to be submitted
stockholders.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three of an act entitled an act to amend the charter of the Western Rail Road Company, ratified the twenty-first of August, eighteen hundred and sixty-eight, be amended so as to read as follows: The amendments in this act contained shall be submitted to the stockholders of said Western Rail Road Company, at a meeting to be called within twelve months after the fifteenth day of December, eighteen hundred and sixty-eight. If accepted by the stockholders in person, or by proxy, of a majority of stock, the stockholders, other than the State, shall forthwith appoint two Directors, and they, together with the Directors of the State appointed as aforesaid, shall immediately enter upon their duties, and hold office until the next regular annual meeting of stockholders of the Company, and until their successors are qualified. On said acceptance, the term of office of the present President and Directors shall cease.

Directors, how
appointed.

Amendments re-
pealed.

SEC. 2. The said act entitled an act to amend the charter of

the Western Rail Road Company as amended in the preceding section, is hereby re-enacted.

SEC. 3. Upon the acceptance by said Western Rail Road Company of the amendment to their charter contained in this act, the Treasurer of the State shall subscribe for (in behalf of the State) stock in the said Western Rail Road Company to the amount of five hundred thousand dollars in addition to the stock already owned by the State in said Company, and the said Treasurer shall, for said stock, deliver to the President of said Company, coupon bonds of the State to the amount of five hundred thousand dollars, of the denomination of one thousand dollars, said bonds signed by the Governor, countersigned by the Treasurer, sealed with the great seal of the State, bearing six per cent. interest, payable semi-annually, the principal payable at the end of thirty years from the date thereof, principal and interest payable in the City of New York, said bonds to be issued under the provisions of chapter ninety of the Revised Code.

Treasurer shall
subscribe, &c.

To deliver bonds,
with interest pay-
able in New York.

SEC. 4. On the surrender to the State of five hundred thousand dollars of the second mortgage bonds of the Wilmington, Charlotte and Rutherford Rail Road Company, heretofore paid to said Western Rail Road Company in payment for stock in the same, the Public Treasurer is hereby directed to issue in exchange therefor five hundred thousand dollars of coupon bonds of the State of the description aforesaid.

To exchange bonds

SEC. 5. To pay the interest on the bonds of the State, issued as aforesaid, as the same may accrue, there shall be annually levied and collected a special tax of one-fortieth of one per cent. on the taxable property of the State, which shall be levied, collected and paid into the Treasury as other public taxes.

Tax levied to pay
interest. ✓

SEC. 6. The said Western Rail Road Company may, at any time, by delivering to the Treasurer of the State, bonds or other indebtedness of the State, receive a transfer of an equivalent amount of the stock of the State in said Com-

Duty of Treasurer
to make transfer.

pany, and it shall be the duty of the Treasurer to make such transfer.

Fourth section repealed.

SEC. 7. That the fourth section of the act of the General Assembly, amending the charter of the Western Rail Road, ratified the twenty-fifth day of February, eighteen hundred and sixty seven, be, and the same is hereby repealed.

For purpose of extending Road Treasurer shall subscribe.

SEC. 8. That for the purpose of extending said Western Rail Road from the point on the North Carolina Rail Road, at which said Western Rail Road may connect at or between Salisbury and Greensboro', up the rich and fertile valley of the Yadkin, between the North and South Yadkin, to such point in the County of Wilkes, as the President and Directors may determine, the Public Treasurer is hereby authorized and required to subscribe to the capital stock of said Western Rail Road, the sum of five hundred thousand dollars, and to pay said subscription in the coupon bonds of the State, in the same manner and form, and on the same terms as heretofore provided for: *Provided*, That said sum of five hundred thousand dollars shall be expended on that portion of the Road west of the point at which the Western Rail Road may connect with the North Carolina Rail Road; *And provided further*, That the President and Directors may commence the grading west of the North Carolina Road as soon as the location is determined.

Proviso.

Interest provided for.

SEC. 9. To pay the interest on the said bonds of the State, issued as aforesaid, as the same may accrue, there shall be annually levied and collected a special tax of one eightieth of one per cent. on the taxable property of the State, which shall be levied and collected, and paid into the Treasury as other public taxes.

The President shall pay to Public Treasurer, &c.

SEC. 10. *Provided*, That on or before the day upon which the first coupon of the bonds authorized to be issued by this act shall become due, the President of the above named Rail Road Company shall pay to the Public Treasurer, either in cash or in matured coupons of bonds, upon which the Public Treasurer is made to pay the interest

under this act, the sum of thirty thousand dollars; and on or before the day upon which the second coupon of the bonds authorized by this act shall become due, the President of the above named Rail Road Company shall pay, in like manner, the sum of thirty thousand dollars; and on or before the day upon which the third coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer, in like manner, the sum of twenty thousand dollars; and on or before the day upon which the fourth coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer, in like manner, the sum of ten thousand dollars.

SEC. 11. *Provided, further,* That of the bonds authorized to be issued under this act, one hundred and eighty thousand dollars shall be retained by the Public Treasurer as collateral security for the faithful performance of the conditions of the preceding section; and that upon the payment of the first thirty thousand dollars as aforesaid, the Public Treasurer shall be authorized to deliver to said Rail Road Company sixty thousand dollars of the above named one hundred and eighty thousand dollars of bonds; and upon the payment of the succeeding amounts named in said section, the Public Treasurer is authorized to deliver bonds to the amount of double the sum paid, until all said bonds are delivered to said Rail Road Company: *Provided, also,* That at the expiration of two years from the date of the first coupon of the bonds authorized in this act, the Public Treasurer shall be authorized to issue to said Rail Road Company an additional amount of bonds, equal at their par value to the amount paid in cash by said Company in behalf of the State, according to the provisions of section ten of this act; said bonds to be in all respects similar to those authorized to be issued by this act.

Public Treasurer
shall retain as security.
\$ 180,000

Bonds to be issued.

SEC. 12. This act shall go into effect upon its ratification.

Ratified the 2d day of February, A. D. 1869.

CHAPTER XXIX.

AN ACT TO AMEND THE CHARTER OF THE OXFORD BRANCH OF
THE RALEIGH AND GASTON RAIL ROAD.

Charter amended. SECTION 1. *The General Assembly of North Carolina do enact*, That an act to charter the Oxford Branch of the Raleigh and Gaston Rail Road, ratified the twenty-eighth of February, eighteen hundred and sixty-seven, be amended as follows: For the purpose of establishing a communication by Rail Road from the Raleigh and Gaston Rail Road at such point as may be deemed advisable, to some point passing through the Counties of Granville, Person, Caswell, Rockingham and Stokes, to the Virginia line, at or near Mount Airy, the formation of an incorporated Company, with a capital of three million of dollars, divided into shares of one hundred dollars each, is hereby authorized to be entitled "The Eastern and Western Rail Road Company," and when formed, as hereinafter directed, to be a body politic for ninety years.

Corporate powers. SEC. 2. The said Company is authorized to construct a Rail Road from such point on the Raleigh and Gaston Rail Road as the President and Directors may determine, passing through the aforesaid Counties to the Virginia line at or near Mount Airy in Surry County, as may be likewise determined, and for the purpose of procuring subscriptions to the capital stock of said Company, books may be opened at Henderson under the direction of Isaac J. Young, Lewis H. Kittle, W. J. Hawkins, James C. Bullock, John G. Yancey, John W. Ragland and A. B. Andrews; at Oxford under the direction of R. W. Lassiter, Robert S. Barnett, Eugene Grissom and H. C. Herndon; at Roxboro' under the direction of Charles S. Winstead, Edwin G. Reade, John Barnett, C. Hamlin, Samuel C. Barnett, James S. Sargeant, Robert D. Bumpass and G. W. Norwood; at Yanceyville under the direction of George N. Thompson, John W. Stephens, B. B. Holden, James K. Lea, N. M.

Books opened, &c.

Roan, F. A. Donaho, A. B. Davis, J. Graves and T. J. Foster; at Wentworth, Madison and Leaksville, under the direction of J. M. Lindsay, Thomas Settle, Thomas Reynolds, T. W. Patterson, M. S. Black and Thomas A. Ragland; at Danbury and Germantown, under the direction of W. W. McCanless, A. H. Joyce, J. J. Martin, R. D. Golden, W. A. Lash, Samuel Wall, William Davis and James Davis, or any one or more of them, or such others as they may select for the purpose. And the said Commissioners, or a majority herein named, at the places above named, shall have power to receive subscriptions to stock of said Company, in lands, money, bonds or stock. In case lands be offered and received in payment for stock in said Company, the said Commissioners may provide the mode in which the value of the same shall be ascertained, and conveyances therefor executed, and they shall also have power to receive mortgages of real and personal estate, to cure subscriptions to the capital stock.

Power to receive subscriptions in lands, money, &c.

SEC. 3. That the books aforesaid may be opened at any time after the ratification of this act, due notice of the same being first given in one newspaper published in the City of Raleigh, and three public places in the County of Granville, twenty days at least beforehand, and the said books shall be kept open sixty days, or as long and as often as the Commissioners shall think fit, until the sum of fifty thousand dollars is subscribed.

Books opened, when.

SEC. 4. That whenever the sum of fifty thousand dollars in money shall be subscribed in manner and form as aforesaid, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated by the name and style of "The Eastern and Western Rail Road Company," and by that name may sue and be sued, plead and be impleaded at law or in equity, make, take, hold and convey real and personal estate in fee simple, or otherwise, as may be necessary, may have and use a common seal, and the same renew and alter, may make all such by-laws, rules and regulations for the government of the officers and ser-

When incorporated

Make rules and regulations, &c.

vants of the Company, the fixtures, machinery and property of the Company, the rates of transportation and passage, and the regulation of trains as shall be necessary, and not inconsistent with the laws of the land, and shall have succession.

General meeting convened, and notice given.

SEC. 5. That a general meeting of the stockholders shall be convened as soon as the sum of fifty thousand dollars in money shall have been subscribed. Public notice of this meeting shall be given at least thirty days before hand in some Raleigh newspaper, and at each of the places named in the second section. At this meeting a majority of the subscribers and stockholders being present, in person or by proxy, they shall elect four Directors being stockholders of the Company, and who, together with eight Directors to be appointed by the Governor, shall, out of their number, choose a President. These officers shall thereupon be invested with all the powers of the corporation for one year, and until their successors are regularly and duly elected, and enter upon the duties of their respective appointments, then the duty of the Commissioners terminate, and the President and Board of Directors are authorized to keep open the books of subscription until the whole sum necessary to complete the Road is subscribed.

Directors, how elected.

Books open till sum is complete.

May fill vacancies and collect sums subscribed.

SEC. 6. That the Directors shall fill any vacancies that may occur during their term of service. They may demand and collect the sums subscribed to the capital stock, and the land agreed to be conveyed, on the failure of any subscriber to comply, the President and Board of Directors may, after thirty days' notice of said call, published in some newspaper at Raleigh, and at the Court House door in Oxford, Roxboro', Yanceyville, Wentworth and Danbury, authorize their Treasurer to sell the stock subscribed for at auction in Raleigh, Oxford, Roxboro', Yanceyville, Wentworth or Danbury, as they may deem best, for cash or otherwise, as they think fit, and in case the stock does not sell for enough to pay the subscriptions and all expenses, the remainder may be recovered by the name of the Company from such subscriber in any Court of competent jurisdiction.

SEC. 7. That the stock subject to the above execution shall and may be transferred as the Company shall direct. The Company shall have power to borrow money, and to secure the loan thereof, or purchases authorized by the Road, may mortgage or convey its charter, real estate, property and works, but all such loans, mortgages and sales shall be expressly authorized by a vote of the Directors.

Stock transferable.

May borrow money, &c.

SEC. 8. That the Company may use any portion of said Road constructed before its final completion, and charge for transportation and passage thereon. They may construct said railway across or along any public road: *Provided*, That if they obstruct any such public road, they provide another way for public use as good as that obstructed, and as near as practicable.

Further powers.

Proviso.

SEC. 9. That when any land shall be required for the construction of the Road, or for warehouses, water stations, workshops or depositories, or other buildings and offices, and from any cause the same cannot be purchased from the owner, the same may be taken by the Company at a valuation to be ascertained as follows, viz: The Sheriff of the County in which such lands may lie, shall, at the request of the President of the Company, summon five freeholders of the same County, who shall ascertain the value, under oath to be administered to them and the witnesses by the Sheriff, they first deducting the enhanced value of the land caused by the Road, from such valuation, and adding any particular loss or damage, and upon the payment or tender by the Company, of the amount so ascertained, the title of the property seized and so appraised shall immediately vest in the Company: *Provided*, That either party may appeal to the Superior Court upon the question of the amount assessed: *And provided, further*, The Company shall be entitled to condemn in this manner for the purpose of constructing this road bed, not more than one hundred feet from the center thereof.

Land required for use of Road, after valuation, shall vest in Company.

Proviso.

SEC. 10. That the said Company shall have the exclusive right to the use of the Road authorized by this charter, and

Company right to use of Road.

the Board of Directors the exclusive privilege of establishing the rates of freight and transportation.

When Company may begin to construct.

SEC. 11. Whenever the sum of fifty thousand dollars in money or money's worth is subscribed, and one-fifth thereof in, the Company may begin the construction of the Road at the point selected on the Raleigh and Gaston Rail Road, or at any point along the line of the route which the Directors may resolve upon.

State subscription

SEC. 12. Whenever fifty thousand dollars is subscribed by solvent subscribers, the Public Treasurer is hereby directed to subscribe to the capital stock of said Company two million dollars in behalf of the State, which subscription shall be paid by delivering to the President of said Company coupon bonds of the State at par, of the denomination of one thousand dollars each, dated January 1st, 1869, and payable thirty years thereafter, bearing six per cent. interest, payable semi-annually, principal and interest payable in the City of New York, said bonds to be signed by the Governor, countersigned by the Treasurer and sealed with the great seal of the State, and issued under the provisions of chapter ninety of the Revised Code.

Tax levied to pay interest.

SEC. 13. In order to provide for the payment of the interest which may accrue on the bonds issued as above mentioned, there shall be annually levied and collected a special tax of one-twentieth of one per cent. on all the taxable property of the State, collectable and payable into the Treasury as other taxes.

Company may purchase stock, &c.

SEC. 14. Said Eastern and Western Rail Road may at any time before maturity purchase the stock of the State of said Company, by returning to the State a like amount in coupon bonds of the State, or in any other indebtedness of the State, or in national currency, and any Company in which the State is a stockholder, may at any time within the said time, avail themselves of the same privilege, provided such corporation shall, within twelve months after the ratification of this act, notify the Governor of the State of its adoption.

Equipping Road.

SEC. 15. That one-fourth part of the amount subscribed

by the State shall be used in building and equipping the Road west of the Piedmont Rail Road.

SEC. 16. *Provided*, That on or before the day upon which the first coupon of the bonds authorized to be issued by this act shall become due, the President of the above named Rail Road Company shall pay to the Public Treasurer either in cash or in matured coupons of bonds, upon which the Public Treasurer is made to pay the interest under this act, the sum of sixty thousand dollars, and on or before the day upon which the second coupon of the bonds authorized by this act shall become due, the President of the above named Rail Road Company shall pay in like manner the sum of sixty thousand dollars; and on or before the day upon which the third coupon as aforesaid shall become due, the President of the above named shall pay to the Public Treasurer in like manner the sum of forty thousand dollars; and on or before the day upon which the fourth coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer in like manner the sum of twenty thousand dollars.

The President shall pay to Public Treasurer.

SEC. 17. *Provided, further*, That of the bonds authorized to be issued under this act, three hundred and sixty thousand dollars shall be retained by the Public Treasurer as collateral security for the faithful performance of the conditions of the preceding section, and that upon of the first sixty thousand dollars as aforesaid, the Public Treasurer shall be authorized to deliver to said Rail Road Company one hundred and twenty thousand dollars of the above named three hundred and sixty thousand dollars of bonds, and upon the payment of the succeeding amounts named in said section, the Public Treasurer is authorized to deliver bonds to the amount of double the sum paid, until all said bonds are delivered to said Rail Road Company: *Provided, also*, That at the expiration of two years from the date of the first coupon of the bonds authorized in this act, the Public Treasurer shall be authorized to issue to said Rail

The Treasurer shall retain as security.

Proviso.

Road Company an additional amount of bonds equal at their par value to the amount paid in cash by said Company in behalf of the State according to the provisions of section sixteenth of this act, said bonds to be in all respects similar to those authorized to be issued by this act.

Conflicting laws repealed.

SEC. 18. All laws coming in conflict with this act are hereby repealed.

SEC. 19. This act shall be in force from and after its ratification.

Ratified the 3d day of February, A. D. 1869.

CHAPTER XXX.

AN ACT TO AMEND THE CHARTER OF THE WILLIAMSTON AND TARBORO' RAIL ROAD COMPANY.

Power to extend Road and capital stock increased.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Williamston and Tarboro' Rail Road Company, under the restrictions hereinafter provided, shall have power to extend their Road from Williamston to Plymouth, to Washington and to Wilmington, and from Edenton to a point at or near Suffolk, in Virginia. The capital stock of said Company shall be increased to three millions five hundred thousand dollars.

Books of subscription to be opened.

SEC. 2. Within twenty days after the ratification of this act, it shall be the duty of the Superintendent of Public Works to cause books of subscription to be opened at Newbern, Washington, Jamesville, Plymouth, Edenton, Hertford, Elizabeth City, Wilmington, Trenton, Jacksonville, Murfreesboro', Norfolk, and such other places as he may deem advisable, to the capital stock of said Company, and the subscribers shall designate to which of said extensions their subscriptions shall be payable: and the Commissioners of any County, or the municipal authorities of any

Commissioners or municipal officers may subscribe, &c.

incorporated Town in the State may subscribe to the capital stock of said Company, the question of subscription having been previously submitted and approved by a majority of the qualified voters thereof.

SEC. 3. Whenever it shall be certified to the Governor by the Superintendent of Public Works that at least one hundred thousand dollars have been subscribed by solvent parties towards building the Road from Edenton to or near Suffolk, in Virginia, and five per cent. thereon paid in to the President of the Williamston and Tarboro' Rail Road Company, it shall be the duty of the Public Treasurer to subscribe, on behalf of the State, to the capital stock of said Company twelve hundred thousand dollars, which shall be paid in coupon bonds of the State at par within thirty days thereafter, eight hundred and fifty thousand dollars thereof for the use of the Edenton and Norfolk extension, and three hundred and fifty thousand dollars thereof to be expended in building the Williamston and Tarboro' Rail Road from Williamston to Plymouth; and when it shall be certified in like manner to the Governor, that at least one hundred thousand dollars have been subscribed by solvent parties towards building the Road from Plymouth to Wilmington, and five per cent. thereof paid in, the Public Treasurer shall subscribe to the capital stock of said Company for the use of said extension, one million five hundred thousand dollars, to be paid in coupon bonds of the State at par within thirty days thereafter.

Shall be duty of
Public Treasurer to
subscribe on cer-
tificate of President.

Public Treasurer
shall subscribe
\$1,500,000.

SEC. 4. All the said bonds shall be of the denomination of one thousand dollars each, signed by the Governor, countersigned by the Treasurer, and sealed with the great seal of the State, bearing interest at the rate of six per cent. per annum, the principal payable at the end of thirty years from the date thereof, and the coupons payable semi-annually at such time and place as he shall designate; and said bonds shall be issued under the provisions of chapter ninety of the Revised Code.

Bonds running 30
years with interest
payable semi-annu-
ally.

Special tax levied
to pay interest.

✓

SEC. 5. For the purpose of raising a sum sufficient to pay the interest of the bonds of the State herein authorized to be issued, a special tax of one-sixteenth of one per cent. of the taxable property of the State, to be annually levied and collected until the maturity of said bonds, payable into the Treasury as other public moneys, is hereby imposed.

Duty of President
to call meeting.

SEC. 6. Whenever subscriptions, as aforesaid, towards building the Road from Edenton to Suffolk, shall have been made, it shall be the duty of the President of the Williamston and Tarboro' Rail Road Company to call a meeting of the subscribers to said extension at Edenton after twenty days' notice in the Raleigh Standard and at such public places as he may deem advisable, of which he shall give notice to the Governor, and at said meeting and at all subsequent meetings the State shall be entitled to a vote equal to one-half of that held by the private stockholders represented. Said stockholders shall have power to elect from their number two Directors, who, with five Directors to be appointed by the Governor, shall choose from their number a President, and shall manage the affairs of said extension until their successors are qualified. And the President of the Williamston and Tarboro' Rail Road shall, upon being notified by the President of said extension so elected, that the grading of said extension has been let to contract, pay over to him eight hundred and fifty thousand dollars of the bonds subscribed by the State for the use of said extension, and the five per cent. installment received from the private stockholders of said extension, and the Directors of the Edenton and Norfolk Rail Road Company shall have the exclusive right to fix the termini of said Road, the time of commencing to build the same, and to make all contracts in regard to said Road.

Bonds to be delivered to President of extension.

Powers of stockholders.

SEC. 7. From and after said organization, the stockholders in said extension shall have corporate powers and privileges to the same extent as the Williamston and Tarboro' Rail Road Company, under the name of the Edenton and Norfolk Rail Road Company.

SEC. 8. Whenever subscriptions as aforesaid towards building the Road from Plymouth to Wilmington shall have been made, it shall be the duty of the President of the Williamston and Tarboro' Rail Road Company to call a meeting of the subscribers of said extension at Washington after twenty days' notice in the Raleigh Standard, and at such public places as he may advise, of which he shall give notice to the Governor, and at said meeting and at all subsequent meetings, the State shall be entitled to a vote equal to one-half of that of the private stockholders represented. Said stockholders shall have power to elect from their number two Directors, who, with five Directors to be appointed by the Governor, shall choose from their number a President, and shall manage the affairs of said extension until their successors are qualified. And the President of the Williamston and Tarboro' Rail Road Company shall, upon being notified by the President of the Washington Rail Road Company that the grading of the Road from Plymouth to Wilmington has been let to contract, pay over to him the fifteen hundred thousand dollars of said bonds held by him for the use of said Road, and the five per cent. installment received from individual stockholders; and the Directors of the Washington Rail Road Company shall have exclusive power to fix the termini of their Road and the time of beginning work, and to make all contracts in regard to said extension.

President to call meeting.

Directors appointed to elect President.

SEC. 9. From and after said organization, the stockholders of said extension shall have corporate powers and privileges to the same extent as the Williamston and Tarboro' Rail Road Company, under the name of the Washington Rail Road Company.

Powers of stockholders.

SEC. 10. Whenever the Williamston and Tarboro' Rail Road Company, the Edenton and Norfolk Rail Road Company, or the Washington Rail Road Company shall deliver to the Public Treasurer coupon bonds of the State or other indebtedness of the State for that purpose, he shall assign to them, or to any person designated by them, a like

Upon delivering bonds by R. R. Company Treasurer shall assign stock.

amount of stock held by the State in the Company making or authorizing such delivery. And when either the Edenton and Norfolk, or the Washington Rail Road Company shall have delivered by themselves or their agent, indebtedness of the State as aforesaid, an amount equal to the State's stock in the same thereafter, then the right of the State to appoint Directors in such Road shall cease.

Right to appoint
Directors cease.

Capital stock of
Rail Roads.

SEC. 11. The capital stock of the Edenton and Norfolk Rail Road Company shall be twelve hundred thousand dollars. The capital stock of the Washington Rail Road Company shall be one million six hundred thousand dollars, and as these said Companies shall be organized, the capital stock of the Williamston and Tarboro' Rail Road Company shall be reduced by the amount of their capital stock respectively: *Provided*, That the five hundred thousand additional appropriation by this act, shall be expended from Wilmington to a point at or near Core Creek on the Atlantic and North Carolina Rail Road, commencing at Wilmington.

Proviso

Preferred stock.

SEC. 12. The stock subscribed for and paid by the State as above provided, shall be preferred stock, and shall receive a dividend of six per cent. before any dividend is paid upon individual stock. And a dividend of six per cent. per annum upon the amount of the stock subscribed by the State is hereby guaranteed each extension of said Road, to be responsible only for the dividend upon the amount to it respectively subscribed and paid by the State. And to secure the same the State shall have a lien upon the real and personal estate of the Williamston and Tarboro' Rail Road Company and its several extensions, with all their franchises, privileges and powers; upon the Williamston and Tarboro' Rail Road Company and its estate only for the dividends due from it; upon the Edenton and Norfolk Rail Road Company and its estate only for the dividends due from it, and upon the Washington Rail Road Company and its estate only for the dividends due from it.

State shall have
lien, &c.

SEC. 13. The said Williamston and Tarboro' Rail Road Company and its branches by this act created, shall have power at any time before or after maturity, to pay off and discharge the principal and interest upon any bonds due by them to the State, in national currency, coupon bonds or any other indebtedness of the State, and may in either of said securities discharge the interest and dividends due. This privilege is hereby extended to any corporation with which the State has exchanged bonds: *Provided*, Such corporations adopt the provisions of this section as part of its charter within twelve months after the ratification of this act, and notify the Governor of the same.

Power to pay off and discharge principal.

Proviso.

SEC. 14. *Provided*, That on or before the day upon which the first coupon of the bonds authorized to be issued by this act shall become due, the President of the above named Rail Road Company shall pay to the Public Treasurer, either in cash or in matured coupons of bonds upon which the Public Treasurer is made to pay the interest under this act, the sum of eighty-one thousand dollars, and on or before the day upon which the second coupon of the bonds authorized by this act shall become due, the President of the above named Rail Road Company shall pay in like manner the sum of eighty-one thousand dollars, and on or before the day upon which the third coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer in like manner the sum of fifty-four thousand dollars, and on or before the day upon which the fourth coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer in like manner the sum of twenty-seven thousand dollars.

President to pay to Public Treasurer the interest.

Public Treasurer to retain security.

SEC. 15. *Provided, further*, That of the bonds authorized to be issued under this act, four hundred and eighty-six thousand dollars shall be retained by the Public Treasurer as collateral security for the faithful performance of the condition of the preceding section, and that upon the payment of the first eighty-one thousand dollars as aforesaid, the Public Treasurer shall be authorized to deliver to said

Proviso.

Rail Road Company one hundred and sixty-two thousand dollars of the above named four hundred and eighty-six thousand dollars of bonds, and upon the payment of the succeeding amounts named in said section, the Public Treasurer is authorized to deliver bonds to the amount of double the sum paid until all said bonds are delivered to said Rail Road Company: *Provided, also,* That at the expiration of two years from the date of the first coupons of the bonds authorized in this act, the Public Treasurer shall be authorized to issue to said Rail Road Company an additional amount of bonds equal at their par value to the amount paid in cash by said Company in behalf of the State according to the provisions of section fourteenth of this act, said bonds to be in all respects similar to those authorized to be issued by this act.

SEC. 16. This act to be in force from and after its ratification.

Ratified the 3d day of February, A. D. 1869.

CHAPTER XXXI.

AN ACT TO AMEND THE CHARTER OF THE ATLANTIC, TENNESSEE AND OHIO RAIL ROAD COMPANY, IN NORTH CAROLINA.

Public Treasurer directed to deliver bonds.

SECTION 1. *The General Assembly of North Carolina do enact,* That to enable the Atlantic, Tennessee and Ohio Rail Road Company in North Carolina to reconstruct and extend their Rail Road, as is provided in the original charter and amendments thereto, the Public Treasurer is hereby authorized and directed to deliver to the President of said Rail Road Company the coupon bonds of the State, of one thousand dollars each, to an amount not exceeding two millions of dollars, signed by the Governor, countersigned by the Public Treasurer, and sealed with the great seal of the State,

bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons of interest payable semi-annually, in such form as the Public Treasurer may direct, the principal and interest payable at such times and in such manner as he may prescribe.

SEC. 2. Before the Public Treasurer shall deliver any of the bonds hereby authorized, the President of the said Company shall deposit with the Public Treasurer the coupon bonds of the Company, signed by him and sealed with the Company's seal for the same amount, and having the same interest and date, the principal and coupons payable at the same time and place as those of the State hereinbefore directed to be issued, and to secure the payment of the principal and interest of the said bonds issued by the Company, the State of North Carolina shall have by this act a lien upon all the estate and property of every description belonging to the said Company, or which the said Company may hereafter acquire, together with all the rights, franchises and powers by the charter, the amendment of the same or any amendment hereafter made, and in case of the failure of said Company at any time to pay the interest on their bonds becoming due, or to pay the principal of said bonds after maturity, the Superintendent of Public Works, or the Treasurer, for and in behalf of the State, may enter upon and take possession of the property, rights, franchises and powers, hereinbefore specified, and dispose of the same, so as to protect the State, and whenever said Company shall fail to meet the payment of the interest due on its bonds as prescribed in this act, there shall be, and is hereby levied, and ordered to be collected, an annual tax of one-twentieth of one per cent. upon all taxable property of the State, said tax to be collected as other taxes are or may be collected.

President shall deposit coupon bonds of the Company.

State shall have lien.

Failure to pay, Treasurer may enter upon and take property.

Tax levied and collected.

Company may discharge bonds.

Public Treasurer with national currency, or coupon bonds of the State.

Commissioners
may open books.

SEC. 4. The President and Directors of said Company, and such Commissioners as they may designate, shall have power to open books of subscription for stock at such places as they may direct, in the Counties of Iredell, Alexander, Wilkes, Ashe, Alleghany, Yadkin, Surry, Davie, Forsyth, Stokes, Rowan and Mecklenburg, and at such other places as they in their discretion may direct, and the said Commissioners, or a majority of them, shall have power to receive payment for subscriptions to stock of said Company in lands, money, bonds, stocks, or any other property, and in case lands be offered and received in payment for subscriptions for stocks of said Company, the said Commissioners may provide the mode in which the value of the same may be ascertained, and conveyances therefor executed, and they shall also have power to receive mortgages of real or personal estate to secure subscriptions to the capital stock.

May provide mode
of valuation.

Amendment of
August 9, 1868, re-
pealed.

SEC. 5. That an act amending the charter of the Atlantic, Tennessee and Ohio Rail Road Company, ratified on the nineteenth day of August, Anno Domini eighteen hundred and sixty-eight, is hereby repealed.

No discrimination
shall be made in
rates and charges.

SEC. 6. No discrimination shall be made by the Atlantic, Tennessee and Ohio Rail Road Company in rates of charges for the conveying of passengers or freights over any point of said Road, but the rates charged for freights and travel between intermediate points, and between either terminus and any intermediate point, shall be the same per mile as the rates charged for travel or for like classes and qualities of freights over the whole line of said Road: *Provided*, That the said Company, in addition to the rates per mile charged for the carrying of passengers and freights over the whole line of said Road may, for the carrying of passengers and freights of like classes and qualities between intermediate points, and between either terminus and any intermediate point, charge the following and no other; For any

Proviso.

distance under twenty-five miles, not exceeding fifty per cent.; for any distance over twenty-five and not exceeding fifty miles, not exceeding forty per cent.; for any distance over fifty and not exceeding one hundred miles, not exceeding thirty per cent.; for any distance over one hundred and not exceeding two hundred miles, not exceeding twenty per cent.; and for any distance over two hundred miles, not exceeding ten per cent.; and if any officer or agent of said Company shall violate the provisions of this section, any person injured or suffering loss thereby may sue the Company, or such officer or agent, in any Court having jurisdiction of the cause, and recover his actual damages and costs, and in addition thereto shall receive the sum of fifty dollars as liquidation and settled damages.

Rates of charges for passengers and freights.

Penalty for violating provisions of this act.

SEC. 7. Nothing in the foregoing section shall operate to prevent said Company from arranging local rates for any distance under twenty-five miles.

Local rates not prevented.

SEC. 8. That the gauge of the said Rail Road shall be the same as the gauge of the Wilmington, Charlotte and Rutherford Rail Road, the Western North Carolina Rail Road, and the North Carolina Rail Road.

Gauge of Road.

SEC. 9. That the interest paid to the State upon the bonds of said Company deposited with the Public Treasurer as provided in section second of this act, shall be applied exclusively to the payment of the interest upon the bonds of the State authorized by this act.

Interest, how applied.

SEC. 10. *Provided*, That on or before the day upon which the first coupon of the bonds authorized to be issued by this act shall become due, the President of the above named Rail Road Company shall pay to the Public Treasurer, either in cash or in matured coupons of bonds upon which the Public Treasurer is made to pay the interest under this act, the sum of sixty thousand dollars; and on or before the day upon which the second coupon of the bonds authorized by this act shall become due, the President of the above named Rail Road Company shall pay, in like manner, the sum of sixty thousand dollars; and on or

Provided President shall pay, &c.

before the day upon which the third coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer, in like manner, the sum of forty thousand dollars; and on or before the day upon which the fourth coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer, in like manner, the sum of twenty thousand dollars.

Treasurer to re-
tain as security.

SEC. 11. *Provided, further,* That of the bonds authorized to be issued under this act, three hundred and sixty thousand dollars shall be retained by the Public Treasurer as collateral security for the faithful performance of the conditions of the preceding section; and that upon the payment of the first sixty thousand dollars as aforesaid, the Public Treasurer shall be authorized to deliver to said Rail Road Company one hundred and twenty thousand dollars of the above named three hundred and sixty thousand dollars of bonds; and upon the payment of the succeeding amounts named in said section, the Public Treasurer is authorized to deliver bonds to the amounts of double the sum paid, until all said bonds are delivered to said Rail Road Company: *Provided, also,* That at the expiration of two years from the date of the first coupon of the bonds authorized in this act, the Public Treasurer shall be authorized to issue to said Rail Road Company an additional amount of bonds, equal at their par value, to the amount paid in cash by said Company in behalf of the State, according to the provisions of section tenth of this act; said bonds to be in all respects similar to those authorized to be issued by this act.

Proviso.

SEC. 12. This act shall be in force from and after its ratification, and shall be deemed a public act.

Ratified the 3d day of February, A. D. 1869.

CHAPTER XXXII.

AN ACT TO REPEAL AN ACT ENTITLED AN ACT TO AMEND AN ORDINANCE OF THE CONVENTION, ENTITLED AN ORDINANCE TO INCORPORATE THE NORTH WESTERN NORTH CAROLINA RAIL ROAD COMPANY, AND TO SUBSTITUTE THE FOLLOWING PROVISIONS FOR SAID ACT.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of aiding in the construction of the Mt. Airy Division of the North Western North Carolina Rail Road, from Salem in Forsyth County, to Mt. Airy in Surry County, and the first Division of said Road, from Greensboro' to Salem and Winston, when the President and Chief Engineer of said Company shall certify to the Governor that one hundred and fifty thousand dollars in solvent subscriptions have been taken in said Company, and five per cent. shall have been paid into the treasury of said Company, on said subscriptions, the Governor of the State shall direct the Public Treasurer to loan the said Company the sum of twenty thousand dollars per mile, in coupon bonds of the State, on the aforesaid Divisions, bearing six per cent. interest per annum, payable semi-annually, principal payable at the end of thirty years, said bonds to be of the denomination of one thousand dollars, signed by the Public Treasurer, countersigned by the Governor, and bearing the great seal of the State.

State loan to Company.

* Principal, when payable.

SEC. 2. That for the purpose of aiding in the construction of the Yadkin Valley Division of said Rail Road, running from Salem and Winston, by way of Lewisville, thence by way of Yadkinville, in the County of Yadkin, or within one and a half miles thereof, thence up the Valley of the Yadkin to the foot of the Blue Ridge, in the County of Caldwell, the sum of twenty thousand dollars per mile on said Division shall be loaned by the State to said Company, to be paid in the coupons of the State at par, to be issued of

Loan in aid of construction Y. V. Division.

Bonds issued when President makes certificate.

the same denomination and in the same manner as provided for issuing the bonds mentioned in the first section of this act, so soon as the President and Chief Engineer of said Company shall certify to the Governor of the State that one hundred thousand dollars, in solvent subscriptions, shall be made on said Valley Division to the capital stock of said Company, and five per cent. paid thereon to the Company.

No bonds delivered until mortgage is executed, &c.

SEC. 3. That no part of said loan or bonds shall be delivered to said Company, until said Company shall have executed and delivered to the Governor of the State, a first mortgage of the entire Road, with all its property and franchises, so conditioned that if the said Company shall fail to pay the interest on said debt semi-annually, or shall fail to set apart annually, for a sinking fund, to pay the principal of said debt, a dividend of three and one-third per cent. on the stock of said Company, if so much shall be declared per annum, over and above its annual expenses, after the time when the principal shall have been paid out of the sinking fund, already provided for in said ordinance, to secure payment of a loan therein directed to be made, then, and in default of either of these conditions, the State may foreclose the mortgage and enter upon and take possession of the Road and all its property, and shall sell the same for the payment of said debt and interest.

Tax levied to pay interest.

SEC. 4. That for the purpose of raising a sum sufficient to pay the interest of the bonds of the State herein authorized at the rate of twenty thousand dollars per mile of said Road, a special tax of one-twentieth of one per cent. of the real and personal property of the State, to be annually levied and collected until the maturity of said bonds, is hereby imposed; and the residue of the fund derived from said tax for the payment of interest on the aforementioned State bonds, if any, shall be used as a sinking fund for the special redemption of the bonds of the State to said Company to be issued.

Company may pay in indebtedness of the State.

SEC. 5. That the Company, notwithstanding any other provisions of this act or the charter of said Company, shall

have the right at any time to pay in any of the bonds or other indebtedness of the State, at par, the obligations and liabilities of the Company to the State, arising from the foregoing loans or any other loans of State bonds.

SEC. 6. *Provided*, That on or before the day upon which the first coupon of the bonds, authorized to be issued by this act, shall become due, the President of the above named Rail Road Company shall pay to the Public Treasurer, either in cash or in matured coupon of bonds upon which the Public Treasurer is made to pay the interest under this act, the sum of sixty thousand dollars; and on or before the day upon which the second coupon of the bonds authorized by this act shall become due, the President of the above named Rail Road Company shall pay, in like manner, the sum of sixty thousand dollars; and on or before the day upon which the third coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer, in like manner, the sum of forty thousand dollars; and on or before the day upon which the fourth coupon as aforesaid shall become due, the President above named shall pay to the Public Treasurer, in like manner, the sum of twenty thousand dollars.

President shall pay.

SEC. 7. *Provided, further*, That of the bonds authorized to be issued under this act, three hundred and sixty thousand dollars shall be retained by the Public Treasurer as collateral security for the faithful performance of the conditions of the preceding section; and that upon the payment of the first sixty thousand dollars as aforesaid, the Public Treasurer shall be authorized to deliver to said Rail Road Company one hundred and twenty thousand dollars of the above named three hundred and sixty thousand dollars of bonds; and upon payment of the succeeding amounts named in said section, the Public Treasurer is authorized to deliver bonds to the amount of double the sum paid, until all said bonds are delivered to said Rail Road Company; *Provided, also*, That at the expiration of two years from the date of the first coupon of the bonds authorized in this act, the

Security to State.

Public Treasurer shall be authorized to issue said Rail Road Company an additional amount of bonds equal at their par value to the amount paid in cash by said Company in behalf of the State according to the provisions of section six of this act, said bonds to be in all respects similar to those authorized to be issued by this act.

Repealing clause. SEC. 8. That all laws and ordinances coming in conflict with the foregoing provisions of this bill are hereby repealed.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 3d day of February, A. D. 1869.

CHAPTER XXXIII.

AN ACT TO AUTHORIZE ELECTIONS IN CERTAIN TOWNS IN THIS STATE.

Preamble. WHEREAS, Several incorporated Towns within this State failed (from want of sufficient notice) to elect municipal officers on the first Monday of January, eighteen hundred and sixty-nine, under the provisions of an act ratified on the twenty-fourth day of July, Anno Domini eighteen hundred and sixty-eight: therefore,

Time of election. SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases where any City, Town, or incorporated Village failed to hold an election under the act of the General Assembly recited in the preamble to this act, every such City, Town and incorporated Village be and is hereby authorized to hold an election for municipal officers on the fourth Monday in May next.

Register of voters to be appointed in each precinct. SEC. 2. That the County Commissioners of the County, wherein any Town election is to be held by the provisions of this act, shall, on or before the second Monday in May, appoint a Register of voters in each precinct in such Town,

who shall register the voters in such Town in the manner and according to, and under the regulations prescribed by, the act entitled "An act to provide for the registration of voters," ratified August twenty-fourth, eighteen hundred and sixty-eight, and also two electors for each precinct who, with the Register, shall be Judges of election and hold the election herein provided, and who shall return the vote cast to the Sheriff of their County within three days after such election, who shall thereupon issue certificates of election to the officers duly elected thereat.

Sheriff shall issue certificates.

SEC. 3. That the municipal officers elected under the authority of this act shall hold their offices until the next regular election on the first Monday of January, Anno Domini, eighteen hundred and seventy.

Term of office.

SEC. 4. That all municipal elections held in the incorporated Towns of this State on the first Monday in January, Anno Domini, eighteen hundred and sixty-nine, are hereby legalized and made valid.

Elections legalized.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 3d day of February, A. D. 1869.

CHAPTER XXXIV.

AN ACT TO REPEAL AN ACT PROVIDING FOR FURNISHING THE EXECUTIVE MANSION.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act providing for furnishing the Executive Mansion, passed Special Session, Anno Domini eighteen hundred and sixty-eight, be, and the same is hereby repealed. *Provided*, That nothing in this act shall be so construed as

Act furnishing Executive Mansion repealed.

Expenditures not invalidated. to invalidate the expenditures already made by the Governor under the provisions of said act.

SEC. 2. That this act shall be in force from its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXXV.

AN ACT TO LEGALIZE CERTAIN OFFICIAL ACTS OF THE CHAIRMAN OF THE LATE COUNTY COURTS OF THIS STATE.

Preamble.

WHEREAS, By an act of the Legislature of North Carolina, ratified on the second day of March, eighteen hundred and sixty-seven, giving to the Chairman of the late County Courts of this State the authority to make privy examination of *feme covert*s in the conveyance of real estate; and whereas, under some misconstruction of the law, such examination was made in various instances at a time when the Court was not in session, and at a place other than at the Court House, since which doubts have arisen as to the legality and binding force of such examination: therefore,

Examination made to have same effect as if Court was in session.

SECTION 1. *The General Assembly of North Carolina do enact*, That every such examination made by any Chairman of the County Court of this State, at any time when the said County Court was not in session, and at any place other than at the Court House of each County, have the same effect as if the said examination had been made during the session of the Court, and at the Court House, and in conformity to the law in all other respects.

Repealing clause.

SEC. 2. All laws coming in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXXVI.

AN ACT TO ESTABLISH A TURFPIKE ROAD FROM MARION, IN THE COUNTY OF MCDOWELL, TO ASHEVILLE, IN THE COUNTY OF BUNCOMBE.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be laid out and established a Turnpike Road from Marion, in the County of McDowell, to Asheville, in the County of Buncombe, to run as follows: Crossing the Blue Ridge at Gillespie's Gap, thence to Bakersville in the County of Mitchell thence to the Town of Burnsville (via Burloson's Mill on Cane Creek, in Mitchell County,) in Yancey County, thence by the Ivy Gap to Asheville.

Turnpike Road
to be laid out.

SEC. 2. That the said Road shall be made thirty feet wide, except where there shall be side cuttings, and in such places it shall be twenty feet wide, and in no part of the Road shall it rise in ascending any hill or mountain more than one foot in sixteen, and to be well made as herein directed.

Width of Road.

SEC. 3. That it shall be the duty of the Superintendent of Public Works to appoint a competent Engineer and two Commissioners to survey and locate said Road, who shall first take oath before some Judge of the Superior Court to faithfully discharge their duties for the best interest of the State.

Appointment of
Engineer and Com-
missioners.

SEC. 4. That if the owner of any lands through which said Road shall pass, shall consider him or her or themselves injured thereby, it shall be competent for such person or persons by petition to the County Commissioners of the County in which the damage is done, praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the Commissioners to order such jury to be summoned, as in case of such public roads, and it shall be the duty of the jury to take into consideration the advantage to the land, as well as the injury done, by the making

Assessment of
damages to owners
of land.

of said Road, and on report of the jury made to and confirmed by the Commissioners, the damage shall be paid by the County in which the damage is done.

Superintendent of Public Works to contract for building Road.

SEC. 5. That upon the report of said Engineer and Commissioners herein directed to be appointed, showing that they have performed the duty herein required of them, it shall be the duty of the Superintendent of Public Works to let out and contract for the building of said Road, in lots not to exceed one mile in length, each to be let to the lowest bidder, and the Superintendent of Public Works shall appoint some proper person to superintend and direct the making of said Road.

SEC. 6. That the Superintendent of Public Works shall provide in said contracts that no part of the price for making any lot of said Road shall be paid, until the lot is completed and received.

Laborers required to work Road under penalty.

SEC. 7. That when said Road is completed, all laborers subject to work on public roads, living within two miles of said Road, shall be required to perform six days' labor in each year on said Road, under the same penalty as other hands are under for failing to work on public roads, and they shall be free from working on all other roads.

Yancey and McDowell Turnpike Road taken as part.

SEC. 8. That that portion of Yancey and McDowell Turnpike Company's Road from Marion to Bakersville, may be taken as part of this Road. Whenever the said Engineer may locate this Road upon said Turnpike, and said Turnpike is discontinued from Marion to the Town of Bakersville, and the interest of the State in the same is hereby transferred to the portion of the Yancey and McDowell Turnpike, between Bakersville and the top of the Iron Mountain, and given for the purpose of constructing as aforesaid.

States interest transferred.

Amount appropriated to be paid on warrant of Governor, &c.

SEC. 9. That fifty thousand dollars is hereby appropriated for the construction of said Road, to be paid on the warrant of the Governor by the Public Treasurer, and the Governor shall issue his warrant therefor, whenever, from time to time, the Superintendent of Public Works and the agent

for construction, to be appointed under section five, shall certify to him that any lot of said Road has been completed and received as provided herein.

SEC. 10. That a tax of one hundredth of one per cent., or one cent on the one hundred dollars' worth, is hereby levied and shall be paid upon all the property of this State, upon which the General Assembly shall levy taxes for the purpose of internal improvement, one-half of which, or one half cent on the hundred dollars, shall be collected for the year eighteen hundred and sixty-nine, and the other half for the year eighteen hundred and seventy.

Tax levied for
1869-'70.

SEC. 11. That said Commissioners for laying out of said Road, and the Superintendent for the construction thereof, shall receive each the sum of three dollars per day for the time they are actually employed, and the Engineer aforesaid shall receive the sum of one hundred dollars per month in addition to his actual expenses.

Per diem of Super-
intendent, Commis-
sioners and Engi-
neer.

SEC. 12. That said Road shall be commenced first at Marion, and shall be placed under contract all the way through as soon as possible after the completion of the survey.

Where commenced

SEC. 13. That a Road shall be laid out in the manner provided in this act, from Bakersville, in Mitchell County, to Sparta, in Alleghany County, *via* Boone, in Watauga County, and Jefferson, in Ashe County. That fifty thousand dollars is hereby appropriated for the construction of said Road from Bakersville to Sparta, in Alleghany County, to be paid and expended for the construction of said Road, in the same manner and under the same rules and regulations as provided in sections nine and ten of this act.

A Road from Ba-
kersville to Sparta.

SEC. 14. That a Road shall be laid out in the manner provided in this act, from the southern terminus of the Caldwell and Watauga Turnpike Company, at or near Paterson's Factory, *via* Lenoir, Caldwell County, to either Hickory Station or Icard's Station on the Western North Carolina Rail Road. That fifteen thousand dollars is hereby appropriated for the construction of said Road from a point

Additional Road.

Proviso.

at or near Patterson's Factory to either of the above points on the Western North Carolina Rail Road, in the same manner and under the same rules and regulations provided in sections nine and ten of this act: *Provided*, That if the Road should be made to Icard's Station, the amount necessary to build a bridge across the Catawba River of the sum hereby appropriated is to be used for that purpose.

SEC. 14. This act shall take effect from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXXVII.

AN ACT TO INCORPORATE THE JAMESVILLE AND WASHINGTON RAIL ROAD AND LUMBER COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. W. Gaskill, Hiram Miller, Francis Lightfoot, William Lightfoot, Benjamin H. Lightfoot, and such other persons as may be associated with them and their successors, be, and they are hereby created (or enacted) into a body corporate and politic, by the name, style and title of "The Jamesville and Washington Rail Road and Lumber Company," with a capital of five hundred thousand dollars, with the privilege of increasing the same to one million dollars whenever the Directors shall deem it expedient, to be divided into shares of one hundred dollars each, for the purpose of purchasing, holding and improving lands in Beaufort, Martin and adjoining Counties, and obtaining therefrom any and all timbers, minerals and other valuable substances, whether by working or opening, leasing or selling privileges to work or mine such lands or any part thereof; to cut and manufacture lumber and ship the same to market; to erect houses and such other buildings or

Capital stock.

works as may properly appertain to said business; and to use, mortgage, let, sell, lease or work the same, and to dispose of the products of all such lands, mines and works as they may deem proper.

SEC. 2. That the said Company shall have power to construct such Rail Roads from the Town of Jamesville to their lands and to the Town of Washington, and such other points as they may need for the full development of their lands, with the privileges usually granted in this Commonwealth to Rail Road Companies. Powers and privileges.

SEC. 3. That the said Company shall have authority to have and hold a common and corporate seal, and the same to change or annul at pleasure, and by the style and title aforesaid, shall be capable in law of suing and being sued before any Court of this Commonwealth; and may make all needful rules and regulations and by-laws for the well ordering of the business affairs of the Company; and the same to amend or repeal at pleasure: *Provided*, They shall in no wise conflict with or be contrary to the laws of this Commonwealth, or of the United States. To have seal, &c.

SEC. 4. This act shall go into effect from and after its ratification. Proviso.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXXVIII.

AN ACT AUTHORIZING PITT COUNTY TO RAISE A SPECIAL TAX FOR CERTAIN PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, The County Commissioners of Pitt County are hereby authorized to levy and collect, during the year eighteen hundred and sixty-nine, in the same manner as other taxes are levied and collected, a special tax of five To rebuild and repair bridges.

thousand dollars for the purpose of rebuilding and repairing the bridges in said County.

To rebuild and repair school houses.

SEC. 2. The said Commissioners are hereby authorized in the same manner to levy and collect a special tax of two thousand dollars for the purpose of rebuilding and repairing the necessary school houses in said County.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXXIX.

AN ACT TO PROTECT CERTAIN CITIZENS OF NORTH CAROLINA WHO RENTED LANDS OF THE UNITED STATES TREASURY AGENTS DURING THE WAR.

Preamble.

WHEREAS, Certain citizens of North Carolina did abandon their lands upon the approach of the United States army; and whereas, said lands were taken in possession by regular authorized agents of the Treasury Department of the United States government and rented to certain loyal citizens, therefore,

Citizens who can show receipt of Agents not liable to any other persons.

SECTION 1. *The General Assembly of North Carolina do enact*, That all citizens who can show by written contracts or receipts in hand, payment of rents of said lands, or can prove by one or more credible witnesses that such lands were occupied by consent of the said Treasury agents, that said citizens referred to in this section shall not be liable to any other person for rent paid the authorized agents of the government, or liable upon any contract made with such authorized agents.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XL.

AN ACT MAKING AN APPROPRIATION TO PROVIDE FOR SECURING
THE INSANE ASYLUM AGAINST FIRE.

WHEREAS, The Insane Asylum of North Carolina is, to
great extent, unprotected against fire ; therefore,

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of three thousand dollars, or so much thereof as may be necessary, be appropriated to build and construct such works and apparatus as, in the opinion of the Board of Supervisors, will effectually protect said Institution from destruction by fire, and the said Board shall have power to make such minor alterations in the construction of the Asylum, and build and provide such works and apparatus as may be necessary for the purpose aforesaid, the cost of the whole not to exceed the amount hereby appropriated, and said Board shall have power to draw from the Public Treasurer whatever part of said moneys may be required to defray the expenses thus incurred.

Appropriation.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XLI.

AN ACT TO INCORPORATE BEAUFORT HARBOR STEAM FERRY
COMPANY OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That Wm. B. Duncan, A. C. Davis, D. J. Rich, D. J. Ramsey, W. H. S. Sweet, J. C. Manson, J. B. Cook, C. Pub. S.]

Corporators.

S. Bell, Wm. A. Moore and J. J. Davis, and such other persons as are, or may be hereafter associated with them for the purpose hereinafter specified, and their successors, be, and the same are hereby created and constituted a body politic and corporate, under the name and style of "Beaufort Harbor Steam Ferry Company," and as such body politic and corporate, and by such name may sue and be sued, plead and be impleaded, shall have succession and a common seal, and may acquire, hold, possess and transfer real and personal property for the necessary purposes of the Company, and may make and adopt all rules, regulations and by-laws for the government of said Company, not inconsistent with the laws of the State or United States.

Powers and privileges.

May build boats and transport passengers and merchandise.

SEC. 2. That said Company shall have all the rights, powers and privileges which they may deem necessary to build, construct and purchase ferry boats for the transportation of persons, goods, wares and merchandise, or any articles of property whatsoever, to and from any place, situated in Carteret County, North Carolina.

Capital stock.

SEC. 3. That the capital stock of said Company shall not exceed twenty thousand dollars, and shall be divided into shares of ten dollars each.

Board of Directors.

SEC. 4. That the affairs of the said Company shall be managed by a Board of Directors, and until the first election of Directors by the stockholders, the persons hereinbefore named shall be deemed the Board of Directors of said Company.

How shares shall vote.

SEC. 5. That in all elections and upon all votes taken in any meeting of the stockholders upon any by-laws or any of the affairs of the Company, each share of stock shall be entitled to one vote, and that any stockholder in said Company may vote by proxy, and proxies may be verified in such manner as the by-laws may prescribe.

Officers, how elected.

SEC. 6. That the stockholders of the said Company, a majority of the stock being represented, either in person or by proxy, shall have power to elect all such officers as may be deemed proper for carrying out the objects of the Com-

pany, said officers to hold their offices for terms to be prescribed in the by-laws, unless sooner removed by the stockholders.

SEC. 7. That this act shall be in force from and after its ratification, and shall remain in force for thirty years.

Ratified the 12th day of February, A. D. 1869.

CHAPTER XLII.

AN ACT FOR THE RELIEF OF WILLIAM H. GENTRY, SHERIFF OF STOKES COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That William H. Gentry, Sheriff of the County of Stokes, is authorized to collect the amount of taxes still due on the tax lists of his County for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven: *Provided*, That said Sheriff shall not collect taxes out of any tax-payer who may make affidavit before any Magistrate that he has formerly paid the taxes aforesaid, and has lost the receipt for the same: *And provided, further*, That the authority given said Gentry by this act shall cease on the first day of November, eighteen hundred and sixty-nine.

May collect taxes due for 1866-'67.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 13th day of February, A. D. 1869.

CHAPTER XLIII.

AN ACT TO AUTHORIZE THE SHERIFF OF COLUMBUS COUNTY TO
COLLECT ARREARS OF TAXES.

Arrears of taxes
to be collected.

SECTION 1. *The General Assembly of North Carolina do enact*, That V. V. Richardson, Sheriff of Columbus, be, and he is hereby authorized to collect the arrearage of taxes in said County for the years eighteen hundred and sixty-six, eighteen hundred and sixty-seven and eighteen hundred and sixty-eight. *Provided*, That said Sheriff shall not collect taxes out of any tax-payer who may make affidavit before any Justice of the Peace that he has formerly paid the taxes aforesaid and has lost the receipt for the same.

Proviso.

When authority
to cease.

SEC. 2. The authority thus given to collect said taxes in the County of Columbus by the said V. V. Richardson shall cease from and after the first day of November, eighteen hundred and sixty nine.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 13th day of February, A. D. 1869.

CHAPTER XLIV.

AN ACT TO PREVENT THE FELLING OF TREES IN THE CATAWBA
RIVER.

Not lawful to fell
trees.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person to fell any tree or trees in the Catawba River or in any tributary thereof, or on the banks of the same below high water mark, and suffer the same to remain for the space of twenty-four hours, at any point or place lying on said River or tributa-

ries, above the place where the bridge belonging to the Western North Carolina Rail Road Company now crosses said River.

SEC. 2. If any person or persons shall violate the first section of this act, or procure any one to do so, he, she or they so offending, or procuring others to offend, shall forfeit and pay, for each tree felled within the prohibited limits, the sum of five dollars, to be recovered before any Justice of the Peace within the Township where the offence is committed, or if the stream in which the tree or trees are felled be a boundary line between two or more Townships, then before a Justice of the Peace of either Township, the action to be brought in the name of the State by the party suing therefor, and one-half of the recovery to belong to the prosecutor, and the other half to the County in which the offence is committed, to be appropriated to the support of the poor.

Penalty for violation.

SEC. 3. In addition to the penalty prescribed in the second section of this act, any person or persons, violating the provisions of the first section, shall be liable to indictment as for a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned at hard labor for such time as the presiding Judge in his discretion may deem proper.

Additional penalty

SEC. 4. It shall be the duty of the presiding Judge holding the Superior Court in the Counties of Catawba, Iredell, Alexander, Caldwell, Burke and McDowell, to give this act in charge to the grand juries of these respective Counties, at each term of the Superior Court held therein.

SEC. 5. This act shall be in force from and after thirty days from its ratification.

Ratified the 13th day of February, A. D. 1869.

CHAPTER XLV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF DUPLIN COUNTY TO LEVY A SPECIAL TAX FOR BUILDING AND REPAIRING PUBLIC BRIDGES IN SAID COUNTY.

Special tax

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Duplin County be authorized, in addition to the tax which they have power to assess under the general revenue law of the State, to levy a special tax of one-tenth of one per cent. on all the taxable property of said County, for the purpose of building, repairing and keeping up the public bridges in the same.

Sheriff to collect

SEC. 2. That the Sheriff of said County of Duplin be authorized and required to collect said tax, and account for the same to the County Treasurer in the same manner and under the like penalty as the other County taxes are now collected and accounted for by him.

SEC. 3. That the said tax, when collected, shall constitute a fund to be set apart for the purpose hereinbefore set forth.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 15th day of February, A. D. 1869.

CHAPTER XLVI.

AN ACT TO ALLOW CITIZENS OF NORTH CAROLINA TO PRACTICE IN THE COURTS OF THE STATE.

Citizens allowed to practice law upon payment of twenty dollars.

SECTION 1. *The General Assembly of North Carolina do enact*, That any citizen of this State, by establishing a good moral character, and paying a license tax of twenty dollars,

shall be allowed to practice law in the courts of North Carolina.

SEC. 2. All taxes arising under the provisions of this act shall be paid over to the Sheriff or Tax Collector of the County in which the applicant for said license shall reside, for the benefit of the County.

Tax to be paid over for benefit of County.

SEC. 3. That it shall be the duty of the Judge of the Superior Court of the District in which application is made to him to practice law in the Courts of this State to grant the same, when the foregoing provision of this act is complied with.

Duty of Judge to grant.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 15th day of February, A. D. 1869.

CHAPTER XLVII.

AN ACT TO TRANSFER MCDOWELL COUNTY, NOW IN THE TENTH JUDICIAL DISTRICT, TO THE ELEVENTH JUDICIAL DISTRICT, AND TO TRANSFER ALLEGHANY COUNTY, NOW IN THE ELEVENTH DISTRICT, TO THE TENTH JUDICIAL DISTRICT, AND TO CHANGE THE TIME OF HOLDING THE TERMS OF THE COURT IN SAID DISTRICTS AND OTHERS.

SECTION 1. *The General Assembly of North Carolina do enact*, That McDowell County, now in the Tenth Judicial District, be transferred to the Eleventh Judicial District, and that Alleghany County, now in the Eleventh Judicial District, be transferred to the Tenth Judicial District, and that the time for holding the terms of the Courts in the Eighth, Ninth, Tenth, Eleventh and Twelfth Judicial Districts be as follows, to-wit:

Transfer of Counties.

EIGHTH JUDICIAL DISTRICT.

Eighth Judicial
District.

SEC. 2. Davie County, on the first Monday in March and August.

Rowan County, on the third Monday in March and August.

Davidson County, on the second Monday after the third Monday in March and August.

Forsyth County, on the fourth Monday after the third Monday in March and August.

Stokes County, on the sixth Monday after the third Monday in March and August.

Surry County, on the eighth Monday after the third Monday in March and August.

Yadkin County, on the tenth Monday after the third Monday in March and August.

NINTH JUDICIAL DISTRICT.

Ninth Judicial
District.

SEC. 3. The times of holding the terms of the Superior Court in the Ninth Judicial District shall be as follows:

Polk County, on the second Monday in March and September.

Rutherford County, on the fourth Monday in March and September.

Cleveland County, on the second Monday after the fourth Monday in March and September.

Lincoln County, on the fourth Monday after the fourth Monday in March and September.

Gaston County, on the sixth Monday after the fourth Monday in March and September.

Mecklenburg County, on the eighth Monday after the fourth Monday in March and September.

Cabarrus County, on the tenth Monday after the fourth Monday in March and September.

TENTH JUDICIAL DISTRICT.

SEC. 4.—Catawba County, on the first Monday in March and August. Tenth Judicial District.

— Alexander County, on the third Monday in March and August.

Iredell County, on the second Monday after the third Monday in March and August.

Wilkes County, on the fourth Monday after the third Monday in March and August.

— Alleghany County, on the sixth Monday after the third Monday in March and August.

— Caldwell County, on the eighth Monday after the third Monday in March and August.

— Burke County, on the tenth Monday after the third Monday in March and August.

ELEVENTH JUDICIAL DISTRICT.

SEC. 5. Ashe County, on the first Monday in April and September. Eleventh Judicial District.

— Watauga County, on the third Monday in April and September.

— McDowell County, on the second Monday after the third Monday in April and September.

— Mitchell County, on the fourth Monday after the third Monday in April and September.

— Yancey County, on the sixth Monday after the third Monday in April and September.

— Madison County, on the eighth Monday after the third Monday in April and September.

— Buncombe County, on the tenth Monday after the third Monday in April and September.

TWELFTH JUDICIAL DISTRICT.

Twelfth Judicial
District.

SEC. 6. Cherokee County, on the first Monday in March and August.

Clay County, on the third Monday in March and August.

Macon County, on the second Monday after the third Monday in March and August.

Jackson County, on the fourth Monday after the third Monday in March and August.

Haywood County, on the sixth Monday after the third Monday in March and August.

Transylvania County, on the eighth Monday after the third Monday in March and August.

Henderson County, on the tenth Monday after the third Monday in March and August.

Criminal actions
returnable to next
term, &c.

SEC. 7. *Be it further enacted*, That all process recognizances and other legal proceedings in civil and criminal actions which have been already issued and had, or which may be issued and had, returnable to the next term of said Courts, shall be deemed and held returnable to the several terms of said Courts as now fixed by this act, and that the Secretary of State shall forthwith furnish each Sheriff and Clerk in the above named Counties with a copy of this act.

Secretary of State
to furnish each
Sheriff.

Repealing clause.

SEC. 8. *Be it further enacted*, That all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect from and after its ratification.

Ratified the 15th day of February, A. D. 1869.

CHAPTER XLVIII.

AN ACT TO CHANGE THE TIMES OF HOLDING THE COURTS IN THE
COUNTIES OF HYDE AND MARTIN.

SECTION 1. *The General Assembly of North Carolina do enact*, That from and after the passage of this act, the terms of the Superior Courts of the Counties of Hyde and Martin shall begin in each year at the time herein stated, instead of as now regulated by law. Change of time of holding Courts.

Hyde County, on the second Monday after the third Monday in September and February.

Martin County, on the fourth Monday after the third Monday in September and February.

SEC. 2. *Be it further enacted*, That all writs of summons, capiases and all other legal precepts, returnable to the terms of said Courts as now regulated, shall be, by virtue of this act, returnable to the terms as herein established.

Ratified the 17th day of February, A. D. 1869.

CHAPTER XLIX.

AN ACT TO REPEAL AN ACT ENTITLED AN ACT TO PROVIDE FOR
THE EMPLOYMENT OF CONVICTS AND THE ERECTION OF A
PENITENTIARY.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act to provide for the employment of convicts and the erection of a Penitentiary, ratified the twenty-fourth day of August, Anno Domini eighteen hundred and sixty-eight, is hereby repealed. Act to erect Penitentiary repealed,

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 17th day of February, A. D. 1869.

CHAPTER L.

AN ACT TO PROTECT CATTLE FROM DISTEMPER AND OTHER
INFECTIOUS DISEASES.

Persons allowing
distempered cattle
to go at large to be
deemed guilty of a
misdemeanor, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person shall drive or cause to be driven any cattle from any County in this State, or from any County or District in any other State into any County in this State, at any time between the first of April and the first day of November, knowing such cattle to be distempered or otherwise infected, or permit any distempered cattle to roam at large and enter any uninfected District, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to fine and imprisonment at the discretion of the Court, and be further liable to an action for all damages which may arise from a violation of this act.

Where subject to
damage only.

SEC. 2. That if any person shall drive or cause to be driven any cattle as aforesaid, not knowing them to be infected, and losses should be sustained by the spreading of distempers or infection from said cattle, such person shall be subject to damages only.

When not subject
to penalty.

SEC. 3. That if any person complies with the requirements of section five, chapter seventeenth, Revised Code, without regard to growth or locality, said person shall not be subject to the above penalties.

SEC. 4. That this act shall be in force from its ratification.

Ratified the 17th day of February, A. D. 1869.

CHAPTER LI.

AN ACT TO GRANT A TOWN LOT IN THE CITY OF RALEIGH TO TRUSTEES TO BE USED FOR THE EDUCATION OF CHILDREN.

SECTION 1. *The General Assembly of North Carolina do enact*, That a certain lot of land and the improvement thereon, situated and lying in the northwestern portion of the City of Raleigh, on the corner of Dawson and Lane street, and bounded as follows, viz: beginning at the intersection of Dawson and Lane streets, running thence northwardly with Dawson street two hundred and fifteen feet, thence westwardly and parallel with Lane street one hundred and twenty-eight feet, thence southwardly and parallel with Dawson street two hundred and fifteen feet to Lane street, thence with Lane street eastwardly one hundred and twenty-eight feet to the beginning, be, and the same is hereby granted to James H. Harris, Alexis Long, Benjamin Rhodes, Oliver Roane and Moses Patterson, and their lawful successors, as Trustees for the period of ninety-nine years, upon the express trust that the same shall be held and used for the purpose of a school for the education of children residing in and near the City of Raleigh.

Donation of Town lot for educational purposes.

SEC. 2. The Trustees shall always reside in the City of Raleigh.

Trustees to reside in Raleigh.

SEC. 3. In case of any vacancy in the Board of Trustees hereby appointed, either from death, disqualification, by reason of removal from Raleigh, or resignation, the remaining Trustees shall fill such vacancy.

Vacancies.

SEC. 4. The property described and granted in section one of this act shall be exempt from State, County and City taxation.

Property exempt from taxation.

SEC. 5. This act shall take effect from the date of its ratification.

Ratified the 19th day of February, A. D. 1869.

CHAPTER LII.

AN ACT TO PRESCRIBE THE POWER AND DUTY OF THE GOVERNOR
IN RESPECT TO FUGITIVES FROM JUSTICE.

Governor may
issue a reward.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Governor on information made to him of any person having committed a felony, and of having fled to parts unknown, whether within or without the jurisdiction of the State, may issue his proclamation, and therein offer a reward, not exceeding five hundred dollars, according to the nature of the case, for the apprehension and delivery of such fugitives to any common jail in the State.

To whom reward
shall be paid.

SEC. 2. That the reward authorized in the preceding section shall be paid to the person or persons who may arrest and cause to be committed such fugitive; but no part thereof shall be paid to any Sheriff or other peace officer whose duty it is by law to pursue and arrest felons fleeing from justice, and whom the Governor, on satisfactory evidence, may deem to have been guilty of a default in making such pursuit and arrest previous to issuing any proclamation.

Officer failing to
discharge his duty
may be indicted.

SEC. 3. That the Governor is directed, upon information made to him of any Sheriff or other peace officer having failed to discharge his duty in pursuing and arresting felons, as prescribed in the second section, chapter thirty-five of the Revised Code, to cause the facts of such failure or neglect on the part of a peace officer to be laid before the Solicitor of the State for the Judicial District in which such delinquent peace officer may reside, to the end that he may be indicted for the same.

Detective force.

SEC. 4. That the Governor, either with or without issuing the proclamation authorized by the first section of this act, be and he is hereby further empowered to employ a detective force as he may deem sufficient, to pursue and apprehend any felon who is a fugitive from justice, whether within or without the limits of the State; and such detec-

tive force shall be in all things subject to the orders and directions of the Governor, shall report to him from time to time and be paid by him for services, in no case exceeding five hundred dollars for the arrest and safe delivery to jail of any one felon.

SEC. 5. That the Governor is authorized to issue his warrant to the Public Treasurer, from time to time, for sufficient sums of money for the purposes required by this act. Pay for arrest of.

SEC. 6. That all laws and parts of laws, in conflict with the provisions of this act are repealed.

SEC. 7. That this act shall take effect and be in force from and after its ratification. Repealing clause.

Ratified the 19th day of February, A. D. 1869.

CHAPTER LIII.

AN ACT TO REPEAL SECTION SECOND OF THE ACT PASSED BY THIS GENERAL ASSEMBLY, RATIFIED THE FIFTEENTH DAY OF FEBRUARY, EIGHTEEN HUNDRED AND SIXTY-NINE, ENTITLED AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS IN THE NINTH, TENTH, ELEVENTH AND TWELFTH JUDICIAL DISTRICTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That section second of the act entitled an act to change the time of holding the Courts in the ninth, tenth, eleventh and twelfth Judicial Districts, passed at the present session, in which the change of holding the Courts in the eighth Judicial District was made, be, and the same is hereby repealed. Act changing time of holding Courts repealed.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 20th day of February, A. D. 1869.

CHAPTER LIV.

AN ACT TO PROVIDE FOR AN ASSIGNMENT OF ROOMS IN THE
CAPITOL AND EXECUTIVE MANSION TO STATE EXECUTIVE
OFFICERS.

Governor to as-
sign rooms in Cap-
itol.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Governor be and he is hereby authorized to assign rooms in the Capitol and Executive Mansion to the State Executive officers: *Provided*, That this act shall not be so construed as to empower the Governor to interfere with the assignment made heretofore of rooms to the Supreme Court.

Proviso.

Repealing clause.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. That this act shall take effect from and after its ratification.

Ratified the 20th day of February, A. D. 1869.

CHAPTER LV.

AN ACT IN FAVOR OF WILLIAM A. PHILPOTT, LATE SHERIFF OF
GRANVILLE COUNTY, AND JOHN L. HARRIS, OF PERSON
COUNTY.

May collect arrears
of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That William A. Philpott, late Sheriff of Granville County, and John L. Harris, of Person County, be authorized and empowered to collect arrears of taxes due to them, under the same rules, regulations and restrictions as are provided for the collection of the public taxes by the several Sheriffs of this State: *Provided*, This act shall not continue in force longer than the 1st day of January, Anno Domini,

eighteen hundred and seventy: *And provided further*, That said Sheriffs are not hereby authorized to collect arrears of taxes further back than taxes due for the year eighteen hundred and sixty-seven.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1869.

CHAPTER LVI.

AN ACT PROVIDING FOR AN OFFICIAL DECLARATION OF THE RESULTS IN THE LATE CONGRESSIONAL ELECTION.]

WHEREAS, The law regulating the mode of comparing returns and declaring the result of elections for members of Congress in this State is inconsistent with the law providing for the late Congressional election and could not be complied with, and there is now no officer authorized to compare the returns; and whereas, the Secretary of State did direct the Sheriffs to forward to his office full and accurate returns of the vote in each County respectively, which said returns are now in the said Secretary's office, according to his report: therefore,

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Secretary of State, the Attorney General and the Auditor are hereby constituted a Board, whose duty it shall be forthwith to compare the returns of the late Congressional election now in the office of the Secretary of State and ascertain the persons elected.

Board to compare returns.

SEC. 2. That it shall be the duty of said Board to give to each person, thus ascertained to be elected to the forty-first Congress, a certificate of his election, upon which cer-

Commission, how issued.

PUB. 9.]

tificate the Governor shall commission each Representative elect.

SEC. 3. That this act shall take effect from the date of its ratification.

Ratified the 26th day of February, A. D. 1869.

CHAPTER LVII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF SURRY COUNTY TO IMPROVE THE ROAD FROM JOHN ALLEN'S TO THE TOP OF THE BLUE RIDGE, IN SURRY COUNTY.

Commissioners of
County to superin-
tend Road.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Surry County be, and are hereby appointed Commissioners to superintend the Road from John Allen's to the top of the Blue Ridge, in Surry County, and that they be, and are hereby invested with full power and authority to summons hands to work said Road, under the provisions of an act of the General Assembly, ratified the 2d day of March, Anno Domini eighteen hundred and sixty-seven, entitled an act to appoint Commissioners to improve the Road from John Allen's to the top of the Blue Ridge, in Surry County, according to the authority conferred by the first and sections of said act.

Repealing clause.

SEC. 2. That so much of said act as appoints C. McMickle, Jackson Lowe and Harrison M. Waugh, Commissioners to superintend said Road, and invests them with the powers necessary for that purpose which are hereby conferred on the County Commissioners of Surry County, be, and the same is hereby repealed.

Commissioners to
recover certain
moneys.

SEC. 3. That the County Commissioners of Surry County are empowered and required to demand, sue for and recover from C. McMickle, Jackson Lowe and Harrison M. Waugh, or either or any of them, all monies in their hands, with

interest thereon, which they or any of them hold for the purpose of building said Road, or which they or any of them have not expended for that purpose; and they, or any of them, are hereby directed to pay over and account for said money to the County Commissioners: *Provided*, That said County Commissioners shall allow for such work done or money spent what they believe to be just and right in the construction of said Road, for which the appropriation of five hundred dollars was made.

Proviso.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1869.

CHAPTER LVIII.

AN ACT FOR THE RELIEF OF J. F. HARTGROVE, LATE TAX COLLECTOR FOR THE COUNTY OF HAYWOOD.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. F. Hartgrove, late Tax Collector of Haywood County, is authorized to collect the amount of taxes still due on the tax list of his County for the year eighteen hundred and sixty-eight: *Provided*, That said J. F. Hartgrove shall not collect taxes out of any tax-payer who may make affidavit before any Magistrate that he has previously paid the taxes aforesaid, and has lost the receipt for the same: *And provided*, That the authority given to said Hartgrove by this act shall cease on the first day of July, eighteen hundred and sixty-nine.

To collect arrears of taxes.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 1st day of March, A. D. 1869.

CHAPTER LIX.

AN ACT TO AMEND TITLE SIXTH, SECTION SIXTY-EIGHT, OF THE CODE OF CIVIL PROCEDURE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Code of Civil Procedure, Title sixth, section sixty-eight, line two, be amended by inserting after the words "in which the," the words "plaintiff or."

SEC. 2. That this act shall be in force from and after its passage.

Ratified the 1st day of March, A. D. 1869.

CHAPTER LX.

AN ACT TO PREVENT THE FELLING OF TREES INTO THE WATERS OF MITCHELL RIVER, SURRY COUNTY, AND THE THROWING OF OTHER OBSTRUCTIONS THEREIN.

Violation of this act a misdemeanor.

SECTION 1. *The General Assembly of North Carolina enact*, That if any person shall fell any trees into the waters of Mitchell River or throw any other obstructions therein without removing the same at once, said person shall be subject to all damages arising therefrom, and also be deemed guilty of a misdemeanor, and upon conviction before any Court having jurisdiction of such offence, shall be punished at the discretion of said Court: *Provided*, That dams for the construction of mills and other machinery shall not be regarded as obstructions within the meaning of this act.

SEC. 2. This act shall be in force on and after its ratification.

Ratified the 3d day of March, A. D. 1869.

CHAPTER LXI.

AN ACT TO AUTHORIZE THE SHERIFF OF ASHE COUNTY TO COLLECT ARREARS OF TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That William Latham, Sheriff of Ashe County, is hereby authorized and empowered to collect arrearages of taxes for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight. To collect arrears of taxes.

SEC. 2. That no tax-payer shall be required to pay his taxes as herein provided, if he makes oath before any Justice of the Peace for said County, that he has paid said tax, and that he has lost his receipt for the same: *And provided*, That the authority herein conferred on the said William Latham expires from and after the first day of January, eighteen hundred and seventy. Proviso.

SEC. 3. That this act shall be in force from its ratification.

Ratified the 3d day of March, A. D. 1869.

CHAPTER LXII.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT A MAYOR AND COMMISSIONERS FOR THE TOWN OF HENDERSONVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Governor be, and he is hereby authorized to appoint a Mayor and five Commissioners for the Town of Hendersonville, who shall hold their appointments until others are duly chosen and qualified. To appoint Commissioners.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1869.

CHAPTER LXIII.

AN ACT FOR THE RELIEF OF THE SHERIFF OF ALLEGHANY COUNTY.

May collect arrears
of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. C. Jones, Sheriff of Alleghany County, is hereby authorized and empowered to collect arrearages of taxes for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight.

SEC. 2. That all tax-payers shall be presumed to have paid their taxes according to law, and the burden of proof shall be on the Sheriff when he seeks to make a tax-payer liable.

SEC. 3. This act shall be in force from and after its ratification to the first day of January, Anno Domini eighteen hundred and seventy.

Ratified the 3d day of March, A. D. 1869.

CHAPTER LXIV.

AN ACT TO AMEND CHAPTER TWO, TITLE NINETEEN, OF THE CODE OF CIVIL PROCEDURE.

Deeds, &c., may
be proven in any
Court.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of chapter two, Title nineteen, of the Code of Civil Procedure as requires that deeds conveying land and powers of attorney, and other instruments concerning the same, shall be offered for Probate and proved before the Clerk of the Superior Court of the County in which the land, or some part of it, is situated, be altered and amended so that it shall be lawful to offer any such deeds, power of attorney, or instrument for Probate, and

acknowledge or prove the same before the Clerk of the Superior Court of any County in the State, who shall have full power to take the private examination of married women as provided by law.

SEC. 2. That any Clerk before whom such deed, power or instrument is acknowledged or proved, or the private examination of married women taken in relation thereto, shall certify the fact upon said deed, power of attorney or instrument; and the Clerk of the Superior Court of the County wherein the land lies, upon the exhibition of such certificate to him, shall adjudge the said deed or other instrument to be duly acknowledged and proved in the same manner as if made or taken before him.

Clerk shall certify upon deed.

SEC. 3. That all laws, or clauses of laws, conflicting with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 4. That this act shall be in force from and after the date of its ratification.

Ratified the 8th day of March, A. D. 1869.

CHAPTER LXV.

AN ACT TO INCORPORATE THE CENTRAL NORTH CAROLINA RAIL ROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing a Rail Road of one or more tracks from some point on the North Carolina Rail Road at or near Greensboro', in the County of Guilford, to some point on the southern boundary of the State, in the Counties of Richmond or Anson, to be hereafter determined on, as near an air line as the nature of the route will permit, George W. Welker, David Hodgin, Thos. B. Keogh, Louis Zimmer, B. B. Bulla, Jehu H. Davis, Hon. O. H. Dockery, Hon. Henry J. Memminger, Dr. P.

Corporators.

T. Beeman, and their associates, successors and assigns, are constituted a Company, and are hereby incorporated under the name and style of the Central North Carolina Rail Road Company, with a capital stock of five hundred thousand dollars, with the privilege to increase the same to five millions, which shall have a corporate existence as a body politic for the space of ninety-nine years, and by that name may sue and be sued, plead and be impleaded in every Court in the State of North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real, personal and mixed, and acquiring the same by gift or devise, so far as may be necessary for the purposes herein contemplated, and the said Company may enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the Constitution and laws of the State of North Carolina and of the United States.

Corporate rights.

Capital stock.

SEC. 2. That the capital stock of said Company be created by subscriptions on the part of individuals, municipal and other corporations in shares of the value of one hundred dollars each, which may be made in lands, timber, work or money, as may be stipulated.

Subscription to stock.

SEC. 3. That books of subscription to the capital stock of said Company may be opened by the following Commissioners, to-wit: At Greensboro', by Geo. W. Welker, David Hodgkin, Thos. B. Keogh, Lonis Zimmer; in Asheboro', by B. B. Bulla; in Troy, by Jehu H. Davis; in Rockingham, by O. H. Dockery; at Raleigh, by Henry J. Menninger; in Wadesboro', by Dr. P. T. Beeman; and by such other persons and at such places as they, or a majority of them, may direct, and that twenty days' notice of the opening of said books shall be given in one or more newspapers of the State, and furthermore, that the said Commissioners, or any five of them, may, at any time after said books have been kept open for the space of thirty days, and the sum of twenty thousand dollars have been subscribed to the capital

stock of said Company, and five per cent. paid thereon, have power to call together the subscribers to said stock for the purpose of completing the organization of said Company, and the said subscribers shall be, and are hereby declared incorporated into a Company by the said name and style of the Central North Carolina Rail Road Company.

Organization.

SEC. 4. That said Company may hold annual meetings of the stockholders, and oftener if necessary, and at its organization, and the annual meetings subsequent thereto, twelve Directors shall be elected by the stockholders to hold office for one year, or until their successors shall be elected, and any of said meetings shall have power to make or alter the by-laws of the Company: *Provided*, That in all such meetings of the stockholders, a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the Company, and each share thus represented shall be entitled to one vote on all questions; that it shall be the duty of the Directors to elect one of their number as President of said Company, and to fill all vacancies in the Board.

Annual meetings.

Directors and term of office.

Proviso.

SEC. 5. That after the Company shall be organized as aforesaid the Board of Directors shall proceed to locate and have constructed, as speedily as possible on the route they may find most practicable, a Rail Road to a point on the Southern boundary of the State to be fixed by them; that the said Company shall have the exclusive right of conveyance or transportation of persons, goods, merchandize and produce on the said Rail Road to be by them constructed, at such charges as may be fixed by a majority of its Directors; that said Company may assign or lease their franchise, or their rights of transportation on said Road to any person, persons or corporation.

Board of Directors to locate and construct.

SEC. 6. That said Company shall have the same power to use and enforce the payment of stock subscribed as was heretofore granted to the North Carolina Rail Road Company by the charter of incorporation, and shall have power

May enforce payment of stock.

to condemn land for the use of the Company when a contract of purchase cannot be made with the owner thereof, to the same extent and in the same manner, and under the same rules, regulations and restrictions as the said North Carolina Rail Road Company was authorized to do by the act of incorporation.

Contracts to be
binding.

SEC. 7. That all contracts made and entered into by the President or Superintendent of the Company, whether with or without seal, shall be binding upon the Company, and the President shall, under the instructions of the Board of Directors, issue certificates of stock to the stockholders which shall be transferable by the by-laws of the Company.

Gauge of Road

SEC. 8. *Provided*, That the gauge of this Road shall be the same as that of the North Carolina and Wilmington, Charlotte and Rutherford Rail Road.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1869.

CHAPTER LXVI.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF CAMDEN TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of the County of Camden are authorized to levy a special tax of fifteen hundred dollars, in order to meet the County expenses, to repair public buildings and also to pay a portion of the outstanding debt of the County.

Ratified the 9th day of March, A. D. 1869.

CHAPTER LXVII.

AN ACT IN RELATION TO THE LUNATIC ASYLUM.

WHEREAS, By virtue of an act of the General Assembly passed in the year eighteen hundred and forty-eight, entitled "An act to provide for the establishment of a State Asylum for the Insane of North Carolina," and of other acts supplemental thereto, passed since that time, a tract of land has been purchased, and many suitable buildings have been erected, and may be erected thereon, for the accommodation, maintenance, support and care of the insane of this State, and the Institution has been incorporated under the name of the Lunatic Asylum for the State of North Carolina ;

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said Institution shall be and remain a corporation, under the name of "The Insane Asylum of North Carolina," and the same is hereby invested with all the property which now belongs to it under the present or any other corporate name ; and by this name it may acquire and hold, for the purposes of its establishment, all such property and estate as may be devised, bequeathed, or in any way given or conveyed to it.

Corporate name.

SEC. 2. The government of the Insane Asylum shall be vested in the Governor and five Supervisors, to be by him appointed every four years ; the Governor to be *ex officio* Chairman of the Board, which shall be called the Board of Supervisors : *Provided nevertheless*, That the present Supervisors shall be, and continue in office until their successors shall be appointed : *And provided further*, That the Governor shall have power to remove any of said Supervisors, and to fill vacancies caused by such removal from office or otherwise.

Government of
Asylum and vacancies.

SEC. 3. The quadrennial appointment of said Supervisors shall be made within thirty days after the inauguration of

the Governor, and they shall continue in office until their successors shall have been appointed.

Superintendent
direct affairs.

SEC. 4. The Board of Supervisors shall direct and manage the affairs of the Institution, and for its better government make all necessary by-laws, not inconsistent with the laws of the State, shall have power to receive, hold, manage, convey, or otherwise dispose of in the name of the Institution all such property or estate as may hereafter be given, or otherwise conveyed to the Asylum; and the members of the Board shall serve without reward, save their travelling expenses incurred in the discharge of their official duties.

Board to serve
without reward.

Annual meeting,
&c.

SEC. 5. The Board of Supervisors shall convene at the Asylum on the first Monday of November in each year and investigate the administration of its affairs, and report on the same to the Board of Public Charities, with such remarks and recommendations as to them shall seem expedient.

Appointment of
Superintendent.

SEC. 6. The Board of Supervisors shall appoint a Superintendent of the Institution and prescribe his duties. He shall be a skilful physician, educated to his profession, of good moral character, of prompt business habits, and of kindly disposition. He shall be a married man, and shall reside constantly at or near the Institution: *Provided, however,* That the present Superintendent shall be deemed the first appointee under the provisions of this section. He shall hold his place for eight years from the first day of January ensuing his appointment, unless sooner removed by the Board, who may, for infidelity to his time, gross immorality, incompetency to discharge the duties of his office, fully proved and declared, and the proof thereof recorded in the book of their proceedings, remove him and appoint another in his place.

Term of office.

Assistant Physi-
cian.

SEC. 7. The Board of Supervisors shall appoint an assistant physician, and, with the advice and consent of the Superintendent, prescribe his duties. He shall hold his place for four years from the first day of January ensuing his appointment, unless sooner removed by the Board for

good cause, which shall be specified and recorded in their proceedings.

SEC. 8. The Board of Supervisors, at their annual meeting, shall appoint a Treasurer, Steward, Matron, and other officers whose appointment is not elsewhere vested, who shall hold their places for one year from the first of January ensuing their appointment, unless sooner removed by the Board for good cause, which cause shall be specified and recorded in their proceedings, and other officers shall be appointed for the unexpired term of those removed.

Treasurer, Steward and Matron.

SEC. 9. The Board of Supervisors, at their annual meeting, shall fix the salaries and compensation of the Superintendent, and the officers and employees whose services may be necessary for the management of the Asylum: *Provided*, That the salaries shall not be diminished during the term of the incumbents.

Board to fix salaries.

Proviso.

SEC. 10. The Superintendent shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of the Asylum, and in every case of misconduct may discharge such employees as have been employed by himself or his predecessor, and shall report to the Board of Supervisors the misconduct of all other subordinates.

Duties of Superintendent.

SEC. 11. The Board of Supervisors shall make all such by-laws and regulations for the government of the Institution as shall be necessary, among which regulations shall be such as shall, in the language of the Constitution, make the Institution as nearly self-supporting as is consistent with the purpose of its creation. The Board shall cause the by-laws and regulations, the report of the Superintendent and that of the Treasurer, to be published with their report to the Board of Public Charities, copies of which shall be sent to the Clerk of the Superior Court of each and every County in the State.

Board to make by-laws and regulations.

SEC. 12. The Board of Supervisors shall hold meetings at the Asylum or Executive office, from time to time, and

Meetings of the Board.

diligently examine into its government and condition as often as they may deem necessary.

Transfers from jail to Asylum, &c.

SEC. 13. Every insane person confined in jail for any other cause than crime, may be removed to the Asylum, upon the order of the Clerk of the Superior Court of the County in which the jail is situated.

Criminal insanes to be committed to Asylum.

SEC. 14. The Judges of the Superior Courts in the respective Districts shall allow to be committed to the Asylum, as a patient, any person who may be confined in jail on a criminal charge of any kind or degree, or upon a peace warrant, whenever the Judge shall be satisfied by a verdict of a jury of inquisition that the alleged criminal act was committed while such person was insane.

Manner of admission.

SEC. 15. For admission into the Asylum, in other cases, the following proceedings shall be had: Some respectable citizen, residing in the County of the alleged insane person, shall make before, and file with, a Justice of the Peace of the County, an affidavit in writing, which shall be substantially as follows:

STATE OF NORTH CAROLINA, }
..... County. }

Form of affidavit.

The undersigned, residing in said County, maketh oath that he has carefully examined, the alleged lunatic, and believe him or her to be an insane person, and is, in the opinion of the undersigned, a fit subject for admission into the Insane Asylum.

A. B. (*affiant.*)

Dated day of, 18..

Subscribed and sworn to.

C. D., *J. P.*

Whereupon, unless the person or persons in whose care and custody the alleged insane is, will agree to bring him or her before the said Justice without a warrant, the Justice shall issue a precept, directed to the Sheriff, or a Constable, as follows

THE STATE OF NORTH CAROLINA,

To the Sheriff or Constable of County—Greeting :

Whereas, information on oath has been laid before me that is an insane person. You are hereby commanded to bring him or her before me or some other Justice of the Peace of said County, within the next ten days, in order that necessary proceedings may be had respecting his or her insane condition.

Form of warrant

Given under my hand this day of 18..

C. P., J. P.

Upon the bringing of the alleged insane person before the Justice by his or her friend or friends, or upon the return of the precept with the body of the insane person, the Justice shall cause to be associated with him two or more Justices of the County, who together shall proceed to examine into the condition of mind of the supposed insane person, and shall take the testimony of at least one respectable physician, and such other person as they may think proper. If the Justices, or any two of them, shall decide that such person is insane, and some friend, as he may do, will not become bound with good security to restrain him or her from committing injuries, and to keep, support and take care of him or her until the cause for confinement shall cease, the said Justices, or any two of them, shall direct the insane person to be removed to the Asylum as a patient; and, to that end, they shall direct a warrant to the Sheriff or Constable, and at the same time shall transmit to the Board of Supervisors the examination of the witnesses, and a statement of such facts as the said Justices shall deem pertinent to the subject matter, which warrant shall be substantially as follows :

Justices to examine and take testimony of Physician.

When Justices may direct insane to be removed

THE STATE OF NORTH CAROLINA,

To the Sheriff or Constable of County—Greeting :

Whereas, it has been made to satisfactorily appear to us, C. D. and E. F., Justices of the Peace of said County, that

Form of warrant to be directed to Sheriff.

A. B., a citizen of the State, is an insane person, that he has a legal settlement in said County, and is a fit subject for the Insane Asylum, and that his being at large is injurious to himself and disadvantageous, if not dangerous, to the community. You are hereby commanded to take the said A. B. and convey him to the Insane Asylum of North Carolina, and there deliver him to the Superintendent thereof for safe keeping.

Given under our hands this day of, 18 . .

C. D., *J. P.*

E. F., *J. P.*

Justice to make
full report to Clerk
Court

SEC. 16. Whenever the Justice of the Peace, under the provisions of the preceding section, shall direct any insane person to be removed to the Asylum as a patient or for safe keeping, it shall be their duty to make a full report of their proceedings to the Clerk of the Superior Court of their County.

Interrogatories
with answers to be
transmitted.

SEC. 17. The following interrogatories, with their respective answers by competent witnesses, shall likewise be transmitted with the other papers to the Board of Supervisors :

Question 1. What is the name of the patient ?

“ 2. What is his or her age ?

“ 3. Is he or she married or single ?

“ 4. What is the supposed cause of his or her insanity ?

“ 5. In what way is the disease exhibited ?

“ 6. Has any medical treatment been pursued ?
if so, of what kind ?

“ 7. How long has he or she been insane ?

“ 8. Has the patient manifested any propensity to injure himself or others ?

“ 9. Has he or she been subject to epilepsy ?

“ 10. Has any of his or her ancestors been insane ?

“ 11. Has he or she any family ; and, if so, what persons compose it ?

Question 12. What is the occupation of the patient?

“ 13. How many attacks of mental disease has the patient had?

SEC. 18. Whenever an insane person shall be conveyed to the Asylum, and the Superintendent is in doubt as to the propriety of his or her admission, he may convene a Board of Supervisors, (any three of whom shall constitute a Board) for the purpose of examining and deciding if such person is a proper subject for admission; and if a majority of such Board decide that he or she is such, shall be received into the Asylum; but such Board may, at any time thereafter, deliver said insane person to any friend who will become bound, with good security, to restrain him or her from committing injuries, and to keep, maintain, and take care of him or her in the same manner as he or she might have become bound under the authority of the Justices of the Peace.

Superintendent
may convene Board.

To whom patient
may be delivered.

SEC. 19. Whenever the Superintendent shall deem an insane person to be incurable, and that his or her being at large would not be injurious to himself or herself, or dangerous to the community, he shall certify the fact to the Clerk of the Superior Court of the County from which the patient was sent, and also to the Board of Supervisors (any three of whom shall constitute a Board,) who may, if deemed expedient, remove such patient from the Asylum.

Insane person
may be discharged.

SEC. 20. When an affidavit in writing shall be made before a Justice of the Peace, by any citizen of the State, that any person who has been found by the inquisition of a jury to be an idiot, lunatic, or *non compos mentis*, and whose estate in the hands of his or her guardian shall be sufficient to support him or her and family, if he or she has any, is mischievously inclined, and that his or her going at large is dangerous to the community, it shall be lawful for said Justice to issue his warrant requiring the Sheriff to bring him or her before two Justices of the Peace within ten days, in order that the complaint may be duly examined, and the

On affidavit of a
citizen Justice shall
issue warrant.

Sheriff, when he executes the warrant, is to notify the guardian.

Examination and committal.

SEC. 21. If the said Justices, on the return of the warrant, are satisfied that the facts stated in the complaint are true, it shall be their duty to issue process to the Sheriff, commanding him to take such insane person and convey him or her to the Insane Asylum of North Carolina, and there to deliver him or her to the Superintendent thereof for safe keeping: *Provided, however,* That the mischievous disposition of such insane person shall have been proved by at least two competent witnesses, who have been acquainted with him or her for more than twelve months.

Copy of proceedings shall be returned to Clerk of the Superior Court.

SEC. 22. If the insane person mentioned in the preceding section be sent to the Asylum, a copy of the proceedings shall be returned by the Justices to the Clerk of the Superior Court of his County, who shall have power from time to time to make such orders or decrees concerning the payments of the expenses of sending him or her to said Asylum, or sending him or her back, should he or she be discharged therefrom, as to said Clerk shall seem just and reasonable under all the circumstances of the case.

Any Judge of Superior or Supreme Court may make order for discharge.

SEC. 23. Any Judge of the Superior or Supreme Courts may make an order for the discharge from the Asylum of any person confined there under this act, if the Superintendent thereof shall certify to him in writing that he is well satisfied that such person is not mischievous, and would not be dangerous to the community if discharged: *Provided,* That the signature to the certificate be duly acknowledged or proved before the Clerk of the Superior Court for Wake County, and shall be certified by him under his official seal. All bonds executed for restraining insane persons from committing injuries, and for their safe keeping, support and care, shall be payable to the State of North Carolina, in the sum of five hundred dollars at least, and shall be transmitted to the Clerk of the Superior Court of the County wherein the insane person is settled for safe keeping, and may be put in suit by any person injured by

Proviso.

Bond payable to the State.

the insane person, by reason of his or her insane condition, and shall be put in suit by the Solicitor for the Judicial District in which the County of the insane person's residence is situated. For any other breach thereof wherein the damages received shall be for the use of the insane person, and shall be at least fifty dollars.

Damages for use of insane person shall be at least fifty dollars.

SEC. 24. The form of the bond mentioned in the preceding section shall be as follows:

STATE OF NORTH CAROLINA, }
County of }

Know all men by these presents, that we, A. B., principal, and C. D. and E. F., sureties, are held and firmly bound unto the State of North Carolina, in the sum of dollars; for the payment whereof we bind ourselves and each of us.

Form of bond.

Witness our hands and seal, this the . . . day of 18..

The condition of the above obligation is this:

Whereas, the said A. B., with the view of hindering G. H., an insane person, resident in the County aforesaid, from being sent to the Insane Asylum of North Carolina, (or effect his release from the said Asylum, as the case may be) hath undertaken to restrain him or her from committing injuries, and to keep, maintain, support and take care of him or her: Now if the said A. B. shall faithfully comply with the conditions of this obligation, then the same shall be void; otherwise, it shall be in full force.

A. B., [SEAL.]

C. D., [SEAL.]

E. F., [SEAL.]

SEC. 25. Whenever it shall be made to appear to the Clerk of the Superior Court of the County in which such insane person was resident, that the conditions of the bond are not faithfully complied with, the insane person shall be

When insane to be returned to Asylum.

sent to the Asylum by such Clerk of the Superior Court, unless some other responsible and discreet friend will undertake to fulfill the duties of said obligation, and whenever said insane person shall be sent back to the Asylum, he or she shall not be delivered on any new bond of the defaulting obligor.

Number and per
dium of guard.

SEC. 26. Not more than two persons (unless a greater number be certified to be necessary by the examining Justices) shall be employed as a guard for removing any insane person to the Asylum, and each one of the said guard shall be paid one dollar per day in addition to the payment of his traveling expenses.

SEC. 27. The expenses of carrying any insane person to the Asylum, and of removing him or her therefrom, shall be paid out of the Public Treasury upon a warrant of the Superintendent, approved by the Governor, unless such person shall have property sufficient for the payment thereof, and in that case they shall be paid out of the proceeds of such property upon order made for that purpose by the Clerk of the Superior Court of the proper County.

All dues to be paid
into the Public
Treasury.

SEC. 28. All dues to the Asylum from any and all sources shall be paid into the Public Treasury, and the said Asylum shall hereafter be supported by appropriations from the Public Treasury. And as the Constitution declares that "the General Assembly shall provide that all the deaf mutes, the blind and the insane of the State shall be cared for at the charge of the State," the indebtedness of the Counties for, and in account of the Asylum, shall be forgiven and discharged, and hereafter no County shall levy any tax for the support of the Insane Asylum.

No County to levy
tax for support of
Insane Asylum.

SEC. 29. Whereas, it appears from the report of the Superintendent of the Asylum that the present buildings cannot afford accommodation for all the insane of the State, it shall be the duty of the Board of Supervisors to provide that hereafter the patients to be received into the Asylum

shall be apportioned among the Counties of the State, as near as may be, according to their respective population.

SEC. 30. All money applied for the use and support of the Institution, and the insane therein, shall be paid to the Treasurer of the Asylum out of the Public Treasury, on warrants drawn by a majority of the Board of Supervisors, or by the Superintendent, and countersigned by at least two of the Board of Supervisors, and approved by the Governor.

Moneys to be paid to Treasurer.

SEC. 31. All money and the proceeds of property given to the Asylum, and all money arising from any estate which may be owned by the Asylum, shall be paid into the Public Treasury, and all donations in which there shall be special directions for its application, shall be kept as a distinct fund, and shall be faithfully applied as the donor may have directed.

All money, &c., shall be paid into the Public Treasury

SEC. 32. The Treasurer of the Asylum shall pay out no money except on the warrant of the Superintendent; and before entering upon the discharge of the duties of his office, he shall enter into bond, payable to the State of North Carolina, with two sufficient sureties, in the sum of twenty-five thousand dollars, conditioned for the faithful discharge of his duties; which bonds shall be recorded in the office of Secretary of State and filed with the Auditor.

Duty of Treasurer

Bond.

SEC. 33. In order to secure their constant supervision and attendance, the officers and employees of the Asylum shall be exempt from serving on juries, in the militia, and from the duty of working on the public roads.

Employees exempt from duty as jurors, &c.

SEC. 34. The Board of Supervisors shall cause all their proceedings to be faithfully and carefully written and recorded in books, and to this end may employ a Clerk and pay him a reasonable compensation for his services. The books shall at all times be open to the inspection of the Board of Public Charities and of the General Assembly.

Clerk.

SEC. 35. The Board of Public Charities and the members of the General Assembly shall be *ex officio* visitors of the Insane Asylum. It shall be the duty of the Board of Public

Visitors

Charities to visit the Asylum, from time to time, as they may deem expedient, to examine its condition, and make report thereon to the General Assembly, with such suggestions and remarks as they think proper.

Fiscal year.

SEC. 36. The close of the fiscal year shall hereafter be the thirty-first of December in each and every year, and all accounts and estimates shall be made with reference thereto.

Board shall have power to settle claims.

SEC. 37. The Board of Supervisors shall have power to compromise or settle, on such terms as may seem to them equitable, all claims due the Asylum for board of paying patients, whether in suit or otherwise.

Appropriation for present year.

SEC. 38. That the Public Treasurer is hereby authorized to pay to the Treasurer of the Insane Asylum such sum of money, not exceeding one-fourth of the annual appropriation, as may be sufficient to defray the ordinary expenses of said Asylum from the close of the present fiscal year to the thirty-first of December, eighteen hundred and sixty-nine, upon the warrant of the Governor and Board of Supervisors, as provided in section thirtieth of this act.

Repealing clause.

SEC. 39. All laws inconsistent with this act are hereby repealed.

SEC. 40. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1869.

CHAPTER LXVIII.

AN ACT TO REMOVE OBSTRUCTIONS IN THE PEDEE, YADKIN AND UHARIE RIVERS, FOR THE PURPOSE OF ALLOWING SHAD AND OTHER FISH FREE PASSAGE UP SAID RIVERS.

Pedee river.

SECTION 1. The General Assembly of North Carolina do enact, That eighty feet in the main channel of the river Pedee, from the South Carolina line to the mouth of the

Uharie river, in the County of Montgomery, shall be cleared and kept clear of all and every obstruction that may hinder, cause or deter shad or other fish from passing up said river.

SEC. 2. That fifty feet in the main channel of the river Yadkin from the mouth of the Uharie river up to within a distance of five miles of the head waters thereof, shall be cleared and kept clear of all and any obstructions that may hinder, cause or deter shad or other fish from passing up said river.

Yadkin river.

SEC. 3. That fifteen feet of the main channel of the river Uharie from its mouth or confluence with the Pedee and Yadkin rivers in the County of Montgomery, as far up as the County lines of Montgomery and Randolph, shall be cleared and kept clear of all obstructions of any kind that may hinder, cause or deter shad or other fish from passing up said river.

Uharie river.

SEC. 4. That the County Commissioners of the different Counties through which the said rivers Pedee, Yadkin and Uharie do run or pass, may proceed within thirty days from the passage of this act, or sooner if practicable, without any compensation, to remove all obstructions, in accordance with sections one, two and three of this act.

County Commissioners to remove obstructions.

SEC. 5. That if any person or persons shall hinder or delay the said Commissioners in their duty, or shall put or place, or cause to be placed, any obstructions in said channels mentioned in this act, they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine not exceeding two hundred and fifty dollars, or imprisonment in the County jail one year, or both, at the discretion of the Court before whom they shall be tried, and that the Superior Court of any County in this State in which such misdemeanor is committed, shall be a proper Court for such trial, and the fine so levied and collected shall go one-half to the person informing against such person or persons, and the other half to go to the County in which conviction is had, after deducting all fees and costs for conviction and collecting.

Penalty for causing obstructions.

Repealing clause. SEC. 6. That all laws, acts, or part of laws or acts coming in conflict with this act, are hereby repealed.

SEC. 7. That this act shall take effect from and after its ratification.

Ratified the 10th day of February, A. D. 1869.

CHAPTER LXIX.

AN ACT TO AUTHORIZE AND EMPOWER JOHN M. BATEMAN, SHERIFF OF WASHINGTON COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-SEVEN.

To collect arrears of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That John M. Bateman, Sheriff of Washington County, be, and is hereby authorized and empowered to collect all arrears of taxes due him for the year eighteen hundred and sixty-seven, which collection shall be made under the same rules, regulations and restrictions as other collectors of taxes by virtue of the laws of the State.

Power to cease with year 1869.

SEC. 2. That the power and authority hereby granted shall cease and determine with the year eighteen hundred and sixty-nine.

SEC. 3. That this act shall be in force from and after its ratification. †

Ratified the 10th day of March, A. D. 1869.

CHAPTER LXX.

AN ACT TO AMEND THE CHARTER OF THE CALDWELL AND
WATAUGA TURNPIKE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That all that portion of the Caldwell and Watauga Turnpike Road, as constructed by said Company, between the Yadkin Meeting House, in the County of Caldwell, and widow Sull's in Watauga County, shall hereafter constitute the Caldwell and Watauga Turnpike Road, and the said Company may collect such tolls for passing over the same as are now allowed by law, and all tolls collected shall be applied in repairing and improving said Road.

May collect tolls,
&c., and apply the
same.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its ratification.

Ratified the 10th day of March, A. D. 1869.

CHAPTER LXXI.

AN ACT TO CONFIRM CERTAIN LAND GRANTS ISSUED TO LEWIS
W. BRYAN AND OTHERS, IN THE COUNTIES OF ASHE AND
ALLEGHANY.

WHEREAS, By virtue of chapter —, section —, an act of the General Assembly, entitled "An act to encourage the building of iron works in this State," a certain State grant was issued to Caleb Osborne and Elijah Irwin, number four thousand one hundred and forty-two, for a certain body of land, said to contain three thousand acres, in Ashe County, beginning at a double white oak on the Virginia line, thence south thirty-two degrees east, thirteen hundred poles to the store house at Gap Civil, thence south seventy

Preamble.

Preamble.

degrees east with the State Road two hundred and sixty poles to a white oak, south thirty degrees east with the Thompson Forge Road, one hundred and sixty-eight poles, to a gum at the south end of D. Maxley's lane; then south fifteen degrees east, fifteen hundred and forty poles, passing Ann Alexander's house to a stake and water oak, thence north eighty degrees east, five hundred poles to a white oak by a path in the Bullhead Mountain, thence north seventy degrees east, by Jackson Woodruff's house, two thousand two hundred and forty poles to a stake, thence north sixteen hundred poles to a stake on the Virginia line, thence with the Virginia line to the first station. Said grant being dated and entered the twenty-ninth day of September, eighteen hundred and forty-seven, and issued from the office of the Secretary of State on the fourth day of November, eighteen hundred and forty-seven, and the same marked registered second day of December, eighteen hundred and fifty; and whereas, said grant was set aside and declared null and void for fraud, by a decision of the Supreme Court of the State; and whereas, during the pendency of the said litigation which resulted in the setting aside the aforesaid grant, divers grants were made to different persons entering said lands as follows, to wit:

Lewis W. Bryan, twenty acres, number of grant, four thousand nine hundred and sixty-four.

Abram Bryan, forty eight and one-half acres, number four thousand five hundred and nineteen.

Abram Bryan, thirty-five acres, number four thousand five hundred and twenty.

Robert Bryan, one hundred acres, number four thousand five hundred and twenty-two.

William Carson, ninety-five acres, number three thousand two hundred and fifty-eight.

Andrew Carson, twenty-nine acres, number three thousand two hundred and sixty-one.

Andrew Carson, thirty-two acres, number eleven.

Carson & Dinikins, eighty-five and one-half acres, number twenty-six. Preamble.

Andrew Carson, one hundred acres, number four thousand eight hundred and two.

William Bryan, one hundred acres, number three thousand three hundred and twenty-four.

Andrew J. Thompson, one hundred acres, number three thousand three hundred and twenty-six.

Andrew Carson, one hundred acres, number three thousand two hundred and fifty-five.

Morgan Bryan, one hundred acres, number three thousand three hundred and twenty-seven.

Shadrick Bryan, one hundred acres, number four thousand seven hundred and forty-one.

Gideon Bryan, one hundred acres, number three thousand three hundred and thirty-six.

Harden Phipps, forty-six acres, number four thousand five hundred and fifty-six.

Columbus H. Thomason, one hundred acres, number four thousand eight hundred and seventy-two.

Robert Bryan, one hundred acres, number four thousand eight hundred and sixty-four.

Samuel F. Speer, one hundred acres, number four thousand eight hundred and seventy-one.

John Andrews, one hundred acres, number three thousand three hundred and thirty-five.

Thomas Bryan, one hundred acres, number four thousand five hundred and eighteen.

Shadrick Bryan, one hundred acres, number four thousand eight hundred and sixty-three.

Synville Higgins, forty-six acres, number four thousand eight hundred and sixty-eight.

Gideon Bryan, one hundred acres, number three thousand three hundred and thirty-nine.

William Edwards, seventy-seven acres, number four thousand eight hundred and sixty-seven.

Preamble.

William Price, one hundred acres, number four thousand six hundred and ninety-seven.

Nathaniel Moxley, one hundred acres, number three thousand two hundred and thirty-seven.

Morgan Bryan, eight acres, number five thousand and sixty-nine.

Morgan Bryan, one hundred acres, number five thousand and seventy.

John Bryan, seventy-five acres, number seventeen.

Morgan Bryan, one hundred acres, number four thousand eight hundred and sixty.

G. H. Bryan, two hundred acres, number thirteen.

Young Edwards, thirty-six acres, number four thousand eight hundred and three.

Isaam Edwards, eighteen acres, number four.

Isaam Edwards, fourteen acres, number three thousand five hundred and fourteen.

Shadrick Bryan, fifty-six acres, number four thousand five hundred and twenty-one.

Shadrick Bryan, thirteen acres, number four thousand five hundred and twenty-four.

James Carson, forty-four acres, number three thousand three hundred and seventy-four.

John Carson, one hundred acres, number four thousand five hundred and thirty-one.

Samuel Willis, thirteen acres, number four thousand five hundred and fifty-three.

John J. Blevins, thirty acres, number four thousand and forty-five.

John Carson, one hundred acres, number four thousand eight hundred and sixty-five.

Levi Willie, fifty acres, number four thousand seven hundred and ninety-five.

John Fender, twenty-one acres, number four thousand eight hundred and four.

Francis Bryan, one hundred acres, number six thousand and one.

Francis Bryan, one hundred acres, number five thousand and ninety-six. Preamble.

Francis Bryan, ninety-five acres, number four thousand five hundred and fifteen.

Wm. Carson, one hundred acres, number six thousand and two.

Calum Huggins, seventy-five acres, number three thousand five hundred and eighteen.

John Huggins, fifty acres, number three thousand five hundred and fifteen.

Andrew Carson, one hundred acres, number three thousand three hundred and seven.

Alfred Alexander, one hundred acres, number three thousand three hundred and eight.

Wiley D. Hale, one hundred acres, number ten.

Shadrick F. Bryan, one hundred acres, number three thousand three hundred and thirty-eight.

Morgan Bryan, forty-six acres, number eighteen.

Shadrick F. Bryan, one hundred and seventy-nine acres, number fifteen.

G. H. Bryan, one hundred acres, number nine.

Morgan Bryan, one hundred acres, number three.

Shadrick Bryan, one hundred acres, number eight.

G. H. Bryan, one hundred and twenty-three and three-fourth acres, number sixteen.

And whereas, some doubt may arise as to the legality of the grants issued to the last named persons, inasmuch as said grants were issued during the pendency of said aforesaid litigation, and before the promulgation of the aforesaid decision of the Supreme Court; now therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the aforesaid entry and grants made to the aforelast named Lewis W. Bryan and others, are hereby in all things confirmed and declared valid and of full force and effect, and that the said persons are justly entitled to the said grants as numbered and their titles thereto are hereby fully declared legal.

Entry and grants confirmed.

Ratified the 11th day of March, A. D. 1869.

CHAPTER LXXII.

AN ACT TO ESTABLISH A TURNPIKE ROAD FROM THE HEAD OF NORTH RIVER, CARTERET COUNTY, TO THE HEAD OF ADAM'S CREEK IN CRAVEN COUNTY, NORTH CAROLINA.

Turnpike Road from North River to Adam's Creek.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be laid out and established a Turnpike Road from the head of North River, through the lands belonging to the educational fund, in Carteret County, to the head of Adam's Creek, in Craven County, North Carolina.

To be twenty feet wide.

SEC. 2. That the said road shall be made twenty feet wide, and well made as herein directed.

Superintendent of Public Works to appoint Commissioners.

SEC. 3. That it shall be the duty of the Superintendent of Public Works to appoint a competent Surveyor and two Commissioners to survey and locate said Road, who shall first take oath before the Superior Court Clerk of Carteret County, to faithfully discharge their duties for the best interest of the State.

Let out per contract.

SEC. 4. That upon the report of said Surveyor and Commissioners herein directed to be appointed, showing that they have performed the duties herein required of them, it shall be the duty of the Superintendent of Public Works to let out and contract for the building of said Road in lots not to exceed one mile in length, each to be let to the lowest bidder, and the Superintendent of Public Works shall appoint some proper person to superintend and direct the making of said Road.

No part to be paid until completed.

SEC. 5. That the Superintendent of Public Works shall provide in said contracts that no part of the price for making any lot of said Road shall be paid until the lot is completed and received.

Appropriation.

SEC. 6. That five thousand dollars is hereby appropriated for the construction of said Road to be paid on the warrant of the Governor, by the Public Treasurer, and the Governor

shall issue his warrant therefor, whenever, from time to time, the Superintendent of Public Works and the agent for construction, to be appointed under section four, shall certify to him that any lot of said Road has been completed and received as provided herein: *Provided*, That this appropriation shall be void if any part of the body of State lands through which said Road is to pass has been sold by the Board within the past year: *And provided further*, That no part of said body of lands shall be sold until said Road is completed.

Proviso.

SEC. 7. That the Commissioners for laying out said Road and the Superintendent for the construction thereof, shall receive each the sum of two dollars per day for the time they are actually employed, and the Surveyor aforesaid shall receive the sum of three dollars per day while actually employed in surveying said Road.

Per diem of Commissioners and Superintendent.

SEC. 8. That said Road shall be commenced as soon as possible after the completion of the survey.

SEC. 9. That this act shall take effect from and after its ratification.

Ratified the 11th day of March, A. D. 1869.

CHAPTER LXXIII.

AN ACT TO ALLOW CAUSES TO BE REHEARD IN CERTAIN CASES.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases wherein judgment has been rendered in any Court of Pleas and Quarter Sessions, and either party would be entitled to have proceedings in said Court reviewed and reheard, either in that Court or by *certiorari* in a Superior Court, if said Court of Pleas and Quarter Sessions had continued to exist, and did now exist, such party may now have his case reviewed and reheard in the

When party may have case heard.

Due notice to
other party.

Superior Court of such County, upon affidavit exhibited before the Judge of the Superior Court of said County, showing sufficient cause for such rehearing, and thereupon a rule for rehearing the same shall be allowed upon such terms as to security for costs and *supersedeas* or proceedings as shall be prescribed by said Judge, and upon due notice to the adverse party the Judge shall order the same to be reheard unless sufficient cause shall be shown to the contrary.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1869.

CHAPTER LXXIV.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES BY THE STATE, AND BY THE SEVERAL COUNTIES OF THE STATE, ON PROPERTY, POLLS AND INCOMES.

The General Assembly of North Carolina do enact :

SECTION 1. *Valuation of Lands, when to be made :*

Valuation, when
to be made.

There shall be a valuation of the taxable lands of the State in eighteen hundred and sixty-nine, and every two years thereafter, and the valuation so made shall stand during that period unless altered as hereinafter prescribed. The personal property shall be valued annually as hereinafter prescribed.

SEC. 2. *Meaning of the words "lands" and "real property," in this act :*

Land and proper-
ty to include.

The words "lands" and "real property" shall be construed in this act, to include not only the soil, but all buildings and erections thereon, all rights, franchises and

easements appurtenant thereto, and all mines or minerals on or under the surface.

SEC. 3. *County Commissioners to appoint Assessors :*

The Commissioners of the several Counties, at a meeting to be held within thirty days after the ratification of this act, and on the first Monday in March in every year thereafter, shall appoint in each Township of their respective Counties, three Assessors qualified to serve as jurors, one of whom shall be an owner of real estate in the County, who shall constitute a Board of Valuation for the Township, with a compensation of two dollars per diem while actually employed, and who shall take oath faithfully to perform the duties of the office according to law. Whenever a legal Board of Trustees shall exist in any Township, no such appointments as are herein provided for shall be made, and the duties herein prescribed for the Assessor and his assistants shall be performed by said Board.

Assessors to be appointed.

Per diem.

Assessors not appointed where legal Board exist.

SEC. 4. *Assessors shall be notified of their appointments :*

Within three days after such appointments, the Clerk of the Commissioners shall deliver to the Sheriff a list of such appointments, and also a notice of his appointment, addressed to each appointee; within twelve days after the receipt from the Clerk, the Sheriff shall serve such notice on the appointees either by personal delivery or by leaving at their residences. He shall return the list with a report of his proceedings endorsed to the Clerk before the first day of April.

Clerk to notify assessors of appointment.

SEC. 5. *Penalty on Appointees for not serving :*

If any appointee shall wilfully neglect or refuse to perform the duties of the appointment, he shall forfeit and pay to the Commissioners of the County, for the use of the County, one hundred dollars, unless excused by the County Commissioners, and it shall be their duty to cause the same to be prosecuted.

Penalty for not serving.

PUB. 11.]

SEC. 6. *Vacancy, how and when filled :*

Commissioners to fill vacancy.

If a vacancy shall occur from any cause, in any appointment of Assessors, the Commissioners shall meet and fill it. This and the two next preceding sections do not apply to the Board of Trustees of Townships.

SEC. 7. *Assessors to advertise in their Townships :*

Assessors to advertise.

The Assessors shall advertise in three or more public places within their Township, at least ten days before the first day of April, at what place or places therein, they will attend to receive the tax lists, and they shall attend accordingly. If there be a Board of Trustees in the Township, these duties shall be performed by said Board.

SEC. 8. *The list to be given in during April :*

To be listed in April.

Tax lists shall be given during the month of April by the person charged or his agent. If the person liable be a corporation, its property may be given in by the President, Cashier, Treasurer, Secretary or other person appointed for that purpose.

SEC. 9. *Real Property and Farming Stock, &c., shall be given in where situated, on the first of April :*

Where to be given in.

All real property, and all stock, farming utensils and other personal property used in connection with the cultivation of a farm, shall be given in in the Township in which said property is situated on the first day of April, and where the line of any Township runs through any resident's land the same shall be listed in the Township of such resident.

SEC. 10. *All other Property and Polls to be given in where Tax-payers reside on the first day of April :*

What property given in where owner resides.

All other personal property whatever, including moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, and all taxable polls and all other subjects liable to taxation, except such franchises and personal property as are herein specially provided for, shall be given

in in the Township in which the person so charged resides, on the first day of April. The residence of a corporation, partnership or joint-stock association for the purpose of this act, shall be deemed to be in the Township in which its principal office or place of business is situated; if, however, the corporation, partnership, or association, have separate places of business in more than one Township, it shall give in in each, the property or effects therein, but any body of lands belonging to a corporation, partnership or association, and divided by Township lines, shall be given in in that Township in which the larger part thereof is situated.

Where residence is deemed to be.

SEC. 11. *Tax-payer to give in List of his Property :*

At the time and place appointed by the Assessors, the tax-payer shall attend, and the Assessor shall read over to each one giving in his list, all the articles and subjects of taxation, and thereupon he shall render the Assessor his list of taxables, and at the same time taking the following oath :

Assessor to read list.

“ I, A. B., do solemnly swear (or affirm) that I have rendered a true and full statement of all subjects of taxation which I, in my own right, or as agent of, or in trust for, any other person or in any other capacity, are by law required to be listed for taxation, according to my best knowledge, information and belief, so help me God.”

Form of oath.

SEC. 12. *What the List shall contain :*

The list shall state the following particulars concerning the taxable property of the person giving in, and shall refer to the first day of April in that year :

What list shall contain.

1. The quantity of land listed in the Township; how much is arable, pasture and wood land, respectively; if any of it be waste and unsusceptible of beneficial occupation, the last valuation; the land shall be described by name, if it has one, otherwise in such way that it may be identified.

How much pasture and woodland.

2. The number of horses, mules, cattle, hogs and sheep, separately, and the value thereof.

Estimated value
of articles.

3. The estimated value without specifying the articles of farming utensils, and mechanical tools and of household and kitchen furniture, including therein all silver and plated ware, pictures, books, and musical and scientific instruments; and of the watches and jewelry possessed by the party, his wife, or any minor child.

4. Money on hand or on deposit in any bank.

Solvent credits to
given in.

5. The amounts of solvent credits owing to the party, whether owing by bond, note, bill of exchange, open account, or due and payable, and whether owing by any government, except bonds of this State, or of the United States, exempt from taxation by law, except rent accruing for the current year for the hire of taxable property. If any credit be regarded as not entirely solvent, it shall be given in at its estimated value: *Provided*, That no Judge of the Superior Court or Justice of the Peace shall give judgment on any credit, for more than it was valued at when given in, that no officer shall collect, on execution, or otherwise more than the aforesaid value. The party may deduct from the amount of debts owing to him, the amount owing by him, and the residue only shall be liable to taxation.

Proviso.

Stock not taxed
if Company pay tax.

6. Stocks in any incorporated Company or joint-stock association, and their estimated value, but the stock shall not be taxed if the property of the Company pays a tax.

Other property
described, so that
its identity is
known.

7. All other personal property whatever, so described that its identity and location may be known, and the value thereof.

Income of party.

8. The income of the party for the year next preceding the first day of April in the current year, with a statement of the source or sources from which it was derived. From the amount of the income, five hundred dollars shall be deducted, and also the amount derived from property taxed by the laws of this State, and also the amount derived from any trade, purchase, or possession, taxed by the laws of this State.

When party a
non-resident.

9. If the party be a non-resident of the County, and own land therein, it shall state his address, and may name any

agent resident in the County, to whom notices may be given respecting his taxes.

SEC. 13. *Guardians, Executors, &c., to give in separately :*

Every guardian, executor, administrator or trustee, shall, in like manner, but on a separate list, give in the property held by him in that capacity. The value of the franchise of every Rail Road, Canal, Turnpike, Plank Road, Navigation, and Banking Company shall be given by the President or chief officer of the said several corporations, on the day fixed by this act for the giving in of taxable property, to the Treasurer of the State, and shall be assessed and valued by the said Treasurer, the Auditor, and the Governor of the State, and their valuation shall be returned to the County Commissioners of any County in which any part of said Roads, or Canals, or Navigation Works shall be, and the tax upon such franchise so valued shall be the same as upon property of equal value, and the tax collected in each County and Township shall be in proportion to the length of such Road, Canal, or Works lying in such County or Township respectively, and such taxes shall be collected as other taxes are by law required to be. The rolling stock of every Rail Road Company, and the vessels employed by any Canal or Navigation Company, on its canal or works, shall be valued with the franchise.

Guardians, &c.,
to give in separately

Value of Rail Road,
Canal and other
Companies given in
by President, &c.

Value to be same
as on other prop-
erty.

SEC. 14. *What Property exempt from Taxation :*

1. The property belonging to the United States or to this State, or to any County or incorporated City or Town.

Property exempt.

2. The property belonging to, and set apart and exclusively used for the University, Colleges, Institutes, Academies, schools for the education of youths, or the support of the poor or afflicted. Such property as may be especially set apart for and appropriated to the exercise of Divine worship, or the propagation of the Gospel, or used as parsonages.

University, Col-
leges and Schools,
Churches and Par-
sonages.

Grave yards or
burial lots.

3. Such property as may be set apart for grave yards or burial lots, except such as are held with a view to profit, or for the purposes of speculating in the sale thereof.

Property set a part
Agricultural Fairs.

4. Such property of the State and agricultural societies as may be set apart and used by them for agricultural fairs.

Arms for muster,
wearing apparel,
implements, &c.

5. Arms for muster, wearing apparel for the use of the owner and his family, household and kitchen furniture, mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, not exceeding in aggregate value two hundred dollars: *Provided*, That the exemption from taxation shall not exceed two hundred dollars in behalf of any individual tax-payer.

Proviso.

SEC. 15. *The List to refer to first day of April:*

List to refer to 1st
of April.

The list shall refer to the first day of April of the year in which they are given, and relate to the quantity, condition and value, of the property and to the age of the party in reference to his liability to a poll tax on that day.

SEC. 16. *How the Property shall be valued:*

How property to
be valued.

In the years prescribed for the valuation of the land, the Assessor shall affix to the description of each piece of land its true value in money, on the first day of April in that year, and this value, unless altered as hereinafter prescribed, shall be annually fixed to that land until a new valuation is made.

Value personal
property every year.

They shall in every year value the personal property at its true value. The valuation found by them, they shall affix to every species of property particularized in section twelve of this act. If any person liable to be charged with taxes shall refuse to answer any question respecting his taxable property, he shall be guilty of a misdemeanor, and, on conviction, liable to be punished by fine or imprisonment; and it shall be the duty of Assessors, to whom the refusal is made, to bind over the offender to appear at the next term of the Superior Court of the County, and to report the fact to the Solicitor for the Judicial District, in order

When guilty of a
misdemeanor and
liable to fine.

that the offender may be proscribed. In valuing the property of Rail Roads and other corporations in which the State is a stockholder, the whole property shall be valued, but a part of the valuation shall be deducted, proportionate to the interest of the State, and the tax levied on the residue only: the tax so levied, when paid by the corporation, shall be charged by the corporation on the individual corporators only, and when any dividend shall be declared, the dividend to the State shall exceed that, to individual corporators, by the amount of all taxes previously paid stocks or shares in incorporated Companies shall not be taxed when the property of the Company is taxed.

Assessors to bind over the offender and report.

SEC. 17. *Auditor to provide forms and Sheriffs to distribute to Assessors:*

The Auditor of the State shall prepare a form to be used in listing property for taxation, and each year shall furnish the Sheriff of each County, on or before the first Monday in March, with a sufficient number of printed copies, and the Sheriff shall deliver to the Assessor of each Township a sufficient number of such forms for their use.

Auditor to prepare form and furnish Sheriff.

SEC. 18. *Assessors to make an abstract of their Tax List:*

The Assessor shall make an abstract of the tax lists given in to him according to form, to be furnished him by the Auditor of the State, and shall, on or before the tenth day of May in each year, return such abstract to the Clerk of the Commissioners. He shall also return a list of all property in his Township not given in for taxation, with a description and valuation thereof, made by the Assessors and the names of the occupant and supposed owner. And a list of the taxable polls of the Township not given in for taxation. The return so made shall be open to the inspection of all persons interested, and the Clerk shall give to any person desiring it, a copy of so much thereof as relates to his property, on payment of a fee of ten cents.

Assessor to make abstract of tax list.

To return list of property not given in.

SEC. 19. *County Commissioners to revise List, when :*

Commissioners to meet third Monday in May and set one week.

To summon and examine witnesses.

To raise valuation, &c.

The Commissioners of each County shall meet on the third Monday in May and revise the tax lists and valuations reported to them, and complete the lists by computing the tax payable by each person, and affixing the sum opposite his name. They shall sit for one week, at least, and shall hear all persons objecting to the valuation of their property, or to the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the abstract of the Township Assessors as may be right and just, and so that the valuation of similar property throughout the County shall be as near uniform as possible. They shall have power to raise the valuation upon such property as they shall deem unreasonably low. Any person who has accidentally failed to give in before the Township Assessors, shall be allowed to do so before the Commissioners at their meeting: the Commissioners shall ascertain the value of their property by the examination of witnesses or otherwise, and insert it in the abstract, and without satisfactory excuse they shall add to the tax of the person so allowed to give in, five per cent. on the regular amount of his tax for that year.

SEC. 20. *How complaints of excess proceeded with.*

Upon complaint, Commissioners may hear, &c.

Appeal to Superior Court.

If any person shall complain before the Commissioners that his property has been improperly valued, or that he is charged with an excessive tax, he shall present his complaint in writing, and they shall hear any evidence adduced by him, and shall summon and examine any witnesses necessary for a just decision of the question. They shall record all the evidence received and their decision; if they decide against the complaint, they shall also give judgment against him for the cost of the investigation; if they decide for him, the County shall pay the cost; the complainant may appeal to the Superior Court from the decision of the Commissioners upon, or involving any matter of legal liability; and if he shall give bond with sufficient surety con-

ditioned to perform the final judgment on his appeal, such appeal shall suspend the collection of the tax appealed from until a decision thereon; in such case the Clerk of the Commissioners, within five days after the giving of the bond, shall file with the Clerk of the Superior Court the appeal bond; a copy of the tax list, so far as it concerns the complaint; the original evidence taken by the Commissioners, the complaint, and the decision of the Commissioners. The appeal shall be tried as other questions of law are. If the final judgment shall be against the complainant, it shall be that he pay the tax charged and ten per cent. thereof in addition, and the cost and execution may issue for the cost as upon other judgments. The amount of the judgment (except cost) shall be placed by the Sheriff on the abstract of the tax list in his hand, and collected and accounted for by him as other taxes are.

How appeal to be tried.

SEC. 21. *Persons not giving in to be charged with a double tax.*

The County Commissioners shall insert in the abstract of the tax list for each Township, the description and valuation of all property not given in, with the name of the person supposed to be liable for the taxes thereon, and the name of all persons in each Township liable for a poll tax who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered.

Person to be charged with double tax.

SEC. 22. *County Commissioners may exempt from poll tax.*

The County Commissioners shall have power to exempt any person from the payment of a poll tax on the ground of poverty or infirmity, and the Clerk shall deliver to the Sheriff a list of all persons so exempted, with the amount of taxes charged against them, and shall also send a copy of such list to the Auditor of the State, and the Sheriff shall

Commissioners may exempt from poll tax.

be entitled to a deduction for such taxes in any settlement he may be required to make.

SEC. 23. *Copies of revised tax lists, how distributed.*

Copies of tax list,
how disposed of.

The County Commissioners shall cause to be made out, three copies of the tax list of each Townships as revised and settled by them, according to a form to be furnished to them by the Auditor of the State. Such form shall show in different columns the amount due by each tax payer to the State, and to the County. One of said copies shall remain in the office of the Clerk of the Commissioners, one shall be sent by the Clerk to the Auditor of the State, the third shall be delivered to the Sheriff on or before the third Monday in June in each year, and he shall give a receipt for the same. The Clerk shall endorse on the copies given to the Sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect as a judgment and execution against the property of the person charged in such lists. In such lists the Clerk shall note all appeals from the judgments of the Commissioners, which have been perfected by giving bond as prescribed.

Clerk to endorse,
copies for Sheriff an
order to collect.

SEC. 24. *In case land be divided, how tax may be apportioned.*

When land is
divided how tax ap-
portioned.

In case within the interval between two regular periods for the valuation of land, any piece of land or real property should become divided in ownership, either by partition or a sale of a portion thereof, or otherwise, either of the part owners may, at any time upon three days' notice to the other part owners, apply to the Township Board of Trustees for an apportionment of the valuation, which shall be allowed as may be just, and all persons having tax lists are required to amend the same according to the judgment of said board on the production of a certified copy thereof: *Provided*, That no amendment made after a tax on the land has become due, shall be operative to affect that tax.

Proviso.

SEC. 25. *If where falls or rises, valuation altered, when:*

If any valuation of real or personal property, and before the tax thereon shall become due, the property shall be destroyed, or depreciated over twenty-five per cent. on its assessed value, otherwise than by the act of the owner, the party charged may apply to the Township Board of Trustees, and upon proper proof may have the valuation reduced, and the Board of Trustees shall thereupon immediately furnish to the Clerk of the County Commissioners, as well as to the party, a certified copy of their order in the premises. If the property was insured the amount of the insurance shall, in such case, be considered in altering the valuation. In like manner, if property shall have increased twenty-five per cent. over its assessed taxable value, the Sheriff of the County, upon ten days' notice to the owner, may apply to the Board of Trustees to alter the valuation of the property, and upon proper proof they shall do so. But the valuation shall not be altered if the appreciation has occurred in consequence of improvements made on the property by draining, clearing, building, or the like.

When valuation may be reduced.

When application to increase valuation may be made.

SEC. 26. *When taxes may be paid, when due.*

All taxes may be paid on or after the first day of July in each year. All taxes shall be due on the first day of October in each year: when paid, the Sheriff shall note on the tax list, against the name of the party, the date of payment and the amount paid; he shall also give receipt to the parties, stating the amount of the State and County tax separately, and the date of payment.

When taxes may be paid.

SEC. 27. *Sheriff's to attend to receive Taxes:*

The Sheriff, in person or by deputy, shall constantly attend at the Court House of his County, during the months of August and September, for the purposes of receiving taxes: he shall also, in like manner, attend at least one day during the month of July, at some place in each Township,

Sheriff to attend and receive taxes.

of which ten days' notice shall be given by advertisement, at three or more public places in the Township.

SEC. 28. *Sheriff's to notify Treasurer of the State when they have five hundred dollars or over :*

When Sheriff to inform Treasurer of amount in his hands

Every Sheriff, when he shall have five hundred dollars or more of State taxes in his hands, shall inform the Treasurer of the State thereof by letter, and the Treasurer shall have power to direct that all money in the hands of the Sheriff shall be transmitted to the Treasury, in such manner as he may prescribe, under such penalties as are prescribed in cases of non-payment of taxes, on the day of annual settlement: *Provided*, That he shall not be obliged to incur any personal expense thereby; and he shall receive payment for such credit at the annual settlement, together with the expenses necessarily incurred in carrying out the provisions of this section.

SEC. 29. *How Sheriff to collect :*

Whenever the taxes shall be due and unpaid, the Sheriff shall immediately proceed to collect them as follows :

When Sheriff shall seize and sell.

1. If the party charged have personal property, of a value equal to tax charged against him, the Sheriff shall seize and sell the same, as he is required to sell other personal property under execution.

When Sheriff shall levy and give notice if to be found.

2. If the party charged has not personal property to be found in the County of sufficient value, the Sheriff shall levy upon the lands of the delinquent, or any part thereof: he shall notify the delinquent of such levy, and of the day and place of sale, by service of a notice, stating those particulars, on him personally. If the delinquent cannot, by reasonable diligence, be found in the County, but has a known agent therein, and his own address is known, or can by reasonable diligence be ascertained, the notice shall be delivered so such agent, and shall also be mailed, post-paid, to the address of the delinquent. If the delinquent has no known agent in the County, or his address cannot, with

reasonable diligence, be ascertained, the Sheriff shall publish a notice, substantially as above described, at the Court House door and two other public places, and also in some newspaper published in the County where the land is situated, and if there be no newspaper published in the County, then in the nearest newspaper. The notice shall be served or published as aforesaid, at least thirty days before the sale of the land. The sale shall be made at the Court House of the County in which the land lies, and shall be on one of the days prescribed for sales under execution, and shall be conducted in all respects as sales under execution are. If the delinquent resides out of the County, and his address be known, the Sheriff, within one month after the sale, shall mail to him notice of the sale, and of the date thereof, of the name and address of the purchaser, of the sum bid, and of the amount of taxes and costs to be paid by him as a condition of his redemption.

Notice, how given

Where sale to take place.

SEC. 30. *Who is to be the Purchaser, and what he shall pay:*

The highest bidder shall be the purchaser: he shall immediately pay to the Sheriff the amount of taxes and cost due by the delinquent: the Sheriff shall give him a receipt, stating the sum paid and upon what amount, and describing the property, and shall cause the same to be recorded by the Register of Deeds.

Highest bidder purchaser, &c.

SEC. 31.

If no one will bid for any piece of real property the amount of the taxes assessed thereon, and the charges of sale, the Sheriff shall bid off the property for the State, and upon proving the fact, and tendering to the Auditor of the State a deed to the State, for the property, duly registered in the County in which it lies, shall have credit for the amount of such tax and charges; the deed shall be deposited by the Auditor with the Secretary of State. The property so purchased by the State, shall be under the control of the Board of Education, and be held for the purposes, and under

When Sheriff to bid off property.

To be under control of Board of Education.

the powers, for which the swamp lands of the State are now held. Lands so sold may be redeemed as other lands sold for taxes are allowed to be.

SEC. 32. *The delinquent may redeem the Property within twelve months :*

Delinquent may
redeem. &c., within
12 months.

The delinquent may retain the possession of the property for twelve months after the sale, and within that time may redeem it by paying or tendering to the purchaser the amount paid by him, and twenty-five per cent. in addition thereto. If the purchaser shall accept the sum so tendered, he shall give a receipt therefor: if he shall refuse, the delinquent may pay the same to the Clerk of the Superior Court for the County, for the use of the purchaser, and the Clerk shall give a receipt therefor: such payment shall be equivalent to payment to the purchaser. The delinquent may cause the receipt of the purchaser, or of the Clerk, to be registered and the Register of Deeds shall refer to such registration in the margin of his registration of the receipt from the Sheriff to the purchaser; after the payment to the purchaser, or to the Clerk, for his use as aforesaid, his rights under the purchase shall cease. No sale of the property by the purchaser, or by the delinquent, within the twelve months, shall convey to their respective vendees, any other rights or estates than the parties themselves possess.

SEC. 33. *If the delinquent fails to redeem :*

When purchaser
may pay residue.

If the delinquent shall fail to redeem as prescribed in the preceding section, the purchaser may, within eighteen months after the purchase, pay to the Sheriff the residue of the sum bid by him, together with the interest thereon at the rate of one per centum per month, from the expiration of the twelve months, next succeeding the sale to the day of payment, and demand a deed. The Sheriff shall receive the money for the use of the delinquent and make the deed; the Sheriff shall be entitled to retain from the money so paid, for his trouble in the premises, five dollars, and the

Sheriff to receive
money and make
deed.

residue he shall pay to the delinquent, on demand. The deed from the Sheriff to the purchaser shall be registered within six months, and when so registered shall convey to the grantee therein all the estate in the premises, which the delinquent had, at the time of the sale for taxes.

Deed to be registered.

SEC. 34. *When State Taxes to be paid by Sheriff:*

On or before the fifteenth day of December in each year, every Sheriff shall return, on oath, to the Auditor of the State, an account of taxes collected by him, adding the sum apparently due from the tax list, the amounts collected for penalties from delinquents. He shall be allowed to deduct from the sum as returned:

Sheriff to return to Auditor on oath.

1. The amount of taxes charged against any person whom the Clerk of the Commissioners shall certify to have appealed from a decision of the Commissioners respecting his liability and to have given the bond required: *Provided*, That the Clerk of the Court to which the appeal was taken shall certify that it is pending and undecided. The sum so unliquidated shall be carried forward by the Auditor as a charge against the Sheriff on his next year's account, from year to year, until the decision of the appeal, after which they shall be collected and paid or balanced, if the final decision be in favor of the appellant.

Amount of taxes against persons appealing.

Proviso.

2. All poll taxes and taxes on personal property certified by the Commissioners of the County, through their President or Clerk, to be insolvent and uncollectable.

3. Five per centum commissions on the amount collected, and traveling expenses to and from the City of Raleigh, at the rate of ten cents per mile, by the usual route of travel.

4. All payments duly made upon the order of the Auditor of the State.

SEC. 35. *Penalty on Sheriffs for failure to account:*

If any Sheriff shall fail to account and pay as is required in the preceding section, he shall forfeit and pay to the State one thousand dollars, and it shall be the duty of the Auditor

Penalty on Sheriff for failure to account.

of the State to furnish the Solicitor of the Judicial District, in which the County of Wake is, a copy of the bond of the Sheriff, and a certificate setting forth the sum which appears to be due from the Sheriff by the tax list filed in his office, and that the same, or a certain sum thereof, as the fact may be, is unpaid. The Solicitor shall thereupon immediately cause an action to be brought in the Superior Court of Wake County, upon the bond of the Sheriff, against him and his sureties, for the sum so certified to be due, and also for the penalty aforesaid, and the copy of the bond and certificate of indebtedness shall be *prima facie* evidence of the right of the State to recover. The complaint and other pleading shall be deemed to be sworn to for the purpose of requiring the defendants to verify their pleadings by oath. If any Sheriff shall fraudulently and corruptly fail to account and pay, in addition to the penalty provided in this section, such defaulting Sheriff shall be liable to be prosecuted as for a felony, and, on conviction, shall be imprisoned in the Penitentiary for not less than one, nor more than five years. In the prosecution of any defaulting Sheriff, any lawful evidence of his appointment as Sheriff shall be competent, but the certificate of the Auditor setting forth the sum which is due from the tax list filed in his office, and that the same or a certain sum thereof is unpaid, shall be *prima facie* evidence against such Sheriff as a defalcation in the duties of his office, on his trial.

When Sheriff shall
be prosecuted.

SEC. 36. *Sheriff's to pay County Taxes, when :*

When Sheriff to
pay County taxes.

The Sheriff shall pay the County taxes to the County Treasurer or other lawful officer ; he shall at no time retain in his hands over three hundred dollars, for a longer time than ten days, under a penalty of one per centum per month to the County upon all sums so unlawfully retained. On or before the first day of January in each year, the Sheriff shall account with the County Treasurer or other lawful officer, for all taxes, which have been or might and ought to have been collected by him for the County during the

fiscal year. He shall be charged with the sums appearing by the tax list as due for County taxes, and shall be allowed to deduct therefrom, as is prescribed in section thirty-three, respecting his settlement of State taxes.

SEC. 37. *County Commissioners to appoint a Committee to assist in settlement :*

The County Commissioners, at the last regular or other subsequent meeting in each year, shall appoint one or more of their number to be present and assist at the accounting and settlement between the Sheriff and the County Treasurer, provided for in next preceding section, and also to audit and settle the accounts of the County Treasurer, and of all other County officers authorized to receive or disburse the County funds. The accounts so audited shall be reported to the County Commissioners, and when approved by them, shall be filed with their Clerk and recorded on his book, and shall be *prima facie* evidence of their own correctness, and impeachable only for frauds or specified error.

Commissioners to
appoint Committee
to settle with Sheriff

SEC. 38. *Penalty of Sheriff's for failing to account :*

In case the Sheriff of any County shall fail, neglect or refuse to account with the County Treasurer and assistant Committee as above required, or to pay what may be rightfully found due on such accounts, he shall forfeit and pay to the State, for the use of the County, a penalty of five hundred dollars. It shall be the duty of the County Treasurer, and if he neglect or refuse to perform it, of the President of the County Commissioners to cause an action to be brought in the Superior Court of the County, on the bond of the Sheriff, against him and his sureties, to recover the amount owing by him and the penalty aforesaid. If the Sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon, in like manner and with the same penalties imposed for such criminal defalcation in section thirty-five.

Penalty of Sheriff
on failure to account.

SEC. 38. *Other County officers, when to account, and penalty for failure :*

Other officers, and penalty for failure.

In each year the County Treasurer shall give three days' notice to all County officers (except the Sheriff) authorized to receive or disburse the County funds, to appear at the Court House of the County on a certain day, during the first ten days in January, before him and the Committee appointed by the County Commissioners, and present an account of all sums received or disbursed by them, for the County, with their vouchers; and any officer failing to attend and account, shall be deemed guilty of a misdemeanor. The accounts when audited shall be reported to the County Commissioners at their next meeting, and if approved by them, shall be filed with their Clerk and recorded in the book of their proceedings, together with their approval and shall be deemed *prima facie* correct.

SEC. 40.

This act shall go into effect upon the ratification of any act, which shall be passed by the General Assembly, levying a tax on property.

Ratified the 13th day of March, A. D. 1869.

CHAPTER LXXV.

AN ACT TO TRANSFER CASES FROM THE DOCKET OF THE LATE CRIMINAL COURT IN CRAVEN COUNTY TO SUPERIOR COURT OF THE SAME.

Clerk of Criminal Court directed to transfer.

SECTION 1. *The General Assembly of North Carolina do enact*, That the late Clerk of the Criminal Court in Craven County, be and he is hereby authorized and directed to transfer all the cases on the docket of said Court pending on the eleventh day of August, Anno Domini eighteen

hundred and sixty-eight, the day said Court was abolished by the General Assembly, to the Superior Court of Craven County on or before the first day of August, eighteen hundred and sixty-nine.

SEC. 2. The Superior Court of Craven County shall have jurisdiction of all causes transferred from the late Criminal Court in Craven County to said Superior Court.

SEC. 3. The Clerk as aforesaid, for such transfer, shall have the same fees as are provided and prescribed in title XVII, section four hundred, of the Code of Civil Procedure for the transfer of causes depending in the late County or Superior Courts of law of said County of Craven.

Clerk's fees.

SEC. 4. This act shall take effect from its ratification.

Ratified the 15th day of March, A. D. 1869.

CHAPTER LXXVI.

AN ACT SUSPENDING THE CODE OF CIVIL PROCEDURE IN CERTAIN CASES.

SECTION 1. *The General Assembly of North Carolina do enact*, That all civil actions shall be commenced by the issuing a summons.

Actions, how commenced.

SEC. 2. The summons shall run in the name of the State, be signed by the Clerk of the Superior Court having jurisdiction to try the action, and under the seal of the Court, and shall be directed to the Sheriff of the County in which the defendant resides or may be found. It shall be returnable to the regular term of the Superior Court of the County where the plaintiffs, or one or more of them, or the defendants reside, and shall command the Sheriff, or other proper officer, to summons the defendant to appear at the next ensuing term of the Superior Court and answer the complaint of the plaintiff, and shall be dated on the day of its

The summons.

issue. The officer to whom the summons is addressed shall note on it the day of its delivery to him, and shall execute it at least ten days before the beginning of the term to which it shall be returnable, and shall return it on the first day of the term.

Plaintiff to file
complaint, &c.

SEC. 3. The plaintiff shall file his complaint in the Clerk's office on or before the third day of the term to which the action is brought, otherwise the suit shall, on motion, be dismissed by the Court at the cost of the plaintiff.

Defendant shall
appear.

SEC. 4. The defendant shall appear and demur, plead or answer at the same term to which the summons shall be returnable, otherwise the plaintiff may have judgment by default, as is now allowed by law.

Issue to stand for
trial.

SEC. 5. The plaintiff shall join in the demurrer or reply to the answer at the same term to which such demurrer or answer may be filed: and that the issues, whether of law or fact, shall stand for trial at the next term succeeding the term at which the pleadings are completed.

Summons now in
hands of officers to
be returned, &c.

SEC. 6. That all writs of summons in civil actions now in the hands of the Sheriff or Clerk, shall be returned by said officers to the next term of the Superior Court, and such writs, together with all writs of summons in civil actions heretofore returned in which no final judgment has been rendered, shall be placed by the Clerk on the Docket of the Superior Court at the next ensuing term, and the pleadings in such actions shall be conducted according to the rules prescribed in this act: *Provided*, That all civil actions in which issues have been joined, shall stand for trial at spring

Proviso.

Further proviso.

term eighteen hundred and sixty-nine: *Provided further*, That issues of law or of fact, which have been joined in pursuance of law and ordinances heretofore passed and known as "stay laws," shall be considered as having been illegally joined, and all such actions shall be placed upon the appearance dockets at spring term, eighteen hundred and sixty nine, by the Clerks of Superior Courts, and the pleadings therein shall be made up an issue joined at said term as provided in this act, unless in any County the time

of said term shall have passed, in which case such action shall be placed upon the trial docket at fall term, eighteen hundred and sixty-nine.

SEC. 7. No sale of any property, real or personal, under executions issued from any Court in this State, shall be valid to pass title, unless the property, whether real or personal, shall bring three-fourths of the value thereof, and on return of such executions, the Sheriff or other officer shall make return of the amount bid for the same, and whether the amount was equal to three-fourths of such value.

When sale is valid.

SEC. 8. In order to ascertain the value of the property exposed to sale, under the preceding section, it shall be the duty of the creditor and debtor each to choose one appraiser, who shall be a citizen of the County in which the property is situated, to examine and appraise the property to be exposed to sale under execution, and shall certify such appraisement to the Sheriff or other officer; and in case such appraisers shall not be able to agree upon the valuation of any property, they shall choose a third person, and the appraisement of the three or a majority of them shall be taken as the true value thereof, and in case either party fail to make the choice, the Sheriff shall make the selections for him or them. Such appraisement, certified as before directed, shall be returned by the Sheriff with the execution to the Court from which it issued: *Provided*, That no proceedings under this section shall prejudice the lien of any creditor, or discharge the Sheriff from any liability for the safe keeping of any such property.

How value of property ascertained

Proviso.

SEC. 9. That no property shall be sold under any deed of trust or mortgage, until the debts secured in said deed of trust or mortgage, are reduced to judgments according to the provisions of this act.

When property under deed of trust may be sold.

SEC. 10. All executions shall be tested as of the term next before the day on which they issued, and shall be returnable to the term of the Court next after that from which they bear test: *Provided*, That no sale of property under execution upon judgment obtained at fall term, eighteen hun-

Executions to be listed.

Proviso.

dred and sixty-nine, shall be made until thirty days before spring term, eighteen hundred and seventy.

SEC. 11. The provisions of this act shall not apply to proceedings by attachment.

Nothing in this act shall operate to repeal Code of Civil Procedure.

SEC. 12. Nothing in this act shall operate to repeal the provisions of the Code of Civil Procedure, which allow defendants to be arrested and held to bail in certain cases.

SEC. 13. All laws and clauses of laws inconsistent with the provisions of this act are suspended until the first day of January, Anno Domini eighteen hundred and seventy-one; and this act shall be in force from and after its ratification, and shall continue in force until the first day of January, eighteen hundred and seventy-one.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXXVII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO MAKE BANK BILLS A SET OFF.

Act of August 22, 1868, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act to make bank bills a set off, ratified the twenty-second day of August, Anno Domini eighteen hundred and sixty-eight, be so amended as to apply to judgments and executions which may have been obtained on any debt due any of the banks mentioned in the aforesaid act.

Who entitled to benefit of this act.

SEC. 2. That when any person shall have given his or her note or bond, since the first of May, eighteen hundred and sixty-five, to any of said banks, the consideration of which was specie, they shall not be entitled to the benefit of this act, or the one to which this is amendatory.

SEC. 3. The provisions of section one in this act, shall apply to all cases where such notes or bonds are given to

any President, Cashier or other person, for the benefit or interest of such banks, and also in all cases when any note or bond has been given in lieu of any note or notes, bond or bonds, to any banking association, or for the benefit of the same.

SEC. 4. The remedy under this act may be plea of set off, Remedy may be by injunction. or by injunction, as the case may require.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXXVIII.

AN ACT TO AUTHORIZE JONATHAN MANN, LATE SHERIFF OF STANLY COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEARS EIGHTEEN HUNDRED AND SIXTY-SIX AND EIGHTEEN HUNDRED AND SIXTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That Jonathan Mann, late Sheriff of Stanly County, be allowed to collect the arrears of taxes due him for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven: *Provided*, That this act shall not continue in force after the first day of November, Anno Domini eighteen hundred and sixty-nine: *Provided further*, That no person shall be compelled to pay any taxes authorized by this act to be collected, who will swear that they have paid their taxes for the years eighteen hundred and sixty-six and eighteen hundred sixty-seven. Authorized to collect arrears of taxes.

Proviso.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXXIX.

AN ACT IN RELATION TO PROPERTY BELONGING TO THE BOARD
OF EDUCATION.

No sale of swamp
lands to be made
except by authority
of General Assem-
bly.

SECTION 1. *The General Assembly of North Carolina do enact*, That no sales of swamp lands, stocks or other property appropriated to the cause of education, shall be made, except by the authority of the General Assembly, on such terms as shall be prescribed by law, and all laws in conflict with this act are hereby repealed.

SEC. 2. This act shall go into effect from and after its ratification.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXXX.

AN ACT FOR THE RELIEF OF THE SECURITIES OF S. A. WARREN,
LATE SHERIFF OF THE COUNTY OF NORTHAMPTON.

May collect arrears
of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, The Sheriff of the County of Northampton is hereby authorized and directed to collect arrears of taxes due for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, under the same rules, regulations and penalties as are prescribed by law for the collection and disbursement of other taxes: *Provided*, Said Sheriff shall not be allowed to collect taxes from any person who will swear such tax has been paid, nor from the estate of any deceased person, who has died since the tax become due from the late Sheriff.

SEC. 2. The money collected under and by virtue of this act shall be placed to the credit of Samuel A. Warren, late

Sheriff of Northampton, on the tax list for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

SEC. 3. This act shall go into effect from its ratification.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXXXI.

AN ACT RELATIVE TO THE WESTERN TURNPIKE ROAD, LEADING FROM ASHEVILLE WESTWARD TO MURPHY, AND THENCE BY SEPARATE ROUTES TO THE GEORGIA AND TENNESSEE LINES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners in the Counties of Buncombe, Haywood, Jackson, Macon and Cherokee, or a majority of them in said Counties, shall, on or before April first, eighteen hundred and sixty-nine, divide such portion of the Western Turnpike Road as lies in their respective Counties, into lots or parcels of convenient length, and appoint for and over each of such lots one overseer, and allot by names to each of said overseers all such persons, liable to do labor or service on the public roads, as they may deem right and proper: such persons shall reside on or near said Road, and shall not be required to do work on any other public road. But the laborers shall be taken collectively, of whom equal labor shall be required, and no discrimination shall be made on account of race, color, or previous condition.

Commissioners to divide Road into convenient lots.

SEC. 2. That no overseer shall be required to serve beyond the first of February ensuing, in the year after his appointment, and that the Commissioners aforesaid shall, at their first regular meeting in each and every year, appoint another overseer, and if necessary re-allot the laborers on the several divisions.

To appoint overseers.

When liable to fines, &c.

SEC. 3. That if any person, allotted as above, shall fail or refuse to labor on said Road, when notified by an overseer verbally or otherwise, such person shall be liable to such fines or penalties as are or may be prescribed by the laws of the State for such failure or refusal to be recovered in the ordinary way.

Overseers guilty of misdemeanor.

SEC. 4. That if any overseer on or over said Road shall, for the space of six continuous days, fail or neglect to keep each and every part of his allotment in a good and passable condition, he shall, for each and every such negligence, be deemed guilty of a misdemeanor, and, on conviction, pay a fine of ten dollars.

Power and authority of Commissioners.

SEC. 5. The Commissioners aforesaid are hereby authorized, empowered and required, on or before the first day of April, eighteen hundred and sixty-nine, to establish toll gates in their respective Counties, on the line of said Road, at the following places, and no others, to-wit: one gate at or near the bridge on French Broad River, in Buncombe County; one at or near Pigeon River, in Haywood County; one at or near Tuckasege River, in Jackson County; one at or near Tennessee River, in Macon County; one at or near Nantahala River, in Macon County, and one at or near Murphy, in Cherokee County.

When toll not required.

SEC. 6. No person shall be required to pay toll in the County in which he resides.

Tolls to be levied, &c.

SEC. 7. The tolls to be levied under this act shall be levied according to the present schedule of tolls on said Road, never to exceed the present rates, but may be increased or diminished by the Commissioners in their respective Counties, at any regular meeting, *pro rata*: *Provided*, That the Commissioners in any County, at a regular meeting, may double the maximum of tolls when it is necessary to raise funds to erect a new bridge: *And provided further*, That nothing in this act shall be construed to hinder the levying of any tax to build or aid in building any bridge.

Proviso.

SEC. 8. Tolls collected at the aforesaid gates shall only be used in the repairing or building of bridges, except in the Counties of Jackson, Macon and Cherokee; the Commissioners in said Counties may, in their discretion, apply such sums, and in such manner as they deem proper, to aid in keeping said Road in repair across Cowee and Nantahala Mountain, and on the western side of Valley River Mountain.

How tolls to be used.

SEC. 9. The Commissioners in each of said Counties are further authorized and directed to appoint on or before the first day of April, eighteen hundred and sixty-nine, and at the first regular meeting in each and every year thereafter, one gate keeper for each gate in their respective Counties, who shall be allowed twelve and one half per cent. on the gross amount of tolls received at the gates respectively as a compensation for services. And further, the Commissioners aforesaid shall, in their respective Counties, at the time specified in this section, fix the rates of toll for the current year, so as, by estimation, to collect such sum or sums as they may deem necessary to build, aid in building, or to keep in good repair, the bridges in their respective Counties on said line of Road.

Commissioners to appoint gate keeper

To fix rate of toll.

SEC. 10. The gate keepers shall, on the first day of July and October, eighteen hundred and sixty-nine, and on the first day of January, April, July and October, in each and every year thereafter, under oath, account with and pay over to the County Treasurer in their respective Counties such sum or sums as they may respectively receive, less twelve and one-half per cent., taking the Treasurer's receipt for the same, and deliver to the Register of Deeds all such receipts, who shall charge the Treasurer with the sums thereof, as items of County tax, and the Treasurer shall be answerable on his official bond for the sum of all such receipts.

Gate keeper to account and pay over.

SEC. 11. The gate-keepers are hereby made the agents of the Commissioners, in their respective Counties, to let to contract, when directed, the repairing and building of bridges on said Road.

Gates keepers, agents, &c.

Contracts, &c.

SEC. 12. All contracts for building and repairing bridges shall be let to the lowest bidder, those for repairing at outery.

SEC. 13. All contracts where the sum exceeds fifty dollars shall be in writing, signed by a gate keeper, as agent of the Commissioners, and by the contracting party.

SEC. 14. The County Commissioners, in all questions arising under this act, may sue and be sued in their corporate capacity.

Office of agent abolished.

SEC. 15. The office of agent, and all other offices appertaining to this Road, created by any previous law of the State, are hereby abolished.

SEC. 16. The acting overseers of said Road shall be continued until April first, eighteen hundred and sixty-nine, and required to work their allotted portions of the Road as heretofore, and under existing penalties.

Preset gatekeepers and gates continued

SEC. 17. The present gate-keepers and gates shall be continued until April first, eighteen hundred and sixty-nine, when the gates shall be abolished, and the gate-keepers shall settle with their respective County Treasurers, and pay to them all tolls, less their commissions as now allowed by law, which shall be gathered in after the ratification of this act.

Persons to be deemed guilty of a misdemeanor.

SEC. 18. Any and all persons liable to pay toll under the provisions of this act, and failing or refusing so to do, shall be deemed guilty of a misdemeanor, and for each offense, upon conviction, shall pay a fine of ten dollars.

Conflicting laws repealed.

SEC. 19. All laws and parts of laws coming in conflict with this act be and the same are hereby repealed.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXXXII.

AN ACT TO TRANSFER TO THE COUNTY OF MONTGOMERY THAT PORTION OF THE FAYETTEVILLE AND ALBEMARLE PLANK ROAD THAT IS INCLUDED WITHIN THE LIMITS OF MONTGOMERY COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That all the interest of this State in that portion of the Fayetteville and Albemarle Plank Road which is included in the limits of the County of Montgomery be, and the same is hereby transferred to the County of Montgomery, on condition that the Commissioners of said County shall keep up, as a public road, the portion of road transferred by this act.

Interest of State transferred.

SEC. 2. All laws or part of laws or acts conflicting with this act are hereby repealed.

Conflicting laws repealed.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXXXIII.

AN ACT TO AUTHORIZE THE LATE SHERIFF OF YADKIN COUNTY TO COLLECT THE ARREARAGES OF TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. C. Koughton, late Sheriff of Yadkin County, is authorized to collect the arrears of taxes due him for the years eighteen hundred and sixty six and eighteen hundred and sixty-seven.

To collect arrears of taxes.

SEC. 2. That no tax-payer shall be compelled to pay said tax if he makes oath before some Justice of the Peace for said County, that he has paid said tax and lost his receipt for the same.

SEC. 3. This act shall be in force from and after its passage to the first day of January, eighteen hundred and seventy.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXXXIV.

AN ACT TO EMPOWER W. T. RHODES, R. M. ORRELL AND OTHERS TO REMOVE OBSTRUCTIONS OUT OF THE CAPE FEAR RIVER BETWEEN FAYETTEVILLE AND NORTHINGTON'S DAM.

Preamble.

WHEREAS, There are in the Cape Fear River, between Fayetteville, in Cumberland County, and Northington's Dam, in Harnett County, dams at the following named places: Silver Run and Red Rock, which are severally obstructing navigation for boats and rafts; and, whereas, no use can be made of said old dams to any Company who may wish to make slack water navigation by reason of the already broken down condition of these dams from driftwood, and in their present condition are dangerous to life and property, to those who are compelled to use the run as a means of outlet for their produce, and are therefore severally damaging the section of country necessarily depending upon the river for an outlet.

Rhodes and Orrell authorized to remove obstructions, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That Wylie T. Rhodes, R. M. Orrell and such others as may be appointed, are hereby authorized and empowered to remove the said obstructions, or so much of them

as will afford a safe and expeditious navigation at those places.

SEC. 2. This act shall take effect and be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXXXV.

AN ACT TO INCORPORATE THE YELLOW MOUNTAIN BRIDGE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. P. Moore, Joseph Hunter, C. D. Giles, Sidney Conley, Allen Conley, A. J. Gimpsey, Joshua Gibbs, Alphonzo McGimpsey, Wm. B. Avery, Thomas Parks, Robert Patton, B. A. Siske, Henry Kincaid, Joseph Benfield, John Collet, W. M. Winters, J. J. Erwin, E. J. Harden, Aaron Kisley, Samuel Alexander and A. C. Avery, their associates, successors and assigns, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the "Yellow Mountain Bridge Company," for the purpose of constructing a bridge across the Catawba River, at or within one mile of McDowell's Ford on said River in the County of Burke, and by that name they, their associates and successors shall have continual succession, and a common seal, and shall be capable of suing and being sued, pleading and being impleaded, of answering and being answered in all and every manner of actions, causes and complaints whatsoever, and by the corporate name aforesaid shall be capable of purchasing and holding real estate or the right of way therein, sufficient for a residence and grounds for a toll-keeper for the bridge and to rest the bridge upon and construct roads to said bridge from the public roads in said County.

Corporators.

ation.

por-

Powers.

Capital stock. SEC. 2. That the capital stock of said Company may be five thousand dollars or less, to be divided into shares of twenty-five dollars each, and in order to raise the amount necessary to construct said bridge, the parties named in the first section, or any six of the number may call a meeting at the Court House in Morganton at any time, on ten days' notice, and may order books to be opened at such points in Burke and adjacent Counties as they may think proper: and whenever the sum of one thousand dollars shall have been subscribed, any three of the parties named in the first section may call a meeting of the stockholders after notice of ten days, and a majority of the shares of stock being represented, either in person or by proxy, may proceed to elect six Directors, who shall choose from their own number a President and Treasurer, and said officers shall hold their positions till the first Thursday in January, after they shall have been chosen, and at said time in every year there shall be a regular meeting of stockholders for the election of Directors as aforesaid, and said Directors shall have power to make such by-laws and regulations for the government as their agents and employees, as they may deem necessary in order to secure their investments, subject, however, to the approval of the stockholders, who may be called together at any time by the Directors, and said Directors shall also have power to prescribe a permanent rate of tolls so soon as the bridge shall have been finished, and the rates so fixed shall not be increased without the consent of the County Commissioners of Burke County.

Subscription books to be opened.

First meeting.

Officers.

Annual meeting.

Rate of tolls.

Certificates of stock in payment of land, &c.

Land may be assessed.

SEC. 3. That the Board of Directors may issue certificates of stock in payment for such amount of land, or the right of way therein, as they may be authorized to purchase, at a price agreed upon with the owners, or in case no agreement can be made on account of unwillingness or want of legal capacity on the part of the owners, then the President of the Company may file a petition before the Commissioners of Burke County, who shall thereupon assess said land or the right of way therein, and upon tender or pay-

ment of the amount determined by them, still the party thereto entitled by law shall have power to convey said land or the right of way therein, to the President and his successors for the use of said Company.

SEC. 4. That the Commissioners of Burke County may subscribe half of the capital stock necessary to construct said bridge, provided a majority of the voters of Burke County shall so decide upon an election, ordered on thirty days' notice by the Commissioners, but in that event the said Commissioners shall have power to appoint three of the six Directors.

Commissioners
of Burke County
may subscribe stock

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXXXVI.

AN ACT IN REGARD TO PROCEEDINGS BEFORE MAGISTRATES.

SECTION 1. *The General Assembly of North Carolina do enact*, All writs of summons (on contracts entered into before the first of May, eighteen hundred and sixty-five,) for sums of two hundred dollars and under, shall be made returnable before Justices of the Peace, at the expiration of ninety days from the issuing thereof.

Writs returnable
to whom and when.

SEC. 2. On the return of such summons, the defendant shall be required to issue his pleas and make such defence to the action as he may desire, when the cause shall be ordered for trial, at the expiration of the ninety days next succeeding the return day of the summons.

Defendant re-
quired to enter
pleas.

SEC. 3. The defendant shall be at liberty to demand a jury of six men to try the issues thus made to appear at a day subsequent in the discretion of the Magistrate, which shall not be less than ninety days, when the cause shall be

Defendant at lib-
erty to demand jury,
&c.

tried, unless either party shall be unprepared for trial, in which case the Magistrate shall give, in his discretion, such further continuance, for not less than ninety days.

Right of appeal granted to either party.

SEC. 4. In case either party shall be dissatisfied with the judgment rendered by the Magistrate, such party shall have the right to appeal to the Superior Court of the County without security for the appeal, when the cause shall be docketed and stand for trial in its regular order, according to the course of the Court.

Stay of execution.

SEC. 5. The defendant shall be at liberty in any judgment before a Justice of the Peace, to have a stay of execution for six months, on giving security, to be judged of by the Magistrate, for the payment of the debt: *Provided*, That the security be given at any time within twenty days from the rendering of the judgment.

Proviso.

When executions returnable.

SEC. 6. All executions issued from judgments rendered under this act, shall be made returnable within ninety days, and no sale shall take place within less than sixty days from the issuing of the execution.

How summons returnable.

SEC. 7. All writs of summons issued since the first day of January, eighteen hundred and sixty-nine, upon judgment rendered on contracts made before the first day of May, eighteen hundred and sixty-five, shall be made returnable as writs of summons in like cases provided in the first section of this act.

Judgments rendered set aside and open for trial, &c.

SEC. 8. All judgments rendered on such contracts since January, eighteen hundred and sixty-nine, by any Magistrate, shall, on application of the defendant before the same or any other Magistrate, be set aside, and shall be open for pleading, trial, judgment and appeal, as in cases provided for in the first six sections of this act.

Magistrate to keep docket.

SEC. 9. It shall be the duty of the Magistrate to keep a docket of all such causes had before him, with proper entries, setting forth the various stages of the cause; and it shall be the duty of the Sheriff, or other officer, to make return before the Magistrate issuing the summons of all process in his hands, relating fully and truly his action on the process.

SEC. 10. The provisions of this act shall not apply to proceedings by attachment or arrest and bail. Not applicable to attachment, &c.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXXXVII.

AN ACT TO AUTHORIZE SAMUEL R. BUNTING, LATE SHERIFF OF
NEW HANOVER COUNTY, TO COLLECT ARREARS OF TAXES
DUE HIM.

SECTION 1. *The General Assembly of North Carolina do enact*, That Samuel R. Bunting, late Sheriff of New Hanover County, be, and he is hereby authorized to collect the arrearage of taxes due him in said County for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven: *Provided*, That said Samuel R. Bunting shall not collect taxes out of any tax-payer who may make affidavit before any Justice of the Peace, that he has formerly paid the taxes aforesaid, and has lost the receipt for the same. To collect arrears of taxes.

SEC. 2. The authority thus given to collect said taxes in the County of New Hanover by the said Samuel R. Bunting, shall cease from and after the first day of January, Anno Domini eighteen hundred and seventy. Cease first day of January, 1870.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXXXVIII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ANSON
TO LEVY A SPECIAL TAX.

For building jail,
&c. SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Anson County are hereby authorized to levy a tax on all property which is now taxed by the State, to such an amount as they may deem necessary on such property, to be collected as other taxes, and to be applied to the payment of debts contracted for building a Jail and Court House for said County: *Provided*, That the amount of said special tax shall not exceed fifteen thousand dollars.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXXXIX.

AN ACT TO INCORPORATE THE DAVIDSON RAIL ROAD COMPANY.

Corporators. SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing a Rail Road to be used and operated by steam, horse or other motive power from the Davidson Mine, or the Silver Valley Mine, in Davidson County, to the nearest practical and convenient point on the Silver Hill Rail Road, or the North Carolina Rail Road, S. S. Clayton, John T. Williams, James Crawford Nielson, John Endy, James Dnsenberry, Lewis Thomas and such other persons as they may associate with them, are declared to be a body politic and corporate, in fact and in law, under the name and style of "The Davidson Rail

Road Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said Company, and their successors and assigns in perpetuity and in that name shall have power to purchase, receive, hold, possess and enjoy, sell and convey real and personal estate, to have and use a common seal, alterable at their pleasure, to pass such by-laws, rules and regulations for their government, not inconsistent with the laws of this State, as may be necessary to carry into effect the objects and conduct the affairs of the corporation, may sue and be sued, plead and be impleaded, and shall have and enjoy all the rights of similar corporate bodies under the laws of this State, to survey and condemn land for right of way and all other purposes necessary to carry into effect the object of said Company, and shall generally have and possess all the rights, privileges and immunities, and be subject to the limitations and restrictions of corporate bodies under the laws of this State.

Corporate powers.

SEC. 2. That for the purpose of creating the capital of said Company, the persons named in the first section of this act, or a majority of them, may appoint Commissioners to open books of subscription at such places and times as they may deem expedient and under such rules as they may prescribe.

Commissioners to open books.

SEC. 3. That the capital of said Company shall be one hundred thousand dollars, and may be increased to three hundred thousand dollars whenever the said Company may direct, to be divided into shares of one hundred dollars each.

Capital stock.

SEC. 4. When the sum of ten thousand dollars shall have been subscribed to the capital stock of said Company by solvent subscribers, a general meeting of the stockholders shall be called by the said Commissioners, after due notice and such general meeting, a majority of the stock subscribers being present, either in person or by proxy, shall have power to appoint a Board of Directors and such other officers as they may desire, and to perform all other acts

General meeting.

Stockholders to appoint Directors.

and things necessary for their organization as a Company and to carry into effect the objects of this charter, and to continue its operations under the provisions thereof.

Process on President, Director or Agent to be deemed lawful notice.

SEC. 5. That one of the Board of Directors shall be a resident of Davidson County, and notice of process upon the President or any Director or acting agent of said Company, shall be deemed lawful notice of serving process on the Company.

Rates and fares.

SEC. 6. That said Company shall have the exclusive privilege of conveying and transporting over and along their Road persons or produce, merchandise, minerals and ores, and all such other things as are usually carried on Rail Roads in the State at such rates and fares for freight and passage as they may determine.

May connect road.

SEC. 7. That the said Company shall have the privilege of connecting their Road with the Road of the Silver Hill Rail Road Company, and of transporting in its own cars and by its own motive power on the Road of the Silver Hill Company, passengers at a rate not exceeding five cents per mile, and produce, merchandise, minerals, ores and all other things as are usually carried on the Rail Roads of this State at, the rate of five cents per mile, and that the Silver Hill Rail Road Company shall have the same privilege of transportation and at the same rates on the Road of the Davidson Company.

Absence of contract, lands are presumed to be granted &c.

SEC. 8. That in the absence of any contract with said Company in relation to the lands through which said Road may pass, it shall be presumed that the land upon which said Road may be constructed, together with the necessary space not exceeding one hundred feet on each side of the center of said Road, has been granted to the Company thereof, and said Company shall have good right and title thereto, and shall have, hold, and enjoy the same as long as the same shall be used for the purpose of said Road, and no longer, unless the owner of said land shall apply for an assessment of the value of said land, according to law, within two years next after that part of the Road, which

assessment may be applied for, &c.

may be upon said land, was finished, and in case the said owner, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land or having any assessments or compensation therefor: *Provided*, That nothing herein contained shall effect the rights of *femes covert* or infants until two years after the removal of their disabilities.

Proviso.

SEC. 9. That this act shall be in force and have effect from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER XC.

AN ACT AUTHORIZING THE NORTH WESTERN NORTH CAROLINA RAIL ROAD COMPANY TO RECEIVE SUBSCRIPTIONS IN LANDS, &C., TO THE CAPITAL STOCK OF THE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the North Western North Carolina Rail Road Company shall have the right to raise subscriptions of stock payable in real estate, at such prices and on such terms as may be agreed upon by the owner or owners of said lands and the Company aforesaid, and the title of said real estate shall be conveyed to said Rail Road Company, and said Company shall have the right to mortgage or sell said real estate on such terms as it may seem proper, and make title to the purchaser or purchasers thereon by deed of conveyance, in the name of said company, signed by the President thereof, under the seal of the Company.

Right to raise subscription payable in real estate.

SEC. 2. That all subscriptions of stock made by the County of Surry, or by citizens thereof to the capital stock of the First and Mount Airy Divisions of the North Western North Carolina Rail Road shall be applied as a

Subscriptions by Surry County.

credit for subscription of stock, make by the County of Forsyth, of the amount so subscribed to said Divisions of said Road: *Provided*, That the amount shall not exceed the sum of twenty-five thousand dollars.

Transfers.

SEC. 3. The subscription of stock taken by the County of Surry, when placed to the credit of the County of Forsyth, shall stand as a transfer of stock from the County of Forsyth to the County of Surry, and the stock thus subscribed shall be issued by the Company to the respective parties subscribing, in lieu of issuing the same to the County of Forsyth, upon such terms as may be agreed on by the Company.

Excess of loan by the State.

SEC. 4. When it shall appear that the sum loaned by the State, per mile, is more than sufficient to complete any one or more miles of Road the President may use the excess on miles requiring a larger amount than the State loan to complete the same: *Provided, however*, That the First and Mount Airy Division of said Road are each equally entitled to the same sum per mile of the State loan.

Supplemental to all other acts.

SEC. 5. This act is supplemental to all ordinances and laws passed up to this time that are now in force, authorizing and incorporating and aiding the North Western North Carolina Rail Road Company.

Allowed to elect twelve Directors.

SEC. 6. That the charter of the North Western North Carolina Rail Road Company is hereby so amended as to allow said Company to elect or appoint twelve Directors instead of ten.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER XCI.

AN ACT TO CONTINUE IN FORCE, AND AMEND AN ACT ENTITLED
AN ACT TO AUTHORIZE THE COUNTY OF CUMBERLAND, AND
THE TOWN OF FAYETTEVILLE, TO ISSUE BONDS FOR THEIR
INDEBTEDNESS, RATIFIED SECOND MARCH, EIGHTEEN HUN-
DRED AND SIXTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the provisions of the above recited act be, and are hereby continued in force, and that the authority vested by said act in the Justices of Cumberland County be, and the same is hereby vested in the County Commissioners of said County. Authority vested in County Commissioners.

SEC. 2. That the provisions of said act be, and are hereby extended to embrace all the indebtedness of said County to, and including the first day of January, eighteen hundred and sixty-nine.

SEC. 3. It shall be the duty of the County Commissioners foresaid, when they shall determine to issue the bonds provided for in this act, to assess and levy, in addition to the ordinary tax for defraying the expenses of the County, a tax sufficient to pay the interest on the bonds hereby authorized to be issued: *Provided*, That the action of the Commissioners ordered in this act shall not be valid, unless ratified by a majority of the qualified voters of the County. Tax to be levied.

SEC. 4. That this act shall be in force from its ratification.

Ratified the 24th day of March, A. D. 1869.

CHAPTER XCII.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A RAIL ROAD THROUGH THE COUNTIES OF GRANVILLE, PERSON, CASWELL, ROCKINGHAM, STOKES AND SURRY.

Governor to appoint Directors.

SECTION 1. *The General Assembly of North Carolina enact*, That for the purpose of establishing a communication by Rail Road, from some point on the Raleigh and Gaston Rail Road, passing through the Counties of Granville, Person, Caswell, Rockingham, Stokes, to Mount Airy, in Surry County, said Road to be entitled the "Eastern and Western Rail Road," the Governor is hereby authorized and directed, in behalf of the State, to appoint nine Directors.

President, Secretary and Treasurer.

SEC. 2. Whenever the Governor shall appoint said Directors mentioned in section one, he shall, as soon thereafter as practicable, order a meeting of the same: at which meeting they shall choose from their number one person as President, one as Treasurer and Secretary, and one as Superintendent.

Power to receive donations.

SEC. 3. In order to secure aid to the State in the completion of Eastern and Western Rail Road, the Directors shall have power to receive donations from private persons or from any incorporated company in lands, money, bonds or stocks.

Vacancies.

SEC. 4. The Governor shall fill any vacancy that may occur during the term of office of the Directors, which term shall never be longer than one year, unless re-appointed.

Secretary may sell lands.

SEC. 5. In case the donation shall be in land, the Secretary appointed by the Directors shall sell the same privately, or advertise and sell, as may be directed by the Directors.

Directors may borrow money.

SEC. 6. The Directors shall have power to borrow money to complete the Road, and to secure the payment thereof, may mortgage all the real estate, property and works; but

all such loans, mortgages and sales shall be expressly authorized by a majority vote of the Directors.

SEC. 7. The Directors may use any portion of said Road constructed before its final completion, and charge for transportation thereon. They may construct said railway across or along any public road: *Provided*, That if they obstruct any such public road, they provide another as good as that obstructed, and as near as practicable.

May use part of Road.

Proviso.

SEC. 8. That when any land shall be required for the construction of the Road, or for warehouses, water stations, workshops or depositories, or other buildings and offices, and from any cause the same cannot be purchased from the owner, the same may be taken by the Directors at a valuation to be ascertained as follows, viz: the Sheriff of the County, in which said land may lie, shall, at the request of the President of said Road, summon five freeholders of the same County, who shall ascertain the value, under oath to be administered to them by the Sheriff, they first deducting the enhanced value of the land caused by the Road from such valuation, and adding any particular loss or damage; and upon the payment or tender by the President of the amount so ascertained, the title of the property seized and so appraised shall immediately vest in the State: *Provided*, That either party may appeal to the Superior Court upon the question of the amount assessed: *And provided further*, That the President shall be entitled to condemn in this manner for the purpose of constructing the Road bed, not more than one hundred feet from the center thereof.

Land may be taken.

Proviso.

SEC. 9. That the State shall have the exclusive right to the use of this Rail Road, and the Directors the exclusive privilege of establishing the rates of freights and transportation.

Right of State to use Road, &c.

SEC. 10. That whenever a meeting of the Directors shall have been called, and a President elected, then upon the demand of the President and the approval of the Governor, the Public Treasurer is hereby instructed and directed to deliver to said President two millions of dollars in behalf of

State bonds, when delivered.

the State, in coupon bonds of the State at par, of the denomination of one thousand dollars each, dated April first, eighteen hundred and sixty-nine, and payable thirty years thereafter; bearing six per cent. interest, payable semi-annually, principal and interest payable in New York, said bonds to be signed by the Governor and countersigned by the Treasurer, and sealed with the great seal of the State.

Special tax to be levied.

SEC. 11. In order to provide for the payment of the interest which may accrue on the bonds issued as above-mentioned, there shall be annually levied and collected a special tax of one-twentieth of one per cent. on all the taxable property of the State, collectible and payable into the Treasury as other taxes.

Bonds, how used.

SEC. 12. That one-fourth part of the bonds mentioned in section ten of this act shall be used in building and equipping that part of the Road west of the Piedmont Road.

Guage of Rail Road.

SEC. 13. That the guage of said Rail Road track shall be the same as that of the North Carolina Rail Road.

Repealing clause.

SEC. 14. All laws in conflict with this act are hereby repealed.

SEC. 15. This act shall be in force from and after its ratification.

Ratified the 24th day of March, A. D. 1869.

CHAPTER XCIII.

AN ACT TO PROVIDE THE PROCEDURE IN SPECIAL PROCEEDINGS GENERALLY, AND IN APPLICATION FOR WIDOW'S YEAR'S SUPPORT, AND IN DOWER.

CHAPTER I.

PROCEDURE IN SPECIAL PROCEEDINGS GENERALLY.

SECTION 1. *When all the parties ask the same relief :*

If all the parties in interest join in the proceeding and ask the same relief, the commencement of the suit shall be by petition setting forth the facts entitling the petitioners to relief, and the nature of the relief demanded.

When all parties ask same relief.

SEC. 2. *In what cases the Clerk may hear summarily :*

In such cases, if all persons to be affected by the decree, or their Attorney, shall have signed the petition, and they be of full age, the Clerk of the Superior Court shall have power to hear the petitions summarily, and to decide the same if either or any of the petitioners shall be residing out of the State, an authority from him or them, to the Attorney, in writing, must be filed with the Clerk, before he shall make any order or decree to prejudice their rights.

In what cases Clerk may hear summarily.

SEC. 3. *If any of petitioners are infants, Judge must revise order.*

If any of the petitioners be an infant, or the guardian of an infant acting for him, no order or judgment of the Clerk, affecting the merits of the case, and capable of being prejudicial to the infant shall be valid, unless submitted to, and approved by, the Judge of the Court in or out of term.

If any petitioners are infants.

SEC. 4.

Special proceed-
ings.

When special proceedings are had against adverse parties, they shall be commenced as is prescribed for civil answers.

SEC. 5. *Every order, &c., by Judge to be signed by him :*

Orders, &c.

Every order or judgment, whether in a civil action or a special proceeding, which is required to be made by a Judge of the Superior Court, either in or out of term, shall be authenticated by his signature.

SEC. 6. *What parts of Code of Civil Procedure applicable:*

What parts of
Code of Civil Proce-
dure applicable.

Both in respect to proceedings on petitions in which all the parties in interest join as petitioners and to special proceedings between adverse parties, the following portions of the Code of Civil Procedure except as modified by special provisions in particular proceedings, shall be applicable as far as they can be, without prejudice to right and justice, and without inconvenience, to-wit: Titles one, two, three, four, five, six, seven; title eight, except sections one hundred and twenty-four and one hundred and twenty-five; titles nine, ten; title eleven, except so much of section two hundred and fifty-eight as limits the kinds of executions to three. In special proceedings the judgment may be, that the parties, or any of them, shall do, or omit to do, any act according to the right and justice of the case; and upon such judgment the execution may issue, conformable thereto and be enforced as provided in section two hundred and fifty-seven of the Code of Civil Procedure. Titles twelve, thirteen, fourteen, fifteen, sixteen, seventeen and twenty-one, sections four hundred and thirteen and four hundred and fourteen of title eighteen.

SEC. 7. *Reports set aside for trivial defects :*

No report set
aside for trivial de-
fects.

No report or return made by any Commissioners shall be set aside, and sent back to them, or others for a new report, by reason of any defect or omission not affecting the

substantial rights of the parties, but such defect or omission may be amended by the Court, or by the Commissioners, by permission of the Court.

CHAPTER II.

PROCEEDINGS BY A WIDOW TO RECOVER A YEAR'S SUPPORT.

SEC. 8. *What widows entitled to a year's support :*

Every widow of a deceased intestate, or of a testator from whose will she has dissented, shall be entitled, besides her distributive share in her husband's personal estate, to an allowance therefrom, for the support of herself and her family for one year after his decease.

Widow entitled to support, &c.

SEC. 9. *From what assigned :*

Such allowance shall be assigned from the crop, stock, and provisions of the deceased in his possession, at the time of his death, if there be a sufficiency thereof in value, and if there be a deficiency, it shall be made up by the personal representative from the personal estate of the deceased.

From what assigned.

SEC. 10. *Value of the allowance :*

Except in cases in which a larger allowance is hereinafter provided for, the value of a year's allowance shall be three hundred dollars, and one hundred dollars in addition thereto for every member of the family besides the widow.

Value of allowance.

SEC. 11. *Family defined :*

The family of the deceased, for the purposes of this act, shall be deemed to be, besides the widow, every child, either of the deceased or of the widow, and every other person to whom the deceased or widow stood in place of a parent, who was residing with the deceased at his death, and whose age did not then exceed fifteen years.

Family defined.

SEC. 12. *Duty of the Administrator, &c., to assign :*

Duty of administrator, &c.

It shall be the duty of every administrator, collector, or executor, or executor of a will, from which the widow of the testator has dissented on application in writing, signed by the widow of such intestate or testator, at any time within one year after the decease of the husband, to assign to her in the manner prescribed in this act, to the value herein prescribed, deducting therefrom the value of any articles consumed by the widow and her family since the death of her husband to the time of the assignment.

SEC. 13. *How value of articles assigned to be ascertained :*

Value of articles assigned to be ascertained.

The value of stock, crop and provisions assigned to the widow, as well as that of the articles consumed, shall be ascertained by a Justice of the Peace and two persons qualified to act as jurors of the County in which administration was granted or the will was proved.

SEC. 14. *Personal representative to apply to Justice, &c.:*

Personal representative to apply to justice.

Upon the application of the widow, the personal representative of the deceased shall apply to a Justice of the Peace of the Township in which the deceased resided, or of some adjoining Township, to summon two persons qualified to act as jurors, who, having been sworn by the Justice to act impartially, shall with him ascertain the number of the family of the deceased according to the foregoing definition and examine his stock, crop and provision on hand and assign to the widow so much thereof as will not exceed the value limited in section ten of this act, subject to the deduction prescribed in section twelve of this act. The Commissioners shall put the widow in possession severally of the articles assigned to her.

Widow put in possession of articles.

SEC. 15. *Duty of the Commissioners :*

Duty of the Commissioners.

The Commissioners shall make and sign three lists of the articles assigned to the widow, stating the quantity and value of each, the number of the family, and the deficiency

to be paid by the personal representative. One of these lists shall be delivered to the widow, one to the personal representative, and one returned by the Justice, within twenty days after the assignment to the Superior Court of the County, and the Clerk shall file and record the same and enter judgment against the personal representatives, to be paid when the assets shall come into his hands, for any residue found in favor of the widow.

SEC. 16. *Appeal may be taken to Superior Court :*

The personal representative, or the widow, or any creditor or legatee, or as distributee of the deceased, may appeal from the finding of the Commissioners to the Superior Court of the County, and cite the adverse party to appear before such Court on a certain day, within ten days from the assignment.

Appeal may be taken.

SEC. 17. *Duty of Appellant :*

At or before the day named, the appellant shall file with the Clerk, a copy of the assignment and a statement of his exceptions thereto, and the issues thereby raised shall be decided by the Court as other issues are directed to be ; when the issues shall have been decided, judgment shall be entered accordingly, if it may be without injustice, without remitting the proceedings to the Commissioners.

Duty of appellant.

SEC. 18. *Sum allowed to Widow to be credited to Executor, Widow, &c., unless impeached for fraud :*

Upon the settlement of the accounts of the personal representative, he shall be credited with the articles assigned, and the value of the deficiency assessed as aforesaid, if the same shall have been paid, unless the allowance be impeached for fraud or gross negligence in him.

Sum allowed to widow to be credited to executor, widow, &c., unless impeached for fraud

SEC. 19. *When above allowance shall be in full :*

If the estate of a deceased be insolvent, or if his personal estate does not exceed two thousand dollars, the allowance

When allowance shall be in full.

for the year's support of his widow and her family shall not, in any case, exceed the value prescribed above; and the allowance made to her as above prescribed, shall preclude her from any further allowance.

SEC. 20. *When not in full:*

When not in full.

It shall not, however, be obligatory on a widow to have her support assigned as above prescribed, without applying to the personal representative of her deceased husband; or after an allowance shall have been made to her on her application in manner aforesaid, she may, at any time within one year after the death of her husband, apply to the Superior Court of the County in which the will was proved, or administration granted, to have [a year's support for herself and her family assigned to her.

SEC. 21. *Application to be made by summons, &c.:*

Application to be by summons.

The application shall be by summons, as is prescribed in section four of this act, in which the personal representative of the deceased, if there be one other than the plaintiff, the largest known creditor, or legatee, or some distributee of the deceased, living in the County, shall be made a defendant, and the proceedings shall be as prescribed in this act for special proceedings between parties.

SEC. 22. *What to be set forth in complaint:*

What to be set forth in complaint.

In her complaint the widow shall set forth, beside the facts entitling her to a year's support and the value thereof, as claimed by her, the further facts, that the estate of the deceased is not insolvent, and that the personal estate of which he died possessed exceeded two thousand dollars, and also whether or not she had an allowance made her, and the nature and value thereof; and if no allowance has been made, the quantities and values of the articles consumed by her and her family since the death of her husband.

SEC. 23. *What judgment shall be given :*

If the material allegations of the complaint be found true, the judgment shall be that she is entitled to the relief sought ; and the Court shall thereupon issue an order to the Sheriff or other proper officer of the County, commanding him to summon a Justice of the Peace and two indifferent persons qualified to act as jurors of the County, to assign to the plaintiff from the crop, stock, and provisions of the deceased, a sufficiency for the support of herself and her family, for one year from the death of her husband ; and if there be a deficiency thereof to assess such deficiency, to be paid by the personal representative from the personal assets of the deceased ; deducting, nevertheless, in all cases from such allowance the articles, or the value thereof consumed by the widow and her family before such assignment, and also any sum previously assigned to her.

What judgment shall be given.

SEC. 24. *Duty of Commissioners, how report returned :*

The said Commissioners shall be sworn by the Justice and shall proceed as prescribed in sections thirteen and fourteen of this act ; except that they may assign to the widow to a value sufficient for the support of herself and her family according to the estate and condition of her husband and without regard to the limitation in section ten of this act ; but the value allowed shall not in any case exceed the one half of the annual net income of the deceased for the three years next preceding his death. Their report shall be returned by the Sheriff, instead of by the Justice.

Duty of Commissioners, how report returned.

SEC. 25. *Party interested may except :*

The personal representative, or any creditor, distributee or legatee of the deceased, within twenty days after the return of the report, may file exceptions thereto ; the Plaintiff shall be notified thereof and cited to appear before the Court on a certain day, within twenty, and not less than ten days after service of the notice and answer the same, the case shall thereafter be proceeded in, heard, and decided

Exceptions may be filed in twenty days.

as herein provided for in special proceedings between parties.

SEC. 26. *If the report confirmed, what judgment and execution :*

If the report confirmed, &c.

If the report shall be confirmed, the Court shall so declare, and execution shall issue to enforce the judgment as in like cases.

SEC. 27. *Costs, how to be paid :*

Costs, how to be paid.

If the widow shall recover final judgment for a value greater than that mentioned in section ten of this act, or for an additional value after having received the value therein mentioned, it shall be in the discretion of the Court, to adjudge the whole or any part of the costs against the widow, the personal representative of the party excepting, as may seem just ; but if the widow shall fail to recover more than the value allowed by said section ten, computing as part of her recovery, any value which may have been assigned to her on her application, to her personal representative she shall pay the whole cost of the proceeding. If the personal representative shall have failed for thirty days after the widow's application, to have her year's support assigned to her, he shall pay the whole cost of her proceeding personally.

SEC. 28. *Fees of Commissioner and Sheriff :*

Fees of Sheriff, Justice and Commissioners.

The fees of the Justice, and Commissioners, and Sheriff each, shall be one dollar for the assignment ; the other fees and cost shall be as prescribed in other cases.

SEC. 29. *What acts repealed :*

What acts repealed.

Sections eighteen, nineteen, twenty and twenty-one of chapter one hundred and eighteen of the Revised Code are hereby repealed.

SEC. 30. *Year's Provisions heretofore laid off, validated:*

All the widow's year's provisions heretofore laid off by any Court or proceeding, since the present Constitution of the State was ratified, shall be and the same are hereby validated: *Provided*, The same are satisfactory to the parties.

Validation of
year's provisions.

SEC. 31. *Widows unprovided for, allowed to proceed under this act:*

Every widow, whose year's support has not been allowed and assigned to her by some Court or proceeding since the present Constitution was ratified, may proceed to have the same allotted to her under the provisions of this chapter, deducting for the time which has elapsed up to the date of such allotment.

Widow allowed
to have support al-
lotted, &c.

CHAPTER III.

PROCEDURE IN SPECIAL PROCEEDINGS TO OBTAIN DOWER.

SEC. 32. *To what Dower a Widow is entitled:*

Widows shall be endowed as at common law, as in this chapter defined.

Widows endow-
ed as at common
law.

SEC. 33. *Common Law Dower defined:*

Every married woman shall be entitled to one-third interest in value of all the lands, tenements and hereditaments whereof her husband is or may be seized and possessed at any time during coverture; in which third part shall be included the dwelling house in which her husband and family usually resided, together with the offices, outhouses, buildings and other improvements thereunto belonging or appertaining.

Dower defined.

SEC. 34. *Dower not liable to be sold under execution :*

Dower not liable
for debt, &c.

Dower, or right of dower, shall, in no case, be subject to seizure on execution for the payment of any debt of the husband during the term of the life of the wife.

SEC. 35. *Alienation by husband pass only two-thirds :*

Alienation by hus-
band pass only two-
thirds.

No alienation of the husband alone, with or without covenant of warranty, shall have any other or further effect than to pass his two-thirds interest in such estate: *Provided*, That a mortgage or trust deed by the husband to secure the purchase money, or any part thereof, of land bought by him, shall, without the wife executing the deed, be effectual to pass the whole interest according to the provisions of the said deed.

SEC. 36. *When Widow barred :*

When widow
barred.

The right to dower under this act shall pass and be effectual against any widow or person claiming under her upon the wife joining with her husband in the deed of conveyance and being privately examined as to her consent thereto in the manner prescribed by law.

SEC. 37. *Widow may dissent :*

Widow may dis-
sent.

Every widow may dissent from her husband's will before the Court of Probate of the County in which such will is proved, at any time within six months after the probate. The dissent may be in person, or by attorney, authorized in writing, executed by the widow and attested by at least one witness and duly proved and registered. The dissent, whether in person or by attorney, shall be filed as a record of Court. If the widow be an infant or insane, she may dissent by her guardian.

SEC. 38. *Effect of dissent :*

Effect of dissent.

Upon such dissent, the widow shall have the same rights and estates in the real and personal property of her husband as if he had died intestate.

SEC. 39. *When Dower assigned by Heir or Devisee with Widow:*

If the personal property of a decedent be sufficient to pay his debts and charges of administration, the heir or devisee with the widow may, by deed, agree to an assignment of her dower. When assignment agreed to.

SEC. 40. *How Dower may be applied for:*

If no such agreement be made, a widow may apply for assignment of dower by the petition in the Superior Court as in other cases of special proceedings. How dower applied for.

SEC. 41. *Who must be Parties:*

The heirs, devisees, and other persons in possession of or claiming estates in the lands, shall be parties to such proceeding. Heirs, devisees &c., to be parties.

SEC. 42. *How Dower assigned:*

If dower be adjudged, it shall be assigned by a jury of five persons qualified to act as jurors, unless one of the parties demand a greater number, not exceeding twelve, who shall be summoned by the Sheriff to meet on the premises or some part thereof, and being duly sworn by the Sheriff, shall proceed to allot and set apart to the widow her dower in said premises according to law and make a report of their proceedings under their hands to Court, which the Sheriff shall return within five days to the Clerk of said Court. Dower assigned by jury.

SEC. 43. *Notices to such Parties:*

The parties, or their attorneys to such proceeding, shall be notified of the time and place of meeting of the jury appointed to assign dower, at least five days before the meeting. Parties to be notified.

CHAPTER IV.

PROCEEDINGS IN DIVORCE.

SEC. 44. *Proceedings on application for Divorce :*

Proceedings on application for divorce.

Section two hundred and twenty-four of the Code of Civil Procedure shall be amended by striking out the words "or for a divorce from the marriage contracts on the ground of adultery."

SEC. 45. *Superior Courts to have Jurisdiction :*

Superior Court to have jurisdiction.

The Superior Courts shall have all the jurisdiction on complaints for divorce and alimony, or either, given by chapter thirty-nine of the Revised Code, and the procedure on such complaints shall be as herein provided for special proceedings except as hereinafter otherwise prescribed.

SEC. 46. *Affidavit to be filed with Complaint :*

Affidavit to be filed with complaint

The plaintiff in a complaint seeking either divorce or alimony, or both, shall file with his or her complaint an affidavit that the facts, set forth in the complaint, are true to the best of the affiant's knowledge and belief, and that the said complaint is not made out of levity or by collusion between husband and wife ; and, if for divorce, not for the mere purpose of being freed and separate from each other, but in sincerity and truth for the causes mentioned in the complaint ; and the plaintiff shall also set forth in such affidavit, either (1) that the facts set forth in the complaint, as grounds for divorce, have existed to his or her knowledge at least six months prior to the filing of the complaint ; or, if the wife be the plaintiff, (2) that the husband is removing, or about to remove his property and effects from the State, whereby she may be disappointed of her alimony.

SEC. 47. *Material facts to be tried by a Jury :*

Material facts to be tried by jury.

The material facts in every complaint asking for a divorce shall be deemed to be denied by the defendant, whether the

same shall be actually denied by pleading or not, and no judgment shall be given in favor of the plaintiff in any such complaint until such facts have been found by a jury, or upon reference as is provided in chapter five, title ten, of the Code of Civil Procedure, and on such trial neither the husband or wife shall be a competent witness to prove the adultery of the other, nor shall the admissions of either party be received as evidence to prove such fact.

SEC. 48. *Sections five, six, seven and eight, of Chapter thirty-nine of Revised Code, repealed :*

Sections five, six, seven and eight, of chapter thirty-nine of the Revised Code, are hereby repealed.

Sections 5, 6, 7 and 8, chapter 39, R. C., repealed.

SEC. 49. *Existing Suits :*

The regulations respecting the procedure in complaints for divorce and alimony, or for either of them, prescribed in this act, shall be applicable to existing suits as near as may be.

Existing suits.

SEC. 50. *When act to go into effect :*

This act shall go into effect from its ratification ; but no estates or rights which have vested, or proceedings began under any acts of the General Assembly hereby repealed shall be effected by such ratification or such repeal.

SEC. 51. *What laws repealed :*

The following acts are repealed :

1. An act entitled an act restoring to married women their common law right of dower, ratified March second, eighteen hundred and sixty-seven.

What laws repealed.

2. Sections one, two and four, of chapter one hundred and eighteen of Revised Code.

Ratified the 27th day of March, A. D. 1869.

CHAPTER XCIV.

AN ACT SUPPLEMENTAL TO, AND AMENDATORY OF, AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY ENTITLED AN ACT AMENDATORY OF AN ACT TO INCORPORATE THE WESTERN NORTH CAROLINA RAIL ROAD COMPANY, RATIFIED THE FIFTEENTH DAY OF FEBRUARY, EIGHTEEN HUNDRED AND FIFTY-FIVE, AND OF ALL OTHER ACTS AMENDATORY THEREOF.

Amended so that
State may vote, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That sections sixteen, seventeen and eighteen of the act entitled as above, passed at the present session of General Assembly, and ratified on the twenty-ninth day of January, eighteen hundred and sixty-nine, be amended by striking out the word "private" wherever it occurs, so that in the meetings, therein provided for, the State as well as the other stockholders may vote upon the acceptance of the amendments to the original charter, and other acts amendatory thereof, and the vote of the State on the said question of acceptance shall be scaled in accordance with the provisions of the original charter, ratified on the fifteenth February, eighteen hundred and fifty-five.

Vote of State to
be scaled.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER XC V.

AN ACT TO MAKE CERTAIN AMENDMENTS IN THE CODE OF
CIVIL PROCEDURE.

CHAPTER —.

The General Assembly of North Carolina do enact as follows:

SECTION 1. *Repeal last clause section five hundred and three, title twenty, chapter two of the Code of Civil Procedure:*

That the last clause of section five hundred and three, title twenty, chapter two of the Code of Civil Procedure, in the following words, to-wit: "But no Justice's judgment, for a less sum than twenty-five dollars, exclusive of costs, shall be so filed and docketed in the office of the Clerk of the Superior Court," be and the same is hereby repealed.

Docketing of Justice's judgment.

SEC. 2. *Repeals certain words in section two hundred and sixty-four, title eleven, chapter two of the Code of Civil Procedure:*

That the following words, to-wit: "For twenty-five dollars or upwards, exclusive of costs," occurring in subdivision seven, section two hundred and sixty-four, title eleven, chapter two of the Code of Civil Procedure, be and the same are hereby repealed.

SEC. 3. *Publication of a Justice's attachment:*

That the plaintiff, within section one hundred and ninety-eight, title nine, chapter four, of the Code of Civil Procedure, be amended by striking out the first seven lines, and line eight to and including the word "State," and inserting the following in lieu thereof: That the plaintiff, within thirty days after obtaining a warrant of attachment from a

Publication of a Justice's attachment.

Justice of the Peace, shall cause publication thereof to be made for four successive weeks at the Court House door, and two other public places in the County where the warrant is returnable.

SEC. 4.

That section two hundred, title nine, chapter four, of the Code of Civil Procedure, be amended by adding thereto the following words, to-wit: "If the attachment be levied on real property, the Justice shall proceed to try the action, but shall issue no execution to sell the real property, and shall return the papers in the case to the office of the Clerk of the Superior Court of his County, where the judgment shall be docketed. The levy of the attachment, however, shall be a lien on the real estate.

SEC. 5. That this act shall go into effect from the date of its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER XCVI.

AN ACT TO AMEND TITLE SEVEN, SECTION SEVENTY-TWO,
CODE OF CIVIL PROCEDURE.

Judge, Justice or
Clerk of Court may
authorize a person
to sue as a pauper.

SECTION 1. *The General Assembly of North Carolina do enact*, That title seven, section seventy-two, Code of Civil Procedure, be amended as follows: Any Judge, Justice of the Peace, or Clerk of the Superior Court may authorize any person to sue as a pauper in their respective Courts when he shall prove, by one or more witnesses, that he has a good cause of action, and shall make affidavit that he is unable to comply with the provisions of section seventy-one of this Code.

SEC. 2. The Court to which such writ is made returnable may, at its discretion, assign to the person, suing as a pauper, learned counsels, who shall prosecute his suit. Court may assign counsel.

SEC. 3. Whenever any person shall sue a pauper, no officer shall require of him any fee, and he shall recover no costs. No costs or fees recoverable.

Ratified the 1st day of April, A. D. 1869.

CHAPTER XC VII.

AN ACT TO AUTHORIZE AND EMPOWER REUBEN KING, LATE SHERIFF OF ROBESON COUNTY, TO COLLECT ARREARS OF TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That Reuben King, late Sheriff of the County of Robeson, or his legal representatives, be and is hereby authorized and empowered to collect all arrears of taxes due him for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, which collection shall be made under the same rules, regulations and restrictions as other collection of taxes are, by right of the laws of the State: *Provided*, That the authority by this act granted, shall not extend to Executors or Administrators, or to any person who will voluntarily swear before any Justice of the Peace for said County, that he or she verily believes that the arrears of taxes claimed from him or her, have been paid. May collect arrears of taxes.

SEC. 2. That the power and authority hereby granted shall cease and terminate with the year eighteen hundred and sixty-nine. Power to cease with year 1870.

SEC. 3. That this act shall take effect and go into force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER XCVIII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONCERNING THE REGISTER OF DEEDS, RATIFIED TWENTY FIRST AUGUST, EIGHTEEN HUNDRED AND SIXTY-EIGHT.

SECTION 1. *The General Assembly of North Carolina do enact*, That section seventeen of the above act, be, and the same is hereby repealed, and the following substituted :

SEC. 17. *Marriage Licenses :*

Register to issue marriage licenses.

The Register of Deeds is authorized to issue marriage licenses as provided by chapter sixty-eight, Revised Code, or by any other act of the General Assembly, and to receive the fees therefor.

SEC. 2. All acts or parts of acts inconsistent herewith, are hereby repealed.

Ratified the 1st day of April, A. D. 1869.

CHAPTER XCIX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF NORTHAMPTON COUNTY TO LEVY A TAX FOR A SPECIAL PURPOSE.

Commissioners to levy tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Board of Commissioners for the County of Northampton are hereby authorized to levy a tax not to exceed two thousand dollars for the special purpose of repairing the bridges of said County.

Duty of Sheriff to collect.

SEC. 2. It shall be the duty of the Sheriff of said County to collect the tax provided for in the foregoing section,

under such rules, regulations, restrictions and penalties as are or may be prescribed by law.

SEC. 3. This act shall be in force from the date of its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER C.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ENTRY TAKERS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of any County in this State may, when they deem it necessary, elect one person to receive entries of claims for land within the County, who shall give bond, receive the fees, and in all other respects be subject to the laws heretofore in force in regard to entry takers.

Commissioners
may elect entry
taker.

SEC. 2. Where a vacancy exists, or the Commissioners of any County fail to appoint, as required in section first of this act, the Register of Deeds shall act as entry taker, take charge of the books belonging to the office, discharge all the duties and receive all the emoluments of said office, and be subject to all the penalties heretofore in force for entry takers.

Where vacancy
exist Register to
act.

SEC. 3. The Commissioners of any County in this State shall, at any regular meeting, appoint one or more rangers for their County, to hold their office during good behavior, whose duties are, and shall be, those provided in chapter one hundred and nine of the Revised Code of North Carolina.

Rangers appointed
by Commissioners.

Entries legalized. SEC. 4. That all entries heretofore made by former entry takers, be, and the same are hereby, in all things legalized.

SEC. 5. That this act shall take effect from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER CI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE
THE UNIVERSITY RAIL ROAD COMPANY.

Section three
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three of said act be amended so as to read: The officers of said University Rail Road Company shall be managed by a Board of seven Directors, to be appointed by the Governor of the State, which Board shall, out of their number, choose a President, and said Board shall serve for twelve months and until their successors are qualified. In meetings of said Board the President of the said Road shall have no vote on any question, except in case of a tie vote. The Governor shall have power to designate the time and place of meetings of said Board.

Directors.

Repealing clause.

SEC. 2. All laws coming in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in force from its passage.

Ratified the 1st day of April, A. D. 1869.

CHAPTER CII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ROCKINGHAM COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF BUILDING AND REPAIRING BRIDGES IN SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of the County of Rockingham be, and are hereby authorized to levy and collect a special tax for the purpose of building and repairing bridges in said County.

SEC. 2. That the tax herein authorized to be levied, shall be collected and accounted for in the same manner and under the same penalties that the other taxes are collected and accounted for. How accounted for.

SEC. 3. That the tax herein authorized shall not be used or expended for any other purposes than those expressed in the first section of this act. How to be used.

SEC. 4. That this act shall take effect from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER CIII.

AN ACT TO CURE CERTAIN IRREGULARITIES IN THE MODE OF COMMENCING CERTAIN ACTIONS AND TO AMEND CERTAIN SECTIONS OF THE CODE OF CIVIL PROCEDURE.

WHEREAS, Some doubts have existed respecting actions which have been commenced by writs in the old forms, returnable before a Judge of the Court at a term, some by summons returnable in like manner, both of which forms were irregular, and some by summons returnable before the
Preamble.
 PUB. 15.]

Clerk at a term of the Court as provided by the Code of Civil Procedure. Now, for the purpose of preventing the inconveniences which may arise by reason of the irregularities above mentioned :

Actions heretofore commenced.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all civil actions which have been heretofore commenced, in which the process has been or shall be made returnable in either of the modes above mentioned, no advantage shall be had or taken by reason thereof, but the same shall be held regular, and may be amended as to the process and pleadings at any time, of course, without costs, but upon such other terms as to the Judge of the Court shall seem just, and in those of such actions in which pleadings have not yet been filed, they shall be filed at the term of the Court.

SEC. 2. This act shall go into effect upon its ratification: Ratified the 1st day of April, A. D. 1869.

CHAPTER CIV.

AN ACT CONCERNING PUBLIC BRIDGES AND ROADS IN THE COUNTY OF ROBESON.

Special tax authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners for the County of Robeson are hereby authorized and empowered to have exclusive control and management of all the public roads and bridges in said County, and that they shall have power to lay off new roads, erect new bridges, and repair old ones, to turn or discontinue old roads, as in their judgments may seem best for public convenience.

Power to lay off new Roads.

Citizens to labor on Road.

SEC. 2. That in carrying out the intentions of the above section, the said Commissioners shall have power to compell all citizens of the County of Robeson who owe

service on public roads and bridges, as prescribed by law, to perform the same by the infliction of such fines and forfeitures as may be necessary: *Provided*, That any such fine or forfeiture shall in no case exceed the sum of five dollars in currency, to be recovered before a Justice of the Peace of said County, in the name of the State.

SEC. 3. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 4. This act shall take effect from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER CV.

AN ACT TO AUTHORIZE THE PUBLIC TREASURER TO SUPPLY TEMPORARY DEFICIENCIES IN THE TREASURY.

SECTION 1. *The General Assembly of North Carolina do enact*, To enable the Public Treasurer, in advance of the collection and return of public taxes, to raise money which may be needed to pay the interest on the public debt, and carry on the operations of the State government, he is hereby authorized to borrow such sums as may be necessary to meet the interest due January first, eighteen hundred and sixty-nine, and April and July first, eighteen hundred and sixty-nine, at a rate of interest not to exceed eight per cent., and on such terms as to time and place of payment, as may be agreed on, the time of payment not to be later than the day fixed by law for the payment of public taxes into the Treasury. Authorized to borrow money.

SEC. 2. As collateral security for the payment of the amount borrowed as above mentioned, the Public Treas- When payment to be made.
Collateral security

urer is authorized to pledge such an amount from the first moneys received from the tax list of eighteen hundred and sixty-nine, and to pay the same from the first moneys received into the Treasury from this or any other source.

Ratified the 1st day of April, A. D. 1869.

CHAPTER CVI.

AN ACT TO PREVENT THE OBSTRUCTION OF FISH IN LITTLE RIVER TO K. B. WHITLEY'S MILLS, IN JOHNSTON COUNTY.

Not lawful to obstruct by dam, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person from the first day of February to the first day of June of each year, to obstruct by dam, trap or hedge, with wire, seine or nets, nor to hedge in any other way the passage of fish in Little River, from its mouth in Wayne County to K. B. Whitley's mills, in Johnston County.

Penalty for violation.

SEC. 2. That any person violating the provisions of this act shall forfeit and pay the sum of fifty dollars, or be imprisoned one month; said fine to be recovered by any person who will bring suit for the same, one half to the informer and the other to the use of the County: *Provided*, That the provisions of this act shall not impair the rights of any mill privilege.

Each day separate offence.

SEC. 3. That each day's continuance of any of the obstructions mentioned in this act shall constitute a distinct and separate offence.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER CVII.

AN ACT FOR THE RELIEF OF J. A. LONG, SHERIFF OF THE COUNTY OF RICHMOND.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. A. Long, late Sheriff of Richmond County, is authorized to collect the amount of taxes still due on the tax list of his County for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven: *Provided*, That said John A. Long shall not collect taxes out of any tax-payer who may make affidavit before any Magistrate that he has formerly paid the taxes aforesaid and has lost the receipt for the same: *And provided*, That the authority given said J. A. Long by this act shall cease on the first day of November, eighteen hundred and sixty-nine.

May collect arrears of taxes.

SEC. 2. That all arrearages of taxes collected under the authority of this act, by the said John A. Long, shall be delivered to the Treasurer of the County of Richmond, and applied by him to the payment of any claims that said County may have against the said John A. Long, late Sheriff of the same: *Provided*, That if the said John A. Long has settled with the authorities of the County of Richmond for all claims held against him by said County as Sheriff and Collector, then this section is null and void.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER CVIII.

AN ACT TO RAISE REVENUE.

Taxes payable in
National currency.

SECTION 1. *The General Assembly of North Carolina do enact*, That the taxes hereinafter designated, payable in the existing national currency, shall be assessed and collected under the rules and regulations prescribed in this act, and in the act for collecting revenue, ratified March twelfth, eighteen hundred and sixty-six, or such act as may be substituted therefor by this General Assembly; all the provisions of which, so far as modified or repealed, shall be held applicable to secure the assessment, collection and return of the taxes herein imposed.

Poll tax.

SEC. 2. On each taxable poll or male between the ages of twenty-one and fifty, except such poor and infirm persons as the County Commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of one dollar and five cents, the proceeds of such tax to be devoted to purposes of education as may be prescribed by law.

If any poll tax shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the Sheriff, if he can find no property of the person liable sufficient to satisfy the same, to garnishee any person indebted to the person liable, or who may become indebted to him before the expiration of the calendar year. And the person so garnisheed shall be liable for said tax.

Taxes to pay in-
terest on Public
debt.

SEC. 3. The taxes hereafter designated shall be applied to defray the expenses of the State Government, to pay the interest on the public debt, and to pay appropriations for schools and charitable institutions.

CLASS 1.

SECTION 1. There shall be an *ad valorem* tax of thirty-five cents on every one hundred dollars in value of real and personal property in this State, subject to exemptions made by law. This tax shall be levied in addition to such special taxes as are authorized by the General Assembly

Ad valorem tax on real and personal estate.

Upon all moneys, credits, investments in bonds, not exempted by law, seven-twentieths of one per cent.

Moneys and credits.

Upon all stocks, joint-stock companies, or otherwise, seven-twentieths of one per cent. of their cash value: *Provided*, That all the taxes for State and County purposes, imposed upon all real and personal property, exclusive of the special taxes authorized by the General Assembly, shall, in no case, exceed two-thirds of one per cent.

Stocks and joint stock Companies.

CLASS 2.

The subjects and persons mentioned in the following class shall be taxed as specially mentioned :

SECTION 1. On the net incomes and profits, other than that derived from property taxed, from any source whatever, during the year preceding the first day of April in each year, there shall be tax of two and one-half per cent. The income tax shall include interest on the securities of the United States, of this State, or other State or Government. In estimating the net income, the only deduction by way of expenses shall be :

Net incomes and profits.

1. Taxes other than the income tax due this State.
2. Rent for use of buildings or other property or interest on incumbrances on property used in the business from which the income is derived.
3. Usual or ordinary repairs of the buildings from which the income is derived.
4. Cost or value of the labor, (except that of the tax-payer himself,) raw material, food, and all other necessary ex-

Deductions.

penses incidental to the business from which the income is derived, together with the necessary expenses of supporting the family, which shall, in no instance, exceed one thousand dollars.

The tax-payer shall return to the assessor the gross amount of his income, and the gross amount of his expenses to be deducted therefrom, which return the assessor shall file in the office of Clerk of the County Commissioners.

Tax on real and personal estate.

SEC. 2. 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 the 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 :

1. 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 one per cent.

2. If such collateral relation be a more remote relation, or the devisee or legatee be a stranger, a tax of two 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.

When real or personal estate shall be liable.

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

When legacy or share shall not be property or legatee.

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.

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 Commissioners to appoint three impartial men of probity to assess the value thereof; and such assessment being returned to the Commissioners, and being confirmed, shall be conclusive of the value.

When to apply for appointment, &c.

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 Superior Court Clerk of the County to furnish the Sheriff with the names of the executors and the administrators, who make such returns, after each and every term of his Court.

Inventory to be returned.

SCHEDULE B.

The taxes in this Schedule imposed are for the privilege of carrying on the business or doing the act named.

Taxes imposed for privilege.

SECTION 1. Traveling theatrical companies shall pay five dollars for the first, and five dollars for each subsequent exhibition. When the theatrical exhibitions are by the season of not less than one month, the tax shall be fifty dollars.

Traveling theatrical Companies.

SEC. 2. On each concert and musical entertainment for profit shall be paid five dollars; on each lecture for reward, five dollars.

Each concert or lecture for profit.

SEC. 3. On museums, wax works or curiosities of any kind, natural or artificial (except paintings and statuary,)

Museums, wax works, &c.

on each day's and night's exhibiting shall be paid five dollars.

Circus and ma-
nageries.

SEC. 4. On every exhibition of a circus or menagerie, for each day or part of a day forty dollars, and for each side show to a circus or menagerie, ten dollars.

Itinerant Com-
panies.

SEC. 5. On itinerant companies, or persons who exhibit for amusement of the public, otherwise than is mentioned in the four preceding sections, five dollars for each exhibition. Exhibitions given without charge for admission, and also those exclusively for charitable objects, shall be exempt.

Spirit rappings or
other device.

SEC. 6. On each exhibition of spirit rappings, or other device, by whatever name called, which professes to reveal communications from the spirits of the living or dead for profit, ten dollars.

Gift enterprises,
&c.

SEC. 7. On all gift enterprises, or any person or establishment offering any article for sale, and proposing to present purchasers with any gift or prize as an inducement to purchase, within the limits of the State, ten dollars for each day such person or establishment continues in operation. This tax shall not be construed to relieve such person or establishments from any penalties incurred by a violation of the law.

Agency of Bank or
Corporation out of
State.

SEC. 8. Every agency of a bank, incorporated out of the State, two hundred and fifty dollars.

Billiard saloon.

SEC. 9. The tax on billiard saloons shall be fifty dollars each.

Ten pin alleys,
bowling saloon,
bagatelle or any
other table.

SEC. 10. To keep a ten-pin alley, or alley of like kind, or bowling saloon, or bagatelle table, or any other table, stand or place for any other game or play, with or without a name, unless such alley, stand, place or game is kept for private amusement or exercise alone, and not prohibited by law, there shall be a license tax of twenty-five dollars.

Retailers of spirit-
uous liquors.

SEC. 11. Every retail dealer in spirituous, vinous liquors, porter, lager beer, or other malt liquors, shall pay a tax of ten per cent. on the amount of purchases, and every person who buys and sells spirituous, vinous or malt liquors in

quantities less than three gallons, shall, within the meaning of this act, be a retail dealer.

SEC. 12. Every wholesale dealer or person who buys and sells spirituous, vinous or malt liquors in quantities not less than three gallons, shall pay a tax of five per cent. on the amount of his purchases. Wholesale dealers.

SEC. 13. Every person distilling spirituous liquors shall pay a tax of ten per cent. on the cash value of the liquors distilled from grain, potatoes, molasses and sugar cane; and five per cent. on the liquors distilled from fruit. Distilleries.

SEC. 14. Every manufacturer of tobacco shall pay a tax of two and one-half per cent. on his purchases of leaf tobacco. Tobacco manufacturers.

SEC. 15. Every merchant or other dealer shall apply to the Sheriff for a license, and shall state on oath the estimated amounts of his purchases from the time when the license is to begin to run to its expiration, and the amount of tax to be paid by him shall be computed upon that estimate, and the tax shall be one-fifth of one per cent., and shall be paid on receiving the license, and shall in no instance be less than ten dollars. Within ten days after the end of January, April, July and October, the merchant or dealer shall deliver to the Sheriff a sworn statement of the actual amount of his purchases within the preceding quarter. The Sheriff shall have power to require the merchant making such statement to submit his books to examination by the Sheriff, and every merchant refusing on demand to submit his books to such examination, shall be liable to a penalty to the State of two hundred dollars, to be prosecuted by the Sheriff and recovered in any Court having jurisdiction of the case. It shall further be the duty of the Sheriff to prosecute every merchant refusing as aforesaid, in the Superior Court of the County, as may be prescribed for special proceedings, to the end of obtaining such examination and compelling payment of the proper tax. Merchants or other dealers to apply for license, &c.
Sheriff may require merchant to submit books under penalty.

SEC. 16. On the gross receipt of hotels, boarding houses, Hotels and boarding houses.

(except those used for educational purposes,) restaurants and eating houses, the tax shall be one per cent.

Gas Companies.

SEC. 17. On the gross receipts of gas companies, two per cent.

Ferries, gates and bridges.

SEC. 18. The tax on public ferries, toll gates and toll bridges, shall be on the gross receipts, two per cent. On gates across highways, five dollars.

Exchange, bond or note broker.

SEC. 19. Every money or exchange, bond or note broker, private banker, or agent of a foreign broker or banker, in addition to the *ad valorem* tax on their capital invested, or the tax on their net income, shall pay, if employing a capital of twenty thousand dollars or more, a license tax of one hundred dollars; if a capital of less than twenty thousand dollars and not less than ten thousand dollars, fifty dollars; and if a capital of ten thousand dollars or less, a tax of twenty-five dollars; and also ten dollars additional for each County in which they have an agency.

Playing cards.

SEC. 20. Every person who purchases in the State, or brings into the State for sale or use, playing cards, shall pay a tax of twenty-five cents for each separate deck or pack so bought or brought into the State.

Studs and jacks.

SEC. 21. On each stud-horse and jackass let to mares for a price, there shall be a tax equal in amount to the price charged for the season, not to be less than five dollars, and if no price is charged by the season, there shall be a tax of ten dollars.

Horse and mule drovers.

SEC. 22. Every horse or mule drover, or person who buys or receives horses or mules from another for sale, shall pay a tax of one and one-half per cent. on each sale or profit made in exchange of horses or mules, due as soon as the sale is effected, or profit by the exchange is received; and upon failure to pay such tax, in every County in which he sells or exchanges for profit, he shall forfeit and pay one hundred dollars, which shall be collected by the Sheriff by distress or otherwise, one-half to his own use, and the other half to the use of the State.

SEC. 23. Every person who, for himself or as an agent for another, sells riding vehicles, shall pay two per cent. on his sales.

Riding vehicles

SEC. 24. Every auctioneer on all goods, wares or merchandise, sold by himself or agent, whether the growth or manufacture of this State or not, shall pay one per cent. on the gross amount of his sales, subject to all the regulations and exemptions set forth in the tenth chapter of the Revised Code, entitled "Auctions and Auctioneers."

Auctioneers.

SEC. 25. That every commission merchant shall pay a tax of one-fourth of one per cent. on his sales as commission merchant.

Commission merchants.

SEC. 26. Every person whose occupation or business is to keep horses or vehicles for hire, or to let, shall pay a tax of five dollars for every horse for that purpose, at any time during the year, to be collected by the Sheriff quarterly: *Provided*, That this section shall not apply to draymen.

Horses and vehicles to hire.

SEC. 27. Every licensed retailer of spirituous liquors, wines or cordials, thirty-five dollars for one year. Every retailer of malt liquors only, shall pay fifteen dollars. The taxes in this section shall be in addition to the tax imposed on purchases of liquors in this schedule.

Licensed retailers.

SEC. 28. Every itinerant dentist, medical practitioner, portrait or miniature painter, daguerrean artist and other person 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.

Itinerant dentist, medical practitioner, portrait painter, daguerrean artist.

Proviso.

SEC. 29. Every person that peddles goods, wares or merchandise, either by land or water, or any drugs, nostrums, or medicines, whether such person shall travel on foot or with a conveyance or otherwise, shall first have proved to the County Commissioners that he is of good moral character, and shall have obtained from the Commissioners

Pedlars of goods, wares, &c.

(who may in their discretion make or refuse) an order to the Sheriff to grant him peddler's license to expire on the first of — next ensuing, and the Sheriff, on production of a copy of such order, certified by the Clerk of said Commissioners, shall grant such license for his County on the receipt of twenty dollars tax: *Provided*, (1.) That not more than one person shall not peddle under the 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 section contained shall prevent any person freely selling live stock, vegetables, fruits, oysters, fish, books, charts, maps, printed music, or the articles of his own growth or manufacture within this State. (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 merchandise, which tax shall be collected or secured in the same manner as is the case of other merchants and traders.

Proviso.

Dealers in light-
ting road.

SEC. 30. Every itinerant who deals in or puts up lighting rods, five dollars for each County in which he carries on his business.

Itinerant dealers
in liquors.

SEC. 31. Every itinerant who sells spirituous liquors, wines or cordials, not the product of his own farm, shall pay twenty-five dollars for every County, and be under the same rules and restrictions as peddlers, except that an order from the Commissioners shall not be required for a license.

Every company of
gypsies.

SEC. 32. Every company of gypsies, or strolling company of persons, who make a support by pretending to tell fortunes, horse-trading, tinkering or begging, fifty 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.

Non-residents,
drummers and
agents.

SEC. 33. Every non-resident or drummer or agent of a non-resident, who shall sell any spirituous, vinous or malt

liquors, goods, wares or merchandise, by sample or otherwise, whether delivered or to be delivered, shall pay an annual tax of fifty dollars, and a tax of like amount as is payable by residents on their purchases or sales, as the case may be, of similar articles. Before making such sales, he shall obtain from the Sheriff of the County in which he proposes to do business, a license in writing, which the Sheriff may give on his entering into bond in the sum of five hundred dollars, with sufficient security, conditioned to pay the taxes herein imposed, when demanded by the Sheriff. Any person violating the provisions of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined and imprisoned at the discretion of the Court, and shall forfeit and pay five hundred dollars to the Sheriff, to be collected by distress or otherwise, four hundred dollars of which shall be accounted for as other taxes, and the residue he may retain to his own use or to the use of the informer.

Violation a misdemeanor

SEC. 34. The chief officers of banks, including private bankers, saving banks, and such insurance companies as are incorporated by this State, shall, in April and October of each year, certify on oath the amount of dividends or profits which have been earned, and shall pay on such dividends five per cent. On failure to comply with the provision of this section, said banks, companies or persons shall pay as taxes one thousand dollars, to be collected by the Sheriff by distress or otherwise.

Chief officers of banks.

SEC. 35. Every insurance company not incorporated in this State, doing business therein, shall pay on the amount of assessments collected, premiums received and obligations for premiums, three per cent., not to be less than four hundred dollars for each company; on failure to comply with the provisions of this section, shall pay as tax two thousand dollars and the principal agent shall be liable therefor. The above per centage tax shall be payable on the first day of April of each year, and every three months thereafter.

Insurance Companies.

No person shall follow any trade or professions taxed by this act without license.

SEC. 36. No person shall follow any of the trades or professions taxed by this act, or in any other act imposing taxes on trades and professions and franchises, without first obtaining a license from the Sheriff of the County in which the trade or profession is to be followed, or the franchise enjoyed. Such license shall give to the person obtaining it the right to practice the trade or profession, or to enjoy the franchise therein specified, in the County of the Sheriff by whom it is issued, and in no other, unless the law imposing the tax shall otherwise direct from its date to the following first day of April: *Provided*, That nothing in this section shall apply to licensed practicing physicians, lawyers or dentists.

Proviso.

Form of license.

SEC. 37. The form of license shall be in substance as follows :

Received this day of, 186.., of,
 dollars, of which dollars is the tax to
 the State of North Carolina, and dollars is the
 tax to the County of, for his license to practice
 the trade (or profession) of, until the first day of
 April next.

(Signed,)

A.... B....,

Sheriff of County.

(Countersigned,)

C.... D....,

Register of Deeds for County.

License tax to be in proportion.

SEC. 38. The amount of tax to be paid on obtaining the license to practice any trade or profession, which is taxed by a certain sum, shall be in proportion to the tax imposed for the whole year, as the unexpired portion of the year from the date of the license is to the whole year.

Persons may take out letters in advance.

SEC. 39. Any person proposing to follow any taxed trade or profession may take out a license in advance of the time when he proposes to begin such trade or profession, or in advance of the expiration of a license already held by him. In such case the license shall be truly dated, and shall

specify the time at which it shall begin to be of force, as well as the time when it shall expire, which shall always be on the first day of April next.

SEC. 40. No license issued by the Sheriff shall be valid until the same shall have been exhibited to and countersigned by the Register of Deeds of the County, who shall receive for the services imposed on him by this act in reference to licenses, a fee of twenty-five cents from every person licensed.

No license valid till signed by Register.

SEC. 41. The Register of Deeds shall keep a book in which he shall record the name of the person licensed, the trade or profession to be followed, or the franchise to be enjoyed, the date at which it begins to run and the sum paid to the Sheriff, and he shall, on the first Monday in January, April, July and October, send a certified copy of such record, for the quarter last preceding, to the Auditor of the State, who shall charge the Sheriff with the amount so appearing due. If any Register shall fail to perform the duty hereby imposed on him, he shall forfeit to the State a penalty of two hundred dollars, to be recovered of him and the sureties to his official bond, on motion in the Superior Court for the County of Wake; and on such motion a certified copy of his official bond and the certificate of the Auditor of the State, setting forth his failure to make the required return, shall be *prima facie* evidence entitling the State to judgment in the absence of any sufficient defence.

Register to keep book.

Penalty for failure.

SEC. 42. Every person who shall practice any trade or profession, or use any franchise taxed by the law of North Carolina, without first having paid the tax and obtained a license as herein required, shall be deemed guilty of a misdemeanor, and shall also forfeit and pay to the State a penalty not to exceed twenty dollars, at the discretion of the Court, (and in default of the payment of such fine, he may be imprisoned for not more than one month, at the discretion of the Court,) for every day on which he shall practice such trade or profession, or use such franchise; which pen-

Persons practicing trades.

alty the Sheriff of the County in which it is incurred shall cause to be prosecuted for before any Justice of the Peace of the County.

Sheriff to report.

SEC. 43. The Sheriff shall immediately report to the Register of Deeds all sums recovered by him as penalties under this act, and the Register shall add three-fourths of each penalty recovered to the record of licenses required to be kept by him; the other fourth the Sheriff may retain.

No license granted till tax is paid.

SEC. 44. No license shall be granted to any person until the license tax due him shall be duly paid.

SCHEDULE C.

Tax for carrying on business.

The taxes embraced in Schedule C shall be listed and paid as specially therein directed, and shall be for the privilege of carrying on the business named:

Express Companies.

SECTION 1. Every Express Company shall make return to the Public Treasurer on or before the first Monday in January, April, July and October, of each year, of the gross earnings and receipts of such company within the State of North Carolina, during the three months next preceding. The said report shall be verified by the oath of the chief officer or agent of the Company at its principal office in the State. The said Company shall, on or before the third Monday of each of the said months, pay on the gross receipts two per cent. for each three months, and for failure to make such report, or pay such tax, the Company shall pay as taxes two thousand dollars, to be collected by such Sheriff as the Public Treasurer may designate, by distress or otherwise.

Telegraph Companies.

SEC. 2. Every Telegraph Company doing business in the State shall, at the times and in the manner prescribed in the preceding section, make report of the receipts of said Company within this State and pay to the Public Treasurer one per cent. for each three months, and in case of default of such report, or payment, the Company shall pay as tax one thousand dollars, to be collected by such Sheriff

as the Public Treasurer shall designate, by distress or otherwise.

SEC. 3. Whenever the seal of the State, or of the Treasury Department, a Notary Public, or other public officer, except Clerks of the Supreme and Superior Courts, required by law to keep a seal, shall be affixed to any paper, except as hereinafter is excepted, the tax shall be as follows, to be paid by the party applying for the same: For the seal of the State, one dollar, to be collected and paid into the Treasury by the Private Secretary of the Governor; for the seal of the Public Treasurer, to be collected by him and accounted for as other public moneys, fifty cents; for the seal of the Supreme Court, fifty cents, to be collected by the Clerk, and paid by him into the Treasury; and for the seal of a Notary Public, or other public officer, twenty-five cents, to be collected and paid over by the officer collecting the same, to the Sheriff of the County where such seal is kept. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal, by any of said officers, the said tax shall be on the scroll. Seals made for the use of any County or State or other Government, or used on the commissions of officers in the Militia, Justices of the Peace, or any public officer not having a salary, or under the pension laws, or upon any process of a Court, shall be exempt from taxation. The officers collecting the seal taxes may retain, as compensation, five per cent.

Tax on seals used.

Tax on scroll.

SEC. 4. On each marriage license, mortgage deed, marriage contract, and deed in trust to secure creditors, there shall be a tax of one dollar. On every other deed conveying, or contracting to convey, title to real estate, and on all other instruments admitted to registration, where the consideration exceeds three hundred dollars and is less than a thousand dollars, fifty cents, and twenty-five cents in addition for every additional one thousand dollars. Where any of the foregoing instruments are proved before the Clerk

Marriage license deeds, &c.

of the County Commissioners, he shall be charged with the collection of the tax as heretofore. When probate is otherwise made, the Register shall collect and pay the same, less five per cent. commissions to the Sheriff, rendering a sworn statement of the number and character of the instruments admitted to registration and the taxes due thereon, which the Sheriff shall file with the Clerk of the County Commissioners, as directed by law.

Charters of incor-
porations.

SEC. 5. On every charter of incorporation of any company granted by the General Assembly other than those for charity, benevolence or literature, where the corporations had power to become incorporate under the provisions of chapter twenty-six, Revised Code, entitled "Corporations," and on any amendment of every such charter, whether originally granted by the General Assembly or secured by letters patent or otherwise, there shall be a tax of twenty-five dollars paid directly to the Public Treasurer. No company shall be organized under such special act of incorporation or derive benefit from any act to amend their charter, without at first obtaining a certified copy of such from the Secretary of State, which shall not be furnished until the Treasurer's receipt for the said tax shall be filed in the office of the said Secretary.

What tax laws re-
pealed.
Proviso.

SEC. 6. All laws imposing taxes, the subjects of which are revised in this act, are hereby repealed: *Provided*, That this repeal shall not extend to the provisions of any law, so far as they relate to the taxes listed, or which ought to have been listed, or which may be due previous to the ratification of this act.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER CIX.

AN ACT TO ESTABLISH THE WILMINGTON WATER WORKS COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. E. Winants, George F. French, Joseph C. Abbott, Allen Rutherford and L. G. Estes, A. H. Galloway and G. W. Price, their successors and assigns, are hereby constituted and shall be and continue a body corporate in law and in fact, under the name and style of the Wilmington Water Works Company. Incorporated.

SEC. 2. That the said J. E. Winants, George F. French, Joseph C. Abbott, Allen Rutherford and L. G. Estes, be, and they are hereby appointed Commissioners to receive subscriptions to the capital stock of said Company, and they are hereby authorized and empowered to open books for receiving and entering subscriptions to the said capital stock at such times and at such places as they may see fit. Commissioners.

SEC. 3. That the capital stock of said Company shall consist of ten thousand shares of one hundred dollars each. Capital.

SEC. 4. That when the sum of one hundred thousand dollars shall have been subscribed, a general meeting of the subscribers shall be called by the said Commissioners at the City of Wilmington, and such of the subscribers as shall be present at said meeting, or a majority of them, are hereby empowered and required to elect a President and four Directors for conducting the said undertaking, and managing all the said Company's business and concerns for and during such time, not exceeding three years, as the said subscribers, or a majority of them, shall think fit; and in counting the votes of all general meetings of said Company, each member shall be allowed for one vote for every share of the stock thereof by him or her held at the time of such meeting, as shown by the books thereof, and any stockholder may by writing, under his or her hand executed When general meeting called.

before two witnesses, depute any other stockholder to vote and act as proxy for him or her at any general meeting.

May purchase,
hold. &c.

SEC. 5. That the said corporation by the name and style aforesaid, shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to themselves, their successors and assigns, lands, tenements, hereditaments, goods, chattels and effects, to an amount of capital stock aforesaid, two millions of dollars, and the same to sell, demise or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in Courts of Record, or in any other place whatsoever, and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary for the government of the said Company, not being contrary to the Constitution of this State or of the United States, or of the said corporation, for the making whereof general meetings of the stockholders may be called by the Directors as hereinafter specified, and generally to do, and execute all such acts, matters and things as to them shall and may appear necessary, subject nevertheless to the rules, regulations and restrictions hereinafter declared and prescribed.

By-laws, &c.

To supply water,
&c.

SEC. 6. That the business of the said Company shall be to supply to the inhabitants of the City of Wilmington water for drinking and other purposes; and in consideration of the great expense of erecting the necessary reservoirs, aqueducts, buildings, &c., and laying pipes, the sole and exclusive right and privilege to build aqueducts or reservoirs, and lay pipes through or under the streets of the City of Wilmington, to be used for the purpose of furnishing water to the inhabitants thereof, be, and the same is hereby vested in the said Company, and the right to lay pipes through or under the public streets of said City of Wilmington, and for that purpose to make such excavations as may be necessary, is hereby granted unto said Company.

SEC. 7. That the said President and Directors so elected, and their successors, or a majority of them assembled shall have power and authority to agree with any person or persons, in behalf of the said Company to build any buildings, aqueducts or reservoirs, lay pipes and perform such other work as they shall judge necessary for the carrying out of this undertaking and the transaction of the business of the Company, and out of the moneys arising from the subscriptions and other aids hereinafter in this act given, to pay for the same and to repair and keep in order the buildings, aqueducts, reservoirs, pipes and other works necessary thereto, and to defray all incidental charges, and also to appoint a Treasurer, Clerk or Clerks, Superintendent and such other officers, managers and servants as they shall judge necessary and requisite, and to agree for and settle their respective wages or allowances, and settle upon and sign their accounts, and also to make and establish rules and proceedings, and transact all the other business and concerns of the said Company in and during the intervals between the general meetings of the same, and they shall be allowed as a satisfaction for their trouble, such sum of money as shall, by a general meeting of the subscribers or stockholders be determined: *Provided always*, That the Treasurer shall give bond in such penalty and with such security as the said President and Directors, or a majority of them shall direct, for the true and faithful discharge of the trust reposed in him, and that no officer in the said Company shall have a vote in the settlement or passing his own account.

Power and authority of President and Directors.

Proviso.

SEC. 8. That certificates of stock in the said Company shall be issued to the said subscribers under the direction of the President and Directors, or a majority of them, setting forth the number of shares and the par value thereof, to which each subscriber is entitled, as appears by the books of subscriptions, that such certificates shall be signed by the President and Treasurer of said Company and authenticated by the corporate seal of the corporation, and

Certificates of stock.

shall be recorded in a book kept for that purpose ; and that all sales or transfers of the interest of any subscriber or stockholder, in the said Company shall be duly recorded in said book.

Orders for money.

SEC. 9. That the said President and Directors, and their successors, or a majority of them shall have full power and authority from time to time as money may be wanting to make and sign orders for that purpose, and direct at what time and in what proportion the subscribers or stockholders shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in a newspaper published at Wilmington, N. C., and they are hereby authorized and empowered to demand and receive of the said subscribers and stockholders from time to time the sums of money so ordered to be advanced or paid for the carrying on and executing, or repairing and keeping in repair the works and buildings of said Company until the sums subscribed shall be fully paid ; and to order the said sums to be deposited in the hands of the Treasurer, to be by him disbursed and laid out as the said President and Directors, or a majority of them, shall order and direct ; and if any of the said subscribers or stockholders shall refuse or neglect to pay their said proportion within ninety days after the same is ordered and advertised as aforesaid, the said President and Directors, or a majority of them, may sell at auction, and convey to the purchaser the share or shares of such subscriber or stockholder so refusing or neglecting payment, giving at least one month's notice of the sale in a newspaper published at Wilmington, N. C., and after retaining the sum due and charges for advertising and sale out of the moneys produced thereby, they shall refund and pay the overplus, if any, to the former owners, or their legal representative ; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said President and Directors, or a majority of them, may, in the name of the Company, sue and recover the balance ; and the said purchaser or pur-

Advertisement to be made.

May sell at auction, &c.

Recover by suit.

chasers shall be subject to the same rules and regulations as if the said sale and conveyance had been by the original purchaser, and to continue the succession of the said President and Directors and to keep up the same number.

SEC. 10. That from time to time, at the expiration of the term for which the said President and Directors were appointed, the stockholders of the said Company, at the next general meeting shall either continue the said President and Directors, or any of them, or shall chuse others in their stead, and in case of the death, resignation or incapacity of the President or any of the Directors may and shall in manner aforesaid elect any other person or persons to be President and Directors, in the room of him or them so dying, resigning, or becoming incapable of acting, and may at any general meeting remove the President and Directors and appoint others for and during the remainder of the term for which such person or persons were at first to have acted, and the general meetings of the said Company shall be held once in each year on the first Monday in January in the City of Wilmington, N. C., and notice of such meetings shall be published for ten days preceding in at least one newspaper published in the said City of Wilmington, and the transfer book of the stock of the said Company shall be closed thirty days previous to each general meeting and remain closed until five days after such meeting, and no person shall be allowed to take part or vote in any general meeting of said Company, unless it appears from the stock book that he is a stockholder.

SEC. 11. That if the President and Directors aforesaid cannot agree with the owners of land through which it may be necessary to lay their pipes, or on which it may be necessary to build such reservoirs, aqueducts or other buildings as may be required for the business of said Company as to the terms upon which the said pipes may be laid through the same, or as to the terms upon which the said land may be purchased by the said Company, then it shall and may be lawful for the President and Directors to file a petition

Elections.

May remove and
appoint others.

General meeting.

Where lands are
necessary, &c.

in the name of the Company in the Superior Court of the County of New Hanover, under the same rules and regulations as are now prescribed by law for laying off public roads; and when the jury shall have assessed the damage to the owner or owners of the land through which the pipes are to be laid, or the value of the land on which it may be necessary to build the reservoir or other buildings required for the use of the said Company, it shall be returned to the Court, and final judgment entered accordingly for the damages assessed or value found, and it shall be lawful for the President and Directors to pay the amount so assessed or valued into the office of the Clerk of the Court, for the use of the owner or owners, or his, her or their guardian, or legal representatives as the case may be, and thereupon enter upon the land and lay their pipes therein or build their reservoir, aqueduct or other building thereon, to make all necessary excavations and embankments, and to hold the lands so purchased to the use and benefit of the said Company and in all things have the same power over the said land so purchased, as though they owned the fee simple therein, and the said President and Directors, their agents or servants, shall at all times have the right to enter upon the land through which their pipes have been laid, for the purpose of repairing the same, or of laying down new pipes when necessary.

Written consent
valid.

SEC. 12. That the written consent of any owners or proprietors of any lands through which it may be necessary to lay pipes, or which may be required to build a reservoir, aqueduct or other building, showing his, her, or their agreement to the same shall be valid and effectual to give the same power and authority over the land as if the same had been conveyed by a deed of bargain and sale, or condemned upon petition as aforesaid, although the said land may belong to a *feme covert*, the signature of such assent by her and her husband shall be as conclusive and effectual against her as though she had been a *feme sole*; subject, however, to the proviso contained in the preceding section; and this assent

shall be binding and conclusive though it be signed before the said Company was formed.

SEC. 13. That if any person or persons shall build any reservoir or aqueduct, or lay any pipes in or through the said City of Wilmington, or within five miles of the City limits with the object and intention, or for the purpose of supplying water to the inhabitants thereof, or of introducing water into any house or building within the limits of said City, or who shall intrude upon any of the rights and privileges granted to the said "Wilmington Water Works Company," without the permission or contrary to the will of the said Company, he, she or they so intruding shall be liable to indictment for a misdemeanor, and upon conviction may be fined and imprisoned by any Court of competent jurisdiction, and shall also be liable in damages to the said Company to be sued and recovered by said Company.

Persons intruding
liable to indictment.

SEC. 14. That every obstruction to the laying of the pipes of the said Company shall be deemed a public nuisance, and may be abated as such, by any officer, agent or servant of the said Company, and the person or persons causing such destruction may be indicted and punished as for erecting a public nuisance.

Obstructions
deemed a misde-
meanor.

SEC. 15. This act shall be regarded as a public act, and may be given in evidence as such in all cases, without special pleading.

A public act.

Ratified the 27th day of March, A. D. 1869.

CHAPTER CX.

AN ACT TO PROVIDE A SALARY FOR THE GOVERNOR AND
TREASURER OF THE STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the salary of the Governor of the State shall be

Salary of Gov-
ernor and Treasurer

five thousand dollars per annum, and the salary of the Treasurer shall be three thousand dollars per annum, commencing with their term of office, payable quarterly.

Sums to be accounted for.

SEC. 2. That any sums received heretofore under special act shall be accounted for in part payment of salaries.

SEC. 3. This act shall be in force from its ratification.

Ratified the 3d day of April, A. D. 1869.

CHAPTER CXI.

AN ACT SUPPLEMENTAL TO AN ACT TO AMEND THE CHARTER OF THE WILMINGTON, CHARLOTTE AND RUTHERFORD RAIL ROAD COMPANY, AND RATIFIED ON THE TWENTY-NINTH DAY OF JANUARY, EIGHTEEN HUNDRED AND SIXTY-NINE.

Act to provide for completion amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act passed by the General Assembly, and ratified on the twenty-ninth day of January, eighteen hundred and sixty-nine, entitled an act to amend the charter of the Wilmington, Charlotte and Rutherford Rail Road Company, to provide for the completion of said Road, and to secure the State a representation in said Company, be amended as hereafter provided.

Directors appointed by stockholders.

SEC. 2. That in all meetings of the stockholders, the election of the six Directors to be elected by the stockholders, shall be chosen by the stockholders other than the State, in the manner now provided by the charter and by-laws of the Company.

Treasurer to deliver over bonds.

SEC. 3. That immediately upon the reorganization provided for in the second section of said act, the Treasurer of the State shall deliver over to the President of the Company, the remainder of the bonds provided for, which shall be necessary to pay the residue of the subscription of the State, except the amount of seven hundred and twenty

thousand dollars of bonds mentioned in the seventh section of said act, and thereupon a certificate of stock shall be issued to the State for eighty thousand shares of the capital stock of the Company.

Stock issued to State.

SEC. 4. That in case the State shall, at any time hereafter, dispose of the whole or any part of her stock, the right to appoint by the Governor shall cease entirely upon the sale of her whole stock, and for every eleven thousand four hundred and twenty-eight shares so sold, the right to appoint one Director shall be lost on the part of the State, and the right of appointment thus lost, shall not succeed to the purchaser or purchasers, but in this respect, he or they shall be in the same situation as other private stockholders of the Company.

When right to appoint shall cease.

SEC. 5. That this act shall be submitted, together with the act to which it is supplemental, to the stockholders, and be passed upon by them as if a part of the said act, and shall take effect from and after its ratification.

To be submitted and passed on.

Ratified the 5th day of April, A. D. 1869.

CHAPTER CXII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE PLASTER BANKS AND SALT WORKS RAIL ROAD COMPANY, RATIFIED THE THIRTIETH DAY OF MAY, EIGHTEEN HUNDRED AND SIXTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of forming a connection with the Western North Carolina Rail Road, and the Atlantic, Tennessee and Ohio Rail Road at Statesville, and running to the Virginia line by way of Mount Airy, in Surry County, North Carolina, a Company is hereby authorized to be incorporated under the name and style of the Plaster

Act to amend.

To have a corporate existence 99 years.

Banks and Salt Works Rail Road Company, which shall have a corporate existence as a body ninety-nine years; and by that name may sue and be sued, plead and be impleaded, may have and use a common seal, and shall be capable in law and equity of purchasing, holding, having and conveying estate, both real and personal, and mixed, and of acquiring the same by gift or will, so far as may be necessary for the purpose hereinafter contemplated and no further; and said Company may enjoy all other rights and immunities which other like corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government, not inconsistent with the Constitution and laws of the State of North Carolina and of the United States of America.

Company power to construct Road.

SEC. 2. That the said Company shall have power and authority to construct a Rail Road from the Town of Statesville, in the direction of Eagle Mills in Iredell County, to cross big Hunting Creek, between Patterson's Ford and the fork of the Creek, then by or near Jonesville in Yadkin County, then by or near the Town of Dobson in the County of Surry, the most practicable route to the Virginia line by way of Mount Airy.

Capital stock not to exceed, &c.

SEC. 3. That the capital stock of said Company shall not exceed three millions of dollars, divided into shares of one hundred dollars each, and the Company may raise the same by subscriptions of individuals in lands or money, Counties, Towns and Corporations, of any and every description whatever, equal in amount to a sum sufficient to complete and equip the Road herein authorized to be built.

Commissioners appointed to receive subscriptions.

SEC. 4. That A. C. Carlton and S. A. Sharp, of the Town of Statesville; Robert S. Colvert, Perry Tomblin and Charles R. Jones, of Olin; John Dalton and Thomas N. Cooper and William J. Colvert, of Eagle Mills; Andrew C. Cowles, Thomas Patterson and John Hampton, of Hamptonville; Dr. D. C. Parkes and William Myers, of New Castle, Wilkes County; W. H. Rieves, Dr. B. B. Benham and L. W. Bryan, of Jonesville; R. R. Gwynn, N. Foard

and F. A. Harris, of Elkin, John L. Smith, James H. Parks and E. L. Vaughn, of Gap Civil; Thomas Brower and William M. Banner, of Mount Airy; Ice Snow and L. J. Norman, of Dobson, in the County of Surry; Lee Burress and Jackson Williams, Rockford; Joseph Dobson and John M. Nicholson, at Yadkinville; James Kelly and James Johnson, of Mocksville; Henry Turner and Dr. James Adams, of Cool Spring, and John A. Young and Robert Oates, of the Town of Charlotte, and such other persons as the above named persons may appoint, are hereby appointed Commissioners to receive subscriptions to the capital stock of said Company in each of these said Towns and Counties, any three of whom may have power to act, first giving ten days' notice in one of the newspapers of this State, of the time of opening the books for that purpose, and any five of said Commissioners may, at any time after said books have been kept open for twenty days, have power to call together the subscribers to the capital stock of said Company for the purpose of organizing the said Company, and the Commissioners may, after the organization of the Company, from time to time, receive further subscriptions to the capital stock as they may deem proper.

Power to call meeting.

SEC. 5. That whenever the sum of one hundred thousand dollars shall have been subscribed by responsible persons, corporations, Towns or Counties to the capital stock of said Company and the sum of five dollars per share shall have been paid in, the said general Commissioner, the subscribers, their successors, executors or administrators or assigns shall be, and they are hereby declared incorporated into a Company under the name and style of the Plaster Banks and Salt Works Rail Road Company, and the said general Commissioners shall forthwith call together the stockholders of said Company by giving public notice of the place of meeting for thirty days, who shall proceed to organize the Company and elect eight Directors out of the number of stockholders, who shall serve for one year and until others are elected, and said Directors shall elect a Presi-

When declared incorporated.

Organization and Directors elected.

dent from among their own number according to the rules and regulations contained in the charter of the Western North Carolina Rail Road Company.

Rights, powers,
&c., of Road.

SEC. 6. That for the purpose of raising the capital stock, organizing said Company and constructing said Rail Road, this corporation is hereby invested with all the franchises, rights, powers and privileges, and made subject to the duties and liabilities that the Western North Carolina Rail Road Company are invested with, and subject to by their charter.

Annual meetings
may be held.
Proviso.

SEC. 7. That said Company may hold annual meetings of its stockholders and oftener if deemed necessary: *Provided*, That in all such meetings of the stockholders, a majority of all the stock subscribed shall be represented by proxy or in person, and each share thus represented shall be entitled to one vote on all questions; and said Company shall have power to call for and enforce the payment of all stock in like manner as the Western North Carolina Rail Road Company enforce the collection of theirs under their charter; and shall have power to condemn land for the use of the Company if necessary to the same, and in the same manner and under the same rules, regulations and restrictions as the said Western North Carolina Rail Road Company were authorized to do by the said act of incorporation, and the guage of this Road shall be as the guage of the North Carolina Rail Road.

Power to condemn
under rules and reg-
ulations.

Power to borrow
money and issue
bonds.

SEC. 8. That said Company shall have power to borrow money for the completion of said Road and issue bonds for the same, bearing interest not exceeding seven per cent. per annum, and secure the payment of said bonds by procuring personal endorsers or executing mortgages upon their Road or other property; and that said Company may have the exclusive right of transporting persons and freight upon said Road at such rates and charges as the Board of Directors may fix.

SEC. 9. That this act shall be in force from and after its passage.

Ratified the 5th day of April, A. D. 1869.

CHAPTER CXIII.

AN ACT CONCERNING THE SETTLEMENT OF THE ESTATES OF
DECEASED PERSONS.*The General Assembly of North Carolina do enact :*

CHAPTER I.

PUBLIC ADMINISTRATOR.

SECTION 1. *How appointed :*

There may be in every County a Public Administrator, How appointed.
to be appointed by the Judge of Probate for the term of
eight years.

SEC. 2. *Bond :*

The Public Administrator shall enter into bond, with Bond.
three or more securities, approved by the Judge of Probate,
in the penal sum of eight thousand dollars, payable to the
State of North Carolina, conditioned faithfully to perform
the duties of his office, and obey all lawful orders of the
Probate or other Court, touching the administration of the
several estates that may come into his hands.

SEC. 3. *When bond to be enlarged :*

Whenever the aggregate value of the real and personal When bond to be
enlarged.
property, belonging to the several estates in the hands of
the Public Administrator, shall exceed the one-half of his
bond, the Judge of Probate shall require him to enlarge his
bond in amount so as to cover, at all times, at least, the
double of such aggregate.

SEC. 4. *Bond when to be renewed :*

The Public Administrator shall renew his bond every Bond, when to be
renewed.
two years.

PUB. 17.]

SEC. 5. *Oath :*

Oath.

The Public Administrator shall take and subscribe an oath (or affirmation) faithfully and honestly to discharge the duties of his trust ; and the oath so taken and subscribed must be filed in the office of the Probate Judge.

SEC. 6. *When the Public Administrator to obtain letters :*

When Public Administrator to obtain letters.

The Public Administrator shall apply for and obtain letters on the estates of deceased persons in the following cases :

1. When the period of six months has elapsed from the death of any decedent, and no letters testamentary, or letters of administration or collection, have been applied for and issued to any person.

2. When any stranger, or person without known heirs, shall die intestate in any County.

3. When any person entitled to administration shall request, in writing, the Judge of Probate to issue the letters to the Public Administrator.

SEC. 7. *Powers and duties :*

Administrator. rights and powers.

The Public Administrator shall have, in respect to the several estates in his hands, all the rights and powers, and be subject to all the duties and liabilities of other administrators.

 CHAPTER II.

ASSETS AND INVENTORY.

SEC. 8. *Inventory to be returned, when :*

Inventory to be returned, when.

Every executor, administrator and collector, within three months after his qualification, shall return into the Court of Probate, on oath, a just, true and perfect inventory of all the real estate, goods and chattels of the deceased, which

have come to his hands, or to the hands of any person for him; which inventory shall be signed by him and be recorded by the Judge of Probate.

SEC. 9. *Compelling inventory :*

If the inventory specified in the last section is not returned as therein prescribed, the Judge of Probate must issue an order requiring the executor, administrator or collector to file such inventory within the time specified in the order, which shall not be less than twenty days, or to show cause why an attachment should not be issued against him. If, after due service of the order, the executor, administrator or collector does not, on the return day of the order, file such inventory, or obtain further time to file the same, the Judge of Probate shall have power to vacate the office of administrator or executor, and such executor or administrator shall be subject to prosecution for a misdemeanor, and fined and imprisoned at the discretion of the Court.

Judge to issue order.

Probate power to vacate.

SEC. 10. *New assets :*

Whenever further property of any kind, not included in any previous return, shall come to the hands or knowledge of any executor, administrator or collector, he must cause the same to be returned, as prescribed in section eight, within three months after the possession or discovery thereof; and the making of such return of new assets, from time to time, may be enforced in the same manner as in the case of the first inventory.

New assets.

SEC. 11. *Trust estate in personalty deemed personal assets :*

If any trustee, or any person interested in any trust estate, shall die leaving any equitable interest in personal estate which shall come to his executor, administrator or collector, the same estate shall be deemed personal assets.

Trust estate in personalty deemed personal estate.

SEC. 12. *What proceeds of sale of real property deemed personal assets :*

What proceeds of sale of real property deemed personal assets.

All proceeds arising from the sale of real property, for the payment of debts, as hereinafter provided, shall be deemed personal assets in the hands of the executor, administrator or collector, and applied as though the same were the proceeds of the personal estate ; and bonds and other obligations in which the ancestor has bound his heirs shall not be put in suit against the heirs or devisees of the deceased, but shall be paid as other debts of the same class in the manner provided in this act.

SEC. 13. *What proceeds deemed real assets :*

What proceeds deemed real assets.

All proceeds from the sale of real estate, as hereinafter provided in chapter five, which may not be necessary to pay debts and the charges of the administration, shall, notwithstanding, be considered real assets, and as such shall be paid by the executor, administrator or collector, to such persons as would have been entitled to the land had it not been sold.

SEC. 14. *The distinction between legal and equitable assets abolished :*

The distinction between legal and equitable assets abolished.

The distinction between legal and equitable assets is abolished, and all assets shall be applied in the discharge of debts in the manner prescribed by this act.

SEC. 15. *Crops ungathered at decease deemed personal assets :*

Crops ungathered at decease deemed personal assets.

The crops of every deceased person, remaining ungathered at his death, shall, in all cases, belong to the executor, administrator or collector, as part of the personal assets, and shall not pass to the widow with the land assigned as dower, nor to the devisee by virtue of any devise of the land, unless such intent be manifest and specified in the will.

CHAPTER III.

SALES OF PERSONAL PROPERTY.

SEC. 16. *Power of Executor or Administrator to sell Personal Property :*

Every executor and administrator shall have power in his discretion and without any order, except as hereinafter provided, to sell, as soon after his qualification as practicable, all the personal estate of his decedent.

Power of executor or administrator to sell personal property.

SEC. 17. *The same as to Collector :*

All sales of personal property by collectors shall be made only upon order obtained, by motion, from the Judge of Probate, who shall specify in his order a descriptive list of the property to be sold.

The same as to collector.

SEC. 18. *Sales, how to be made :*

All sales of personal estate by an executor, administrator or collector, shall be publicly made on a credit of six months or for cash, after twenty days' notification posted at the Court House and four other public places in the County.

Sales, how to be made.

SEC. 19. *To sell for cash :*

To sell for cash, executors, administrators and collectors must obtain an order from the Probate Court, for reasons to be filed in the office of the Court. When any person interested either as creditor or legatee on the day of sale, objects to the completion of such cash sale, on account of the insufficiency of the amount bid, before passing title to property so disposed of, the Court of Probate, at its discretion, shall confirm the sale.

To sell for cash.

SEC. 20. *Sale of evidences of debt :*

Every executor, administrator and collector, at any time after twenty-four months from the grant of letters, shall be

Sale of evidences of debt.

authorized to sell at public auction, in the manner prescribed in this chapter, all bills, bonds, notes, accounts or other evidences of debt belonging to the decedent, which he has been unable to collect or which may be deemed insolvent. Before offering such evidences of debt at public sale, he shall file with the Judge of Probate a descriptive list thereof, and obtain an order of sale therefor from the Court of Probate, to which he shall make return of the proceeds of such sale as in other cases of assets.

SEC. 21. *Proceeds of sale, how secured :*

Proceeds of sale,
how secured.

The proceeds of all sales of personal estate and rentings of real property by public auction, shall be secured by bond and good personal security; and such proceeds shall be collected as soon as practicable, otherwise the executor, administrator or collector shall be answerable for the same.

SEC. 22. *Hours of sale :*

Hours of sale.

All sales or rentings provided for in the preceding section, shall be between the hours of ten o'clock, A. M., and four o'clock, P. M., of the day on which the sale or renting is to be made; and every executor, administrator or collector, who otherwise makes any sale or renting, shall forfeit and pay two hundred dollars to any person suing for the same.

SEC. 23. *Powers under Wills :*

Power under will.

Nothing contained in sections sixteen, seventeen, eighteen and nineteen shall be construed to affect the discretionary powers, trusts and authorities of an executor, or other trustee acting under a will: *Provided*, Thereby creditors be not delayed, nor the order changed in which by law they are entitled to be paid.

CHAPTER IV.

PAYMENT OF DEBTS.

SEC. 24. *Order of payment:*

The debts of the decedent must be paid in the following order: Order of payment.

First Class.—Debts which by law have a specific lien on property to an amount not exceeding the value of such property.

Second Class.—Funeral expenses.

Third Class.—Taxes assessed on the estate of the deceased previous to his death.

Fourth Class.—Due to the United States and to the State of North Carolina.

Fifth Class.—Judgments of any Court of competent jurisdiction within this State, docketed and in force, to the extent to which they are a lien on the property of the deceased at his death.

Sixth Class.—Wages due to any domestic servant, or mechanical or agricultural laborer employed by the deceased; which claim for wages shall not extend to a period of more than one year next preceding the death; or if such servant or laborer was employed for the year current at the decease, then from the time of such employment; for medical services within the twelve months preceding the decease.

Seventh Class.—All other debts and demands.

SEC. 25. *Rate of Payment:*

Every debt must be paid *pro rata* equally in its class. Rate of payment.

SEC. 26. *No preference allowed:*

No executor, administrator or collector shall give to any debt any preference whatever, either by paying it out of its class, or by paying thereon an undue proportion in its class. No preference allowed.

SEC. 27. *Debts not due :*

Debts not due may be paid on a rebate of interest thereon for the time unexpired.

SEC. 28. *Debt due to Executor, &c.:*

Debts due to executor, &c.

No property or assets of the decedent shall be retained by the executor, administrator or collector, in satisfaction of his own debt, in preference to others of the same class ; but such debt must be established upon the same proof and paid in like manner and order as required by law in case of other debts.

SEC. 29. *Advertising for Claims :*

Advertising for claims.

Every executor, administrator and collector, within twenty days after the granting of letters, shall notify all persons having claims against the decedent, to exhibit the same to such executor, administrator or collector, at or before a day to be named in such notice ; which day must be twelve months from the day of the first publication of such notice.

SEC. 30. *How advertisement to be made :*

How advertisement be made.

The notice directed to be given in the preceding section, shall be made by posting the same at the Court House and at four other public places in the County where letters are granted. In lieu of advertisements at four other public places, an insertion of such notice once a week for six weeks in some newspaper published in said County will suffice.

SEC. 31. *How advertisements to be proved :*

How advertisement to be proved.

A copy of the advertisement, directed to be posted or published in pursuance of the preceding section, with an affidavit, taken before some person authorized to administer oaths, of the proprietor, editor or foreman of the newspaper wherein the same appeared, to the effect that such notice was published for six weeks successively in said newspaper,

or of a witness stating the times and places when and where he saw such notice posted, may be filed in the office of the Probate Court by the executor, administrator or collector. The copy so verified and filed shall be deemed a record of the Court; and a copy thereof, duly certified by the Judge of Probate, with a certificate of the time of filing, shall be received as conclusive evidence of the fact of publication in all the Courts of this State.

The copy filed, a record of Court.

SEC. 32. *Notice may be personally served:*

The executor, administrator or collector may cause the notice mentioned in section twenty-seven (27) to be personally served on any creditor; who shall, thereupon, within six months after personal service thereof, exhibit his claim, or be forever barred from maintaining any action thereon, against the personal representative.

Notice may be personally served.

SEC. 33. *Affidavits may be required:*

Upon any claim being presented against the estate, the executor, administrator or collector may require the affidavit of the claimant or other satisfactory evidence that such claim is justly due, that no payments have been made thereon, and that there are no off-sets against the same, to the knowledge of the claimant; or if any payments have been made or, any off-sets exist, their nature and amount must be stated in such affidavit.

Affidavits may be required.

SEC. 34. *Referring claim:*

If the executor, administrator or collector doubt the justice of any claim so presented, he may enter into an agreement, in writing, with the claimant, to refer the matter in controversy, whether the same be of a legal or equitable nature, to one or more disinterested persons, not exceeding three; whose proceedings shall be the same in all respects as if such reference had been ordered on an action. Such agreement to refer, and the award thereupon, shall be filed in the Probate Court, where the letters were granted, and

Referring claim.

shall be a lawful voucher for the personal representative: the same may be impeached in any proceeding against the personal representative, or on the final settlement of the estate for fraud, error, or illegality therein.

SEC. 35. *Limitation of action on disputed claims:*

Limitation of action on disputed claims.

If a claim is presented and rejected by the executor, administrator or collector, and not referred as provided in the last section, the claimant must, within six months after notice of such rejection, or after some part of the debt becomes due, commence an action for the recovery thereof, or be forever barred from maintaining an action thereon against the personal representative.

SEC. 36. *Remedy against Heirs, devisees, &c.:*

Remedy against heirs, devisees, &c.

A creditor who neglects to present his claim, as prescribed by section thirty, (30) or who neglects to commence an action as prescribed by section thirty-three, (33) may, notwithstanding recover the same from the heirs, devisees, legatees, or next of kin of the decedent, in the manner prescribed in chapter eight of this act.

SEC. 37. *Omission to present Claim in twelve months:*

Omission to present claim in twelve months.

In an action brought on a claim which was not presented within twelve months from the first publication of the general notice to creditors, as prescribed in section twenty-seven, the executor, administrator or collector shall not be chargeable for any assets that he may have paid in satisfaction of any debts, legacies or distributive shares, before such action was commenced; nor shall any costs be recovered in such action against the executor, administrator or collector.

SEC. 38. *Cost against Executors, &c., when allowed:*

Costs against executor, &c., when allowed.

No costs shall be recovered in any action against an executor, administrator or collector, unless it appears that payment was unreasonably delayed or neglected, or that the defendant refused to refer the matter in controversy pur-

suant to section thirty-two (32); in which cases the Court may award such costs against the defendant personally, or against the estate, as may be just.

SEC. 39. *Undevised Real Estate first chargeable with debts:*

When any part of the real estate of the testator descends to his heirs by reason of its not being devised or disposed of by the will, such undevised real estate shall be first chargeable with payment of debts, in exoneration, as far as it will go, of the real estate that is devised, unless from the will it appears otherwise to be the wish of the testator.

Undevised real estate first chargeable with debts.

SEC. 40. *Debtor named Executor not discharged:*

The appointing of any person executor shall not be a discharge of any debt or demand due from such person to the testator.

Debtor named executor not discharged.

SEC. 41. *No lien created by commencement of suit:*

No lien shall be created by the commencement of a suit against an executor, administrator or collector.

No lien created by commencement of suit.

CHAPTER V.

SPECIAL PROCEEDING TO SELL REAL ESTATE FOR PAYMENT OF DEBTS.

SEC. 42. *Application to sell Real Property:*

When the personal estate of a decedent is insufficient to pay all his debts, including the charges of administration, the executor, administrator or collector may, at any time after the grant of letters, apply to the Superior Court of the County, where the land or some part thereof is situated, by petition to sell the real property for the payment of the debts of such decedent.

Application to sell real property.

SEC. 43. *Contents of Petition :*

Contents of petition.

The petition, which must be verified by the oath of the applicant, shall set forth, as far as can be ascertained :

1. The amount of debts outstanding against the estate.
2. The value of the personal estate, and the application thereof.
3. A description of all the legal and equitable real estate of the decedent, with the estimated value of the respective portions of lots.
4. The names, ages and residences, if known, of the devisees and heirs at law of the decedent.

SEC. 44. *Heirs and Devisees to be Parties :*

Heirs and devisees to be parties.

No order to sell real estate shall be granted till the heirs or devisees of the decedent have been made parties to the proceeding, by service of summons, either personally or by publication, as prescribed in the Code of Civil Procedure.

SEC. 45. *Infant Defendants :*

Infant defendants.

Infant defendants must appear by guardian, either general or special, who shall file an answer to the petition, either admitting or denying the allegations thereof, and where such answer is filed by a guardian *ad litem*, the costs and expenses thereof, if any, may be directed to be paid, if the Court thinks proper, out of the proceeds of the sale, in case one is ordered.

SEC. 46. *When issue joined :*

When issue joined

When an issue of law or fact is joined between the parties, the course of the procedure shall be as prescribed in such cases for other special proceedings.

SEC. 47. *Issue of title :*

Issue of title.

Whenever the land, which is sought to be sold, is claimed by another person under any pretence whatsoever, such claimant shall be admitted to be heard as a party to the proceeding, upon affidavit of his claim, and if the issue be

found for the petition, he shall have his writ of possession and order of sale accordingly.

SEC. 48. *Power of Clerk :*

As soon as all proper parties are made to the proceeding, the Clerk of the Superior Court, before whom it is instituted, if the allegations in the petition are not denied or controverted, shall have power to hear the same summarily, and to decree a sale, as provided in the next section.

Power of Clerk.

SEC. 49. *Order of sale, what to contain :*

The Court may decree a sale of the whole or any specified parcel of the premises, in such a manner as to size of lots, place of sale, terms of credit, and security for payment of purchase money, as may be most advantageous to the estate, and upon the coming in of the report of the sale and the confirmation thereof, title shall be made by such person, and at such time as the Court may prescribe.

Order of sale,
what to contain.

SEC. 50. *Notice of sale :*

Notice of sale under this proceeding shall be the same as for the sale of real estate by Sheriffs on execution.

Notice of sale.

SEC. 51. *What Real Estate subject to be sold :*

The real estate subject to a sale, under this chapter, shall include all the deceased may have conveyed with intent to defraud his creditors, and all rights of entry and rights of action and all other rights and interests in lands, tenements and heraditaments which he may devise, or by law would descend to his heirs: *Provided*, That lands so fraudulently conveyed shall not be taken from any one who purchased them for a valuable consideration and without a knowledge of the fraud.

What real estate
subject to be sold.

Proviso.

SEC. 52. *Judgment in case of fraudulent conveyance :*

Whenever an executor, administrator or collector shall file his petition to sell land, which may have been fraudu-

Judgment in case
of fraudulent con-
veyance.

lently conveyed, and of which there may have been a subsequent *bona fide* sale, whereby he cannot have a decree of sale of the land, the Court may give judgment in favor of such executor, administrator or collector for the value of the land, against all persons who may have fraudulently purchased the same; and if the whole recovery shall not be necessary to pay the debts and charges, the residue shall be restored to the person of whom the recovery was made.

CHAPTER VI.

PAYMENT OF LEGACIES AND DISTRIBUTIVE SHARES.

SEC. 53. *Intestates' Estates, how distributed:*

Intestates' estate,
how distributed.

The surplus of the estate, in case of intestacy, shall be distributed in the following manner:

1. If there are not more than two children, one third part to the widow of the intestate, and all the residue by equal portions to and among the children of the intestate, and such persons as legally represent such children as may then be dead.

2. If there are more than two children, then the widow shall share equally with all the children and be entitled to a child's part.

3. If there be no child nor legal representative of a deceased child, then one-half the estate shall be allotted to the widow, and the residue be distributed equally to every of the next of kin of the intestate, who are in equal degree, and to those who legally represent them.

4. If there be no widow, the estate shall be distributed, by equal portions, among all the children, and such persons as legally represent such children as may be dead.

5. If there be neither widow nor children, nor any legal representative of children, the estate shall be distributed

equally to every of the next of kin of the intestate, who are in equal degree, and those who legally represent them.

6. But if, after the death of the father and in the lifetime of the mother, any of his children shall die intestate, without wife or children, every brother or sister, and the representatives of them shall have an equal share with the mother of the deceased child.

SEC. 54. *Advancements to be accounted for :*

Children who shall have any estate by the settlement of the intestate, or shall be advanced by him or her in his or her lifetime, shall account with each other for the same in the distribution of the estate in the manner as provided by the second rule in the chapter of the Revised Code, entitled "Descents," and shall also account for the same to the widow of the intestate in ascertaining her child's part of the estate.

Advancements to be accounted for.

SEC. 55. *Children advanced to render schedule :*

Where any parent shall die intestate, who had in his or her life time given to, or put into the actual possession of, any of his or her children, any personal property of what nature or kind soever, such child shall cause to be given to the administrator or collector of the estate an inventory, on oath, setting forth therein the particulars by him or her received of the intestate in his or her lifetime.

Children advanced to render schedule,

SEC. 56. *Children refusing to account not entitled :*

In case any child who had, in the lifetime of the intestate, received a part of said intestate, shall refuse to give such inventory, he shall be considered to have had and received his full share of the deceased's estate, and shall not be entitled to receive any further part or share.

Children refusing to account not entitled.

SEC. 57. *Illegitimate children next of kin to their mother, when ;*

Illegitimate children to be next of kin to their mother, when.

Every illegitimate child of the mother dying intestate, or the issue of any such illegitimate child deceased, shall be considered among her next of kin, and as such shall be entitled to a share of her personal estate as prescribed in section fifty-one.

SEC. 58. *Illegitimate children next of kin to each other :*

Illegitimate children, born of the same mother, shall be considered legitimate as between themselves and their representatives ; and their personal estate shall be distributed in the same manner as if they had been born in lawful wedlock. And in case of the death of any such child or his issue, without leaving issue, his estate shall be distributed among his mother and all such persons as would be his next of kin, if all such children had been born in lawful wedlock.

SEC. 59. *Executors, &c., to pay over at the end of two years:*

Executor, &c., to pay over at the end of two years.

No executor, administrator or collector, after two years from his qualification, shall hold or retain in his hands more of the deceased's estate than amounts to his necessary charges and disbursements, and such debts as he shall legally pay ; but all such estate so remaining shall, immediately after the expiration of two years, be divided and be delivered and paid to such person to whom the same may be due by law, or the will of the deceased.

SEC. 60. *Sums to be reserved :*

Sums to be reserved.

But if, on a final accounting in the Court of Probate, it appears that any claim exists against the estate which is not due, or on which a suit is pending, the Probate Judge shall allow a sum sufficient to satisfy such claim, or the proportion to which it may be entitled, to be retained in the hands of the executor, administrator or collector, for the purpose of being applied to the payment when due or when

recovered, with the expense of contesting the same. The order allowing such sum to be retained must be entered in the Order Record of the Court of Probate, and must specify the amount and nature of the claim.

SEC. 61. *Gifts to issue, dying and leaving issue, &c :*

When any person, being a child or other issue of the testator, to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the lifetime of the testator, leaving issue, and any such issue of such person shall be living at the death of the testator, such devisee or bequest shall not lapse, but shall take effect and vest a title to such estate in the issue surviving, if there be any, in the same manner, proportions and estates as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Gifts to issue, dying and leaving issue, &c.

SEC. 62. *Child born after Parent's will executed :*

Children born after the making of the parent's will, and whose parent shall die without making any provision for them, shall be entitled to such share and proportion of said parent's estate as if he or she had died intestate, and the rights of any such after-born child shall be a lien on every part of the parent's estate, until his several share thereof is set apart in the manner prescribed in chapter eight of this act.

Children born after parents will executed.

CHAPTER VII.

GENERAL POWERS AND DUTIES OF EXECUTORS, ADMINISTRATORS
AND COLLECTORS, AND ACTIONS BY AND AGAINST THEM.SEC. 63. *Rights in actions survive to and against Personal Representative :*

Rights in actions survive to and against personal representative.

Upon the death of any person, all demands whatsoever, and rights to prosecute or defend any action or special proceeding, existing in favor or against such person, except as hereinafter provided, shall survive to and against the executor, administrator or collector of his estate.

SEC. 64. *Exceptions: Rights which die with the Persons :*

The following rights in action do not survive :

1. Causes of action for libel and for slander, except slander of title :
2. Causes of action for false imprisonment, assault and battery, or other injuries to the person where such injury does not cause the death of the injured party ;
3. Causes of action accruing against a husband by reason of his marriage, for the debts of the wife contracted by her before marriage ;
4. Cases where the relief sought could not be enjoyed, or granting it would be nugatory, after death.

SEC. 65. *Deed may be made by Executor, &c., in certain cases :*

Deed may be made by executor, &c., in certain cases.

When any deceased person shall have *bona fide* sold any lands, and shall given a bond to the purchaser to convey the same, and the bond hath been duly proved before any Probate Court and registered in the County where the lands are situated if within the State, or, if not in the State, shall be proved before said Court and registered in the County where the obligee lives or obligor died, his executor, administrator or collector may execute a deed to the purchaser

conveying such estate as shall be specified in the bond ; and such deed shall convey the title as fully as if it had been executed by the deceased obligor : *Provided*, That no deed shall be made but upon payment of the price, if that be the condition of the bond.

Proviso.

SEC. 66. *Land devised to be sold by Executor, who may sell :*

When part of the executors of any person making a will of lands, to be sold by his executors, die or refuse to take upon them the administrations ; or when all the executors die, or refuse to take upon them the administration ; or when there is no executor named in a will devising lands to be sold, or to be sold by executors ; in every such case, such executors as qualify, or having qualified, do survive, or the administrator with the will annexed, may sell such lands ; and all conveyances, made by such executors or administrators, shall be effectual to convey the title to the purchaser of the estate so devised to be sold.

Land devised to be sold by executor, who may sell.

SEC. 67. *Who chargeable as Executor de son tort :*

Every person who shall receive goods or debts of any person dying intestate, or any release of a debt due the intestate, upon a fraudulent intent, or without such valuable consideration as shall amount to the value or thereabout, (except it be in the satisfaction of some debt, of the value of the same goods or debts to him owing by the intestate at the time of his decease,) shall be chargeable as executor of his own wrong, so far as such debts and goods, coming to his hands, or whereof he is released, will satisfy, deducting all just debts owing to him by the intestate, and all other payments made by him.

Who chargeable as executor de son tort.

SEC. 68. *Devastavit by Executors or Administrators of Executors, &c :*

The executors and administrators of persons, who, as rightful executors in their own wrong, or as administrators, shall waste or convert to their own use any estate or assets

Devastavit by executors or administrators of executors, &c.

of any person deceased, shall be chargeable in the same manner as their testator or intestate might have been.

SEC. 69. *Right of action to survive to Executor of Executor, &c :*

Right of action to survive to executor of executor, &c.

Executors and administrators, and executors of executors, shall have actions in like manner as the first testator or intestate might have had against any person, his executors and administrators, in all cases, except where such actions, being commenced, are not allowed by statute to be revived on the death of any party.

SEC. 70. *Action for wrongful act or neglect, causing death:*

Action for wrongful act or neglect, causing death.

Whenever the death of a person is caused by a wrongful act, neglect or default of another, such as would, if the injured party had lived, have entitled him to an action for damages therefor, the person or corporation that would have been so liable, and his or their executors, administrators, collectors or successors, shall be liable to an action for damages, to be brought within one year after such death, by the executor, administrator or collector of the decedent; and this notwithstanding the death, and although the wrongful act, neglect or default, causing the death, amount in law to a felony.

SEC. 71. *Measure of Damages :*

The plaintiff, in such action may recover such damages as are a fair and just compensation for the pecuniary injury resulting from such death.

SEC. 72. *How recovery to be applied :*

How recovery to be applied.

The amount recovered in such action is not liable to be applied as assets, in the payment of debts or legacies, but shall be disposed of as provided in this act for the distribution of personal property in case of intestacy.

SEC. 73. *Recovery of assets and possession of real property, &c :*

Executors, administrators or collectors may maintain any appropriate action or proceeding to recover assets, and to recover possession of the real property of which executors are authorized to take possession by will; and to recover for any injury done to such assets or real property at any time subsequent to the death of the decedent.

Recovery of assets and possession of real property, &c.

SEC. 74. *Executors, &c., to hold in joint tenancy :*

Every estate vested in executors, administrators or collectors, as such, shall be held by them in joint tenancy.

Executors, &c., to hold in joint tenancy.

SEC. 75. *Sales of real property under wills :*

Sales of real property made pursuant to authority given by will, unless the will otherwise directs, may be public or private, and on such terms, as, in the opinion of the executor, are most advantageous to those interested therein.

Sales under will

SEC. 76. *When property paid to University :*

All sums of money or other estate of whatever kind, which shall remain in the hands of any executor, administrator or collector for five years after his qualification, unrecovered or unclaimed by suit, by creditors, next of kin, or others entitled thereto, shall be paid by the executor, administrator or collector, to the Trustees of the University of North Carolina; and the said Trustees are authorized to demand, sue for, recover, and collect such moneys or other estate of whatever kind, and hold the same without liability for profit or interest, until a just claim therefor shall be preferred by creditors, next of kin, or others entitled thereto; and if no such claim shall be preferred, within ten years after such money or other estate be received by the said Trustees, then the same shall be held by them absolutely.

When paid to University.

SEC. 77. *Bidding in real property :*

Bidding in real property.

At any auction sale of real property belonging to the estate, the executor, administrator or collector may bid in the property and take a conveyance to himself as executor, administrator or collector for the benefit of the estate, when, in his opinion, this is necessary to prevent a loss to the estate.

SEC. 78. *Promises to charge Executor, &c., personally to be in writing :*

Promises to charge executor, &c., personally to be in writing.

No action shall be brought whereby to charge an executor, administrator or collector upon a special promise to answer damages, or to pay the decedent's debts out of his own estate, unless the agreement upon which such action is brought, or some memorandum or note thereof, shall be in writing and signed by such executor, administrator or collector, or by some other person thereunto by him lawfully authorized.

SEC. 79. *All actions to be in representative capacity :*

All actions to be in representative capacity.

All actions and proceeding brought by or against executors, administrators or collectors, upon any cause of action or right to which the estate is the real party in interest, must be brought by or against them in their representative capacity.

SEC. 80.

When action is pending.

That any executor or administrator against whom any action is pending in any Court of this State, and who has heretofore entered pleas in such actions, may hereafter, as matter of right and without amend, strike out or change such pleas at his discretion, and the actions in which such pleas may be so amended, stricken out, or changed, shall be tried upon the next pleas as though they were for the first time entered.

SEC. 81. *Appearance by one of several executors, &c :*

In actions against several executors, administrators or collectors, they are all to be considered as one person, representing the decedent; and if the summons is served on one or more, but not all, the plaintiff may proceed against those served, and if he recovers, judgment may be entered against all.

Appearance by one of several executors, &c.

SEC. 82. *Actions against Executors, &c., by a creditor :*

An action may be brought by a creditor against an executor, administrator or collector, on a demand at any time after it is due; but no execution shall issue against the executor, administrator or collector, on a judgment therein against him, without leave of the Court, upon notice of twenty days, and upon proof that the defendant has refused to pay such judgment its rateable part, and such judgment shall be a lien on the property of the defendant only from the time of such leave granted.

Actions against executors, &c., by a creditor.

SEC. 83. *Legacies and Distributive Shares, how recoverable:*

Legacies and distributive shares may be recovered from an executor, administrator or collector by petition preferred in the Superior Court at any time after the lapse of two years from his qualification, unless the executor, administrator or collector shall sooner file his final account for settlement in the Court of Probate. The suit shall be commenced and the proceedings therein conducted as prescribed by law in other cases of special proceedings.

Legacies and distributive shares, how recoverable.

SEC. 84. *Right of succeeding Executor, &c., to issue execution :*

Any executor, administrator or collector may have execution issued on any judgment recovered by any person who preceded him in the administration of the estate, or by the decedent, in the same cases and the same manner as the original plaintiff might have done.

Rights of succeeding executor, &c., to issue execution.

SEC. 85. *Actions continued in cases of revocation of Letters:*

Actions continued
in cases of revoca-
tion of letters.

In cases the letters of an executor, administrator or collector are revoked, pending an action to which he is a party, the adverse party may, notwithstanding, continue the action against him in order to charge him personally. If such party does not elect so to do, within six months after notice of such revocation, the action may be continued against the successor of the executor, administrator or collector in the administration of the estate, in the same manner as in case of death, as provided in section sixty-four of the Code of Civil Procedure.

When executor to
give bond.

SEC. 86. *When Executor to give bond:*

Executors shall give bond as prescribed by law in the following cases:

1. Where executor resides out of the State, and no foreign executor has any authority to intermeddle with the estate, until he shall have entered into bond, which must be done within the space of one year after the death of the testator, and not afterwards.

2. When a man marries a woman who is an executrix, and if the husband in such case fail to give bond, the Court of Probate, on application of any creditor or other party interested in the estate, shall revoke the letters issued to the wife, and grant administration with the will annexed to some other person.

3. Where an executor, other than such as may have already given bond, obtains an order to sell any portion of the real estate for the payment of debts, as hereinbefore provided; and the Court, to whom application is made, shall require, before granting any order of sale, such executor to enter into bond.

SEC. 87. *Remedy on Bonds:*

Remedy on bonds.

Every person injured by the breach of any bond given by an executor, administrator or collector, may put the same in suit and recover such damages as he may have sustained.

SEC. 88. *Bond to be prosecuted on revocation of Letters :*

Whenever the letters of an executor, administrator or collector are revoked, his bond may be prosecuted by the person or persons succeeding to the administration of the estate, and a recovery may be had thereon to the full extent of any damage not exceeding the penalty of the bond sustained by the estate of the decedent by the acts or omissions of such executor, administrator or collector, and to the full value of any property received and not duly administered. Moneys so recovered shall be assets in the hands of the person recovering them.

Bond to be prosecuted on revocation of letters.

SEC. 89. *Requiring new Bonds or new Sureties :*

If complaint be made on affidavit to the Court of Probate that the surety in any bond of an executor, administrator or collector is insufficient, or that one or more of such surety is, or is about to become a non-resident of this State, or that the bond is inadequate in amount, the Judge of Probate must issue an order requiring the principal in the bond to show cause why he should not give a new bond, or further surety, as the case may be.

Requiring new bonds or new sureties

On the return of the order duly executed, if the objections in the complaint are found valid, the Judge of Probate shall make an order requiring the party to give further security or a new bond in a larger amount, within a reasonable time.

SEC. 90.

Any surety on the bond of an executor, administrator or collector, who is in danger of sustaining loss by his suretyship, may exhibit his petition on oath to the Court of Probate, wherein the bond was given, setting forth particularly the circumstances of his case, and asking that such executor, administrator or collector be removed from office, or that he give security to indemnify the petitioner against apprehended loss, or that the petitioner be released from responsi-

Surety in danger of loss, &c

Surety entitled to relief.

bility on account of any future breach of the bond. The Judge of Probate shall issue a citation to the principal in the bond, requiring him, within twenty days after service thereof, to answer the petition. If, upon the hearing of the case, the Judge of Probate deem the surety entitled to relief, he may grant the same in such manner and to such extent as may be just. And if the principal in the bond gives new or additional security, to the satisfaction of the Court, within such reasonable time as may be required, the Probate Judge may make an order releasing the surety from liability on the bond for any subsequent act, default or misconduct of the principal.

SEC. 91. *Revocation of Letters for failure to comply :*

Revocation of letters for failure to comply.

If any person required to give a new bond, or further security, or security to indemnify, under the next preceding two sections, fails to do so within the time specified in any such order, the Court of Probate must forthwith revoke the letters issued to such person, whose right and authority, respecting the estate, shall thereupon cease.

SEC. 92. *Appointment of Successor, interlocutory order :*

Appointment of successor, interlocutory order.

In all cases of the revocation of letters, the Judge of Probate must immediately appoint some other person to succeed in the administration of the estate; and pending any suit or proceeding between parties respecting such revocation, the Judge of Probate is authorized to make such interlocutory order as, without injury to the rights and remedies of creditors, may tend to the better securing of the estate.

SEC. 93. *Administering before Letters granted, penalty :*

Administering before letters granted, penalty.

No person shall enter upon the administration of any decedent's estate, until he has obtained letters therefor, under the penalty of one hundred dollars, one half to the use of the informer and the other half to the State; but nothing herein contained shall prevent the family of the deceased from using so much of the crop, stock and provis-

ions on hand as may be necessary, until the widow's year's support is assigned therefrom, as prescribed by law.

SEC. 94. *Service on absent Executor, how made :*

Whenever process may issue against an executor who has not given bond, and the same cannot be served upon him by reason of his absence or concealment, service of such process may be made by publication in the manner prescribed in sections eighty-three (83) and eighty-four (84) of the Code of Civil Procedure.

Service on absent executor, how made

SEC. 95. *Commissions allowed to Executor, &c. :*

The Courts of Probate are authorized and directed to allow commissions to executors, administrators and collectors on filing their final accounts for settlement, not exceeding five per centum upon the amount of receipts and expenditures, which shall appear to be fairly made in the course of administration ; and such allowance may be retained out of the assets against creditors and all other persons claiming an interest in the estate. And the Court, in making such allowance, shall consider the trouble and time expended in the management of the business : *Provided, however,* That in the sales of land, by order of the Superior Court, for payment of debts, commissions shall not be allowed on any larger amount of the proceeds than the sum actually applied in payment of debts : *And provided also,* That nothing in this section contained shall prevent any executor, administrator or collector from retaining for necessary charges and disbursements in the management of the estate.

Commissions allowed to executor, &c.

Proviso.

SEC. 96. *Executors, &c., may file petition for settlement :*

An executor, administrator or collector, who has filed his final account for settlement in the Court of Probate, may, at any time thereafter, file his petition against the parties interested in the due administration of the estate, in the Superior Court of the County in which he qualified, setting forth the facts, and praying for an account and settlement

Executors, &c., may file petition for settlement.

of the estate committed to his charge. The petition shall be proceeded on in the manner prescribed by law in other cases of special proceedings; and, at the final hearing thereof, the Judge of the Court, either in term time or vacation, may make such order or decree in the premises as shall seem to be just and right.

SEC. 97. *Payment of Legacy or Distributive Share due Absentee or Minor:*

Payment of legacy or distributive share due absentee or minor.

When any balance of money or other estate, which is due an absent defendant or infant without guardian, is found in the hands of an executor, administrator or collector who has preferred his petition for settlement, the Judge may direct such money or other estate to be paid and delivered to the Clerk of the Superior Court, to be invested upon interest, or otherwise managed under the direction of the Judge, for the use of such absent person or infant.

SEC. 98. *Liability and Compensation of Clerk:*

Liability and compensation of Clerk.

Every Clerk of the Superior Court, who may be intrusted with money or other estate in such case, shall be liable, on his official bond, for the faithful discharge of the duties enjoined upon him by the Judge in relation to said estate, and he may receive such compensation for his services as the Judge may allow.

CHAPTER VIII.

LIABILITY OF HEIRS, DEVISEES, LEGATEES AND NEXT OF KIN FOR DEBTS OF THE DECEDENT, AND FOR CONTRIBUTION.

SEC. 99. *Liable jointly for Debts:*

Liable jointly for debts.

All persons succeeding to the real or personal property of a decedent, by inheritance, devise, bequest or distribu-

tion, shall be liable jointly, and not separately, for the debt of such decedent.

SEC. 100. *Limit of Liability :*

No person shall be liable, under the preceding section, beyond the value of the property so acquired by him, or for any debt or any part of a debt that might by action or other due proceeding, have been collected from the executor, administrator or collector of the decedent, and it is incumbent on the creditor to show the matters herein required to render such person liable.

SEC. 101. *Appointment of Recovery, Costs :*

In any such action, the recovery must be apportioned in proportion to the assets or property received by each defendant, and judgment against each must be entered accordingly. Costs in such actions must be apportioned among the several defendants, in proportion to the amount of the recovery against each of them.

Appointment of recovery ; costs.

SEC. 102. *Priority of Debts :*

Every person who is liable for the debts of a decedent under section ninety-six (96) must observe the same preferences, in the payment thereof, as are established in section twenty-two, chapter four, of this act ; nor shall the commencement of an action by a creditor give his debt any preference over others.

Priority of debts.

SEC. 103. *Defence ; other debts of equality or priority :*

The defendants in such action may show that there are unsatisfied debts of a prior class, or of the same class with that in suit. If it appears that the value of the property acquired by them does not exceed the debts of a prior class, judgment must be rendered in their favor. If it appears that the value of the property acquired by them exceeds the amount of debts which are entitled to a preference over the debt in suit, the whole amount, which the plaintiff shall

Defence ; other debts of equality or priority.

recover, is only such a portion of the excess as is a just proportion to the other debts of the same class with that in suit.

SEC. 104. *Debts paid estimated as if unpaid :*

Debts paid estimated as if unpaid.

If any debts of a prior class to that in which the suit is brought, or of the same class, has been paid by any defendant, the amount of the debts so paid shall be estimated, in ascertaining the amount to be recovered, in the same manner as if such debts were outstanding and unpaid, as prescribed in the preceding section.

SEC. 105. *Conveyances by Heir or Devisee void, when :*

Conveyances by heir or devisee void, when.

All conveyances of real property of any decedent made by any devisee or heir at law, within two years from the grant of letters, shall be void as to the creditors, executors, administrators and collectors of such decedent: but such conveyances to *bona fide* purchasers for value and without notice, it made after two years from the grant of letters, shall be valid even as against creditors.

SEC. 106. *How to compel contribution among Devisees and Legatees :*

How to compel contribution among devisees and legatees.

The remedy to compel contribution shall be by petition filed in the Superior Court against the personal representatives, devisees, legatees, and heirs also of the decedent, if any part of the real estate be undevisee, within two years probate of the will, and setting forth the facts which entitle the party to relief. The suit shall be commenced and proceeded on in the manner prescribed by law in case of other special proceedings; and the costs therein shall be within the discretion of the Court.

SEC. 107. *Specific Devisee, when entitled to contribution :*

Specific devisee, when entitled to contribution.

If, upon the hearing of any petition for the sale of real estate to pay debts, under chapter five of this act, the Court decree a sale of any part that may have been specifically

devised, the devisee shall be entitled to contribution from other devisees, according to the principles of equity in respect to contribution among legatees. And the children and issue provided for in sections fifty-nine (59) and sixty (60), chapter six (6) of this act, shall be regarded as specific devisees in such contribution.

SEC. 108. *Of what lands an after-born Child's share to be allotted :*

The share of an after-born child in real estate, shall be allotted to him out of any lands not devised, if there be enough for that purpose ; and if there be none undevised, or not enough, then the whole share, or the deficiency, as the case may be, shall be made up of the lands devised ; and so much thereof shall be taken from the several devisees according to their respective values, as near as may be convenient, as will make the proper share of such child.

Of what lands an after born child's share to be allotted.

SEC. 109. *Of what Personalty such Child's share to be allotted :*

The share of an after-born child in the personal estate shall be paid and delivered to him out of any such estate not bequeathed, if there be enough for that purpose ; and if there be none undisposed of, or not enough, then the whole share, or the deficiency, as the case may be, shall be made up from the estate bequeathed ; and so much shall be taken from the several legacies, according to their respective values, as will make the proper share of such child.

Of what personalty such child's share to be allotted.

SEC. 110. *Intestate estate to be applied in exoneration of estate devised or bequeathed :*

If, after satisfaction of the child's share of real estate out of undevised lands, there be a surplus of such lands, and there be no personal estate undisposed of, or not enough to make up his share of such estate, then the surplus of undevised land, or as much as may be necessary, shall be sold and the proceeds applied to making up his share of

Intestate estate to be applied in exoneration of estate devised or bequeathed

personal estate. And, if after satisfaction of the child's share of personal estate out of property undisposed of by the will, there be a surplus of such property, then the surplus thereof shall be applied, as far as it will go, in exoneration of land, both devised and descended; and the same shall be set apart and secured as real estate to such child, it an infant, *non compos or feme covert*.

SEC. 111. *Decree of contribution :*

Decree of contribution.

Upon the allotment to such child, of any real estate in the manner aforesaid, he shall thenceforth be seized thereof in fee simple; and the Court shall give judgment severally, in favor of such of the devisees and legatees, of whose lands and legacies more has been taken away than in proportion to the respective values of said lands and legacies, against such of said devisees and legatees, of whose lands and legacies a just proportion has not been taken away, for such sums as will make the contribution on the part of each and every of them equitable, and in the ratio of the values of the several devisees and legacies.

SEC. 112. *After-born child deemed devisee and legatee, when :*

After-born child deemed devisee or legatee, when.

An after-born child after such decree, shall be considered and deemed in law a legatee and devisee as to his portion, shall be styled as such in all legal proceedings, and shall be liable to all the obligations and duties by law imposed on such: *Provided always*, That all judgments or decrees, *bona fide*, obtained against the devisees and legatees, previously to the preferring of any petition, and which were binding upon, or ought to operate upon, the lands and chattels devised or bequeathed, shall be carried into execution and effect notwithstanding, and the petitioner shall take his portion completely subject thereto: *And provided also*, That any suit instituted against the devisees and legatees, previously to such petition, shall not be abated or abateable thereby, nor by the decree thereon, but shall go

Proviso.

on as instituted, and the judgment and decree, unless obtained by collusion, be carried into execution; but on the filing of the petition, during the pendency of such suit, the petitioner, by guardian, if an infant, may become a defendant in the suit.

SEC. 113. *How Executor to proceed if no petition be filed:*

In case no petition shall be filed within two years, as herein prescribed, the executor or administrator with the will annexed before he shall pay or deliver the legacies in the will given, or before paying to the next of kin of the testator any residue undisposed of by the will, shall call upon the legatees, devisees, heirs and next of kin, and the said after born child, by petition in the Superior Court, to litigate their respective claims, and shall pray the Court to ascertain the share to which said child shall be entitled, and to apportion the shares and sums which the legatees, devisees, heirs or next of kin shall severally contribute toward the share to be allotted to said child, and the Court shall adjudge and decree accordingly.

How executor to proceed if no petition be filed.

CHAPTER XIX.

MISCELLANEOUS.

SEC. 114. *Right of dower saved:*

Nothing contained in this act shall affect the right of dower.

Right of dower saved.

SEC. 115. *What laws repealed;*

The following laws are repealed by this act:

1. Chapter forty-six of the Revised Code.

What laws repealed.

PUB. 19.]

2. Sections eight, nine, ten and eleven of chapter one of the Revised Code.

3. Sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six and thirty-seven, chapter one hundred and nineteen of the Revised Code.

4. All laws and clauses of laws in conflict with the provisions of this act.

SEC. 116. *When to go into effect;*

This act shall take effect and be in force on and after the first day of July, Anno Domini eighteen hundred and sixty-nine.

Ratified the 6th day of April, A. D. 1869.

CHAPTER CXIV.

AN ACT TO AMEND SECTION SIX, CHAPTER THIRTY-FIVE OF
AN ACT CONCERNING THE REGISTER OF DEEDS.

Register of Deeds. SECTION 1. *The General Assembly of North Carolina do enact,* That the Register of Deeds shall have an office in the Court House, or other place provided by the County Commissioners, in the County Town of his County.

SEC. 2. This act shall be in force from its ratification.

Ratified the 6th day of April, A. D. 1869.

CHAPTER CXV.

AN ACT TO AUTHORIZE THE SWIFT ISLAND MANUFACTURING COMPANY TO ESTABLISH A PUBLIC FERRY ACROSS THE PEDEE RIVER, NEAR THEIR FACTORY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Swift Island Manufacturing Company are authorized to keep up a Ferry across the Pedee River, at or near the Factory of said Company, in the County of Montgomery, in this State, and are authorized to charge the rates of ferriage usual on the said river, above and below said Factory.

Ferry across
Pedee River.

SEC. 2. This act shall go into effect from the date of its ratification.

Ratified the 6th day of April, A. D. 1869.

CHAPTER CXVI.

PROCEEDINGS IN HABEAS CORPUS.

CHAPTER I.

The General Assembly of North Carolina do enact as follows:

SECTION 1. *In what cases the application may be made:*

Every person imprisoned or restrained of his liberty within this State, for any criminal or supposed criminal matter, or on any pretence whatsoever, except in cases specified in the next section, may prosecute a writ of *habeas corpus*, according to the provisions of this chapter, to inquire

In what case the
application may be
made.

into the cause of such imprisonment or restraint, and it illegal to be delivered therefrom.

SEC. 2. *When the application may be denied :*

When the application may be denied.

Application to prosecute the writ shall be denied in the following cases :

1. Where the persons are committed or detained by virtue of process issued by a Court of the United States, or a Judge thereof, in cases where such Courts or Judges have exclusive jurisdiction under the laws of the United States, or shall have acquired exclusive jurisdiction by the commencement of suits in such Courts.

2. Where persons are committed or detained by virtue of the final order, judgment or decree of a competent tribunal of civil or criminal jurisdiction, or by virtue of an execution, issued upon such final order, judgment or decree.

3. Where any person has wilfully neglected, for the space of two whole terms after his imprisonment of the Superior Court of the County in which he may be imprisoned, to apply for the writ, such person shall not have a *habeas corpus* in vacation time for his enlargement.

4. Where no probable ground for relief is shown in the application.

SEC. 3. *By whom application may be made :*

By whom application may be made.

Application for the writ may be made either by the party for whose relief it is intended or by any person in his behalf.

SEC. 4. *Mode of making the application :*

Application for the writ shall be made in writing, signed by the applicant :

1. To any one of the Judges of the Supreme Court.

2. To any one of the Superior Court Judges, either at term time or in vacation.

SEC. 5. *What application must contain :*

The application must state in substance, as follows :

What application
must contain.

1. That the party, in whose behalf the writ is applied for, is imprisoned or restrained of his liberty, the place where, and the officer or person by whom he is imprisoned or restrained, naming both parties, if their names are known, or describing them if they are not known.

2. The cause or pretence of such imprisonment or restraint, according to the knowledge or belief of the applicant.

3. If the imprisonment is by virtue of any warrant or other process, a copy thereof shall be annexed, or it shall be made to appear that a copy thereof has been demanded and refused, or that for some sufficient reason a demand of such copy could not be made.

4. If the imprisonment or restraint be alleged to be illegal, the application must state in what the alleged illegality consists ; and that the legality of the imprisonment or restraint has not been already adjudged, upon a prior writ of *habeas corpus*, to the knowledge or belief of the applicant.

5. That the facts set forth in the complaint must be verified by the oath of the applicant, or by that of some other credible witness, which oath may be administered by any person authorized by law to take affidavits.

SEC. 6. *When the writ must be granted :*

Any Court or Judge empowered to grant the writ, to whom such application may be presented, shall grant the writ without delay, unless it appear from the application itself, or from the documents annexed, that the person applying, or for whose benefit it is intended, is, by the provisions of this chapter, prohibited from prosecuting the writ.

When the writ
must be granted.

SEC. 7. *Defect of a form :*

Defect of form.

No writ of *habeas corpus* shall be disobeyed on account of any defect of form.

SEC. 8. *When the writ sufficient :*

When writ sufficient.

It shall be sufficient :

1. If the person having the custody of the party imprisoned or restrained, be designated either by his name of office, if he have any, or by his own name, or if both such names be unknown or uncertain, he may be described by an assumed appellation, and any one who may be served with the writ, shall be deemed the person to whom it is directed, although it may be directed to him by a wrong name, or description, or to another person.

2. If the person who is directed to be produced, be designated by name, or if his name be uncertain or unknown, he may be described by an assumed appellation, or in any other way, so as to designate the person intended.

SEC. 9. *Penalty for refusal to grant the writ :*

Penalty for refusal to grant the writ.

If any Judge authorized by the provisions of this chapter to grant writs of *habeas corpus*, shall refuse to grant such writ when legally applied for, every such Judge shall forfeit to the party aggrieved two thousand five hundred dollars.

SEC. 10. *Writ may issue without application :*

Writ may issue without application.

Whenever the Supreme or Superior Court, or any Judge of either, shall have evidence from any judicial proceeding before such Court or Judge, that any person within this State, is illegally imprisoned or restrained of his liberty, it shall be the duty of said Court or Judge to issue a writ of *habeas corpus* for his relief, although no application be made for such writ.

SEC. 11. *The return, and what to contain :*

The return and what to contain.

The person or officer on whom the writ is served, must make a return thereto in writing, and except where such

person shall be a sworn public officer, and shall make his return in his official capacity, it must be verified by his oath. The return must state plainly and unequivocally :

1. Whether he have or have not, the party in his custody or under his power or restraint.

2. If he have the party in his custody or power, or under his restraint, the authority and the cause of such imprisonment or restraint, setting forth the same at large.

3. If the party be detained by virtue of any writ, warrant, or other written authority, a copy thereof shall be annexed to the return ; and the original shall be produced and exhibited on the return of the writ to the Court or Judge, before whom the same is returnable.

4. If the person or officer upon whom such writ is served, shall have had the party in his power or custody, or under his restraint, at any time prior or subsequent to the date of the writ, but has transferred such custody or restraint to another, the return shall state particularly, to whom, at what time, for what cause and by what authority, such transfer took place.

SEC. 12. *Notice to parties interested :*

When it appears from the return to the writ, that the party named therein is in custody on any process, or by reason of any claim of right, under which any other person has an interest in continuing his imprisonment or restraint, no order shall be made for his discharge, until it shall appear that the person so interested, or his attorney, if he have one, shall have had eight days' notice of the time and place at which such writ is returnable.

Notice to parties.

SEC. 13. *Notice to District Solicitor :*

When it appears from the return that such party is detained upon any criminal accusation, the Court or Judge may, if he thinks proper, make no order for the discharge of such party until sufficient notice of the time and place at which the writ shall have been returned, or shall be made

Notice to District Solicitor.

returnable, be given to the District Solicitor of the County in which the person prosecuting the writ is detained.

SEC. 14. *Production of the body :*

Production of the body.

If the writ require it, the officer or person, on whom the same has been served, shall also produce the body of the party in his custody or power, according to the command of the writ, except in the case of the sickness of such party, as hereinafter provided.

SEC. 15. *Attachment on failure to obey the writ :*

Attachment on failure to obey the writ.

If the person or officer, on whom any writ of *habeas corpus* shall have been duly served, shall refuse or neglect to obey the same, by producing the body of the party, named or described therein, and by making a full and explicit return thereto, within the time required, and no sufficient excuse be shown, for such refusal or neglect, it shall be the duty of the Court or Judge, before whom the writ shall have been made returnable, upon due proof of the service thereof, forthwith to issue an attachment against such person or officer, directed to the Sheriff of any County within this State, and commanding him forthwith to apprehend such person or officer, and bring him immediately before such Court or Judge, and on being so brought, such person or officer shall be committed to close custody, in the jail of the County, where such Court or Judge may be, without being allowed the liberties thereof, until such person or officer make return to such writ and comply with any order that may be made by such Court or Judge in relation to the party, for whose relief the writ shall have been issued.

SEC. 16. *Where a Sheriff fails to return :*

When a Sheriff fails to return.

If a Sheriff shall have neglected to return the writ, agreeably to the command thereof, the attachment against him may be directed to the Coroner or to any other person to be designated therein, who shall have full power to execute

the same, and such Sheriff, upon being brought up, may be committed to the jail of any County other than his own.

SEC. 17. *Precept to bring up party detained:*

The Court or Judge, by whom any such attachment may be issued, may also at the same time, or afterwards, direct a precept to any Sheriff, Coroner, or other person to be designated therein, commanding him to bring forthwith, before such Court or Judge, the party, wherever to be found, for whose benefit the writ of *habeas corpus* shall have been granted.

Precept to bring up party detained.

SEC. 18. *Power of the County:*

In the execution of any attachment, precept or writ, under sections fifteen, sixteen and seventeen, the Sheriff, Coroner, or other person, to whom it may be directed, may call to his aid the power of the County, as in other cases.

Power of the County.

SEC. 19. *Proceedings on the return of the writ:*

The Court or Judge before whom the party is brought on a writ of *habeas corpus*, shall, immediately after the return thereof, examine into the facts contained in such return, and into the cause of the confinement or restraint of such party, whether the same shall have been upon commitment for any criminal or supposed criminal matter or not; and if issue be taken upon the material facts in the return, or other facts are alleged to show that the imprisonment or detention is illegal, or that the party imprisoned is entitled to his discharge, the Court or Judge shall proceed, in a summary way, to hear the allegations and proofs on both sides, and to do what to justice shall appertain in delivering, bailing or remanding such party.

Proceedings on the return of the writ.

SEC. 20. *Party to be discharged, when:*

If no legal cause be shown for such imprisonment or restraint, or for the continuance thereof, the Court or Judge shall discharge the party from the custody or restraint under

Party to be discharged, when.

which he is held. But if it appear on the return to the writ, that the party is in custody by virtue of civil process from any Court legally constituted, or issued by any officer in the course of judicial proceedings before him, authorized by law, such party can be discharged only in one of the following cases :

1. Where the jurisdiction of such Court or officer has been exceeded, either as to matter, place, sum or person.

2. Where, though the original imprisonment was lawful, yet by some act, omission or event, which has taken place afterwards, the party has become entitled to be discharged.

3. Where the process is defective in some matter of substance required by law, rendering such process void.

4. Where the process, though in proper form, has been issued in a case not allowed by law.

5. Where the person, having the custody of the party under such process, is not the person empowered by law to detain him.

6. Where the process is not authorized by any judgment, order or decree by any Court, nor by any provision of law.

SEC. 21. *Party to be remanded, when :*

Party to be remanded, when.

It shall be the duty of the Court or Judge forthwith to remand the party, if it appear that he is detained in custody, either,

1. By virtue of process issued by any Court or Judge of the United States, in a case where such Court or Judge has exclusive jurisdiction.

2. By virtue of the final judgment or decree of any competent Court of civil or criminal jurisdiction, or of any execution issued upon such judgment or decree.

3. For any contempt specially and plainly charged in the commitment by some Court, officer, or body, having authority to commit for the contempt so charged.

4. That the time during which such party may be legally detained has not expired.

SEC. 22. *Party to be bailed or remanded, when :*

If it appear that the party has been legally committed for any criminal offence, or if it appear by the testimony offered with the return of the writ, or upon the hearing thereof, that the party is guilty of such an offence, although the commitment be irregular, the Court or Judge shall proceed to let such party to bail, if the case be bailable and good bail offered; if not, the Court or Judge shall forthwith remand such party to the custody, or place him under the restraint from which he was taken: *Provided*, The person or officer, under whose custody or restraint he was, be legally entitled thereto; if not so entitled, the Court or Judge shall commit such party to the custody of the officer or person legally entitled thereto.

Party to be bailed or remanded, when.

Provided.

SEC. 23. *Proceedings in case of sickness of the party :*

Whenever, from the sickness or infirmity of the person directed to be produced by a writ of *habeas corpus*, such person cannot, without danger, be brought before the Court or Judge, where the writ is made returnable, the party in whose custody he is, may state the fact in his return to the writ; and if the Court or Judge be satisfied of the truth of the allegation and the return be otherwise sufficient, the Court or Judge shall proceed to decide on such return, and to dispose of the matter in the same manner as if the body had been produced.

Proceeding in cases of sickness of the party.

SEC. 24. *Penalty for disobedience to order discharge :*

Obedience to a judgment, or order, for the discharge of a prisoner or person restrained of his liberty, pursuant to the provisions of this chapter, may be enforced by the Court or Judge, by attachment, in the same manner and with the same effect as for a neglect to make return to a writ of *habeas corpus*; and the person found guilty of such disobedience, shall forfeit to the party aggrieved two thousand five hundred dollars, besides any special damages which such party may have sustained.

Penalty for disobedience to order discharged.

SEC. 25. *Officer not liable for obedience :*

Officers not liable
for obedience.

No officer or other person, shall be liable to any civil action for obeying such judgment or order of discharge.

SEC. 26. *Penalty for committing for same cause :*

Penalty for com-
mitting for some
cause.

No person who has been set at large upon any *habeas corpus* shall be again imprisoned or detained for the same cause, by any person whatsoever, other than by the legal order or process of the Court wherein he shall be bound by recognizance to appear, or of any other Court having jurisdiction in the case under the penalty of two thousand five hundred dollars to the party aggrieved thereby. And every officer, or other person, who shall knowingly offend against the provision of this section, shall be deemed also guilty of a misdemeanor.

SEC. 27. *Penalty for neglecting to obey the writ, or for refusing copy of process :*

Penalty for neg-
lecting to obey the
writ, or refusing
copy of process.

If any person, to whom a *habeas corpus* is directed, shall neglect or refuse to make due return thereto, or to bring the body of the party detained, according to the command of the writ, without delay ; or shall not, within six hours after demand made therefor, deliver a copy of the commitment or cause of detainer, such person shall, upon conviction by indictment, be fined one thousand dollars, or imprisoned, not exceeding twelve months, and if such person be an officer, shall moreover, be removed from office.

SEC. 28. *False return :*

False return.

Every person making a false return to a writ of *habeas corpus*, shall be deemed guilty of a misdemeanor.

SEC. 29. *Penalty for concealing party :*

Penalty for con-
cealing party.

Any one having in his custody, or under his power, any party, who, by the provisions of this chapter, would be entitled to a writ of *habeas corpus*, or for whose relief such writ shall have been issued, who shall, with intent to elude

the service of such writ or to avoid the effect thereof, transfer the party to the custody, or put him under the power or control of another, or shall conceal or change the place of his confinement shall be deemed guilty of a misdemeanor.

SEC. 30. *Aiders and abettors :*

Every person who shall knowingly aid or abet in the violation of the last section, shall be deemed guilty of a misdemeanor.

Aiders and abettors.

SEC. 31. *Writs returnable, when :*

Writs of *habeas corpus* may be made returnable at a certain time, or forthwith, as the case may require. If the writ be returnable at a certain time, such return shall be made, and the party shall be produced at the time and place specified therein ; if it be returnable, forthwith, and the place be within twenty miles of the place of service, the return shall be made and the party produced within twenty-four hours, and the same time shall be allowed for every additional twenty miles.

Writs returnable, when.

SEC. 32. *By whom served and manner of service :*

The writ of *habeas corpus* may be served by any qualified elector of this State, thereto authorized by the Court or Judge allowing the same. It may be served by delivering the writ, or a copy thereof, to the person to whom it is directed ; or, if such person cannot be found, by leaving it, or a copy, at the jail, or other place in which the party, for whose relief it is intended, is confined, with some under officer, or other person of proper age : or, if none such can be found, or if the person attempting to serve the writ be refused admittance, by affixing a copy thereof in some conspicuous place on the outside, either of the dwelling house of the party to whom the writ is directed, or of the place where the party is confined for whose relief it is sued out.

By whom served, and manner of service.

SEC. 33. *Persons committed for capital offences, when to be tried or discharged :*

Persons committed for capital offences, when to be tried or discharged.

When any person, who has been committed for treason or felony, plainly and specially expressed in the warrant of commitment, upon his prayer in open Court to be brought to his trial, shall not be indicted some time in the next term of the Superior Court ensuing such commitment, the Judge of the Court, upon notice in open Court, on the last day of the term, shall set at liberty such prisoner upon bail, unless it appear on oath that the witnesses for the State could not be produced at the same term ; and if such prisoner, upon his prayer as aforesaid shall not be indicted and tried at the second term of the Court, he shall be discharged from his imprisonment.

SEC. 34. *Subpœnas for witnesses :*

Subpœnas for witnesses.

Any party to proceeding on a writ of *habeas corpus*, may procure the attendance of witnesses at the hearing, by subpœna, to be issued by the Clerk of any Superior Court, under the same rules, regulations and penalties prescribed by law in other cases.

SEC. 35. *Costs :*

Cost.

The cost on a writ of *habeas corpus* may be awarded at the discretion of the Court or Judge, who shall hear the same ; and he may direct what officer shall tax such costs ; and execution may issue therefor as in other cases.

SEC. 36. *Custody and disposition of infants in certain cases :*

Custody and disposition of infants in certain cases.

When a contest shall arise on a writ of *habeas corpus* between any husband and wife, who are living in a state of separation, without being divorced, in respect of the custody of their children, the Court or Judge, on the return of such writ, may award the charge or custody of the child or children, so brought before it, either to the husband or to the wife, for such time, under such regulations and

restrictions, and with such provisions and directions as will, in the opinion of such Court or Judge, best promote the interest and welfare of the children. At any time after the making of any such orders, the Court or Judge may, on good cause shown, annul, vary or modify the same. (Acts 1858-'59, chap. 55.)

SEC. 37. *Habeas corpus ad testificandum* :

Every Court of Record shall have power, upon the application of any party to any suit or proceeding, civil or criminal, pending in such Court, to issue a writ of *habeas corpus*, for the purpose of bringing before the said Court any prisoner who may be detained in any jail or prison within the State, for any cause, except such prisoner be under sentence for a felony, to be examined as a witness in such suit or proceeding, in behalf of the party making the application.

Habeas corpus ad testificandum.

SEC. 38. *Justices of the Peace and Judges of Probate* :

Such writ of *habeas corpus* may be issued by any Justice of the Peace or Judge of Probate upon application as provided in the last section, to bring any person confined in the jail or prison of the same County where such Justice or Judge of Probate may reside, to be examined as a witness before such Justice or Judge of Probate. And in cases where the testimony of any prisoner is needed in a proceeding before a Justice of the Peace, or a Judge of Probate, and such person be confined in a County in which such Justice, or Judge of Probate does not reside, application for a *habeas corpus* to testify may be made to the Judge of the District in which the County is located.

Justices of the Peace and Judges of Probate.

SEC. 39. *Application, and what to contain* :

The application for the writ shall be made by the party to the suit or proceeding in which the writ is required, or by his agent or attorney. It must be verified by the applicant, and shall state :

Application, and what to contain.

1. The title and nature of the suit or proceeding in regard to which the testimony of such prisoner is desired ;

2. That the testimony of such prisoner is material and necessary to each party on the trial or hearing of such suit or proceeding, as he is advised by counsel and verily believes.

SEC. 40. *Service of writ and by whom :*

Service of writ
and by whom.

The writ of *habeas corpus* to testify shall be served by the same person, and in like manner in all respects, and enforced by the Court or officer issuing the same as prescribed in this act for the service and enforcement of the writ of *habeas corpus cum causa*.

SEC. 41. *Fees and bond on service :*

Fees and bond on
service.

The service of the writ shall not be complete, however, unless the applicant for the same shall tender to the person in whose custody the prisoner may be, if such person be a Sheriff, Coroner, Constable, or Marshal, the fees and expenses allowed by law for bringing such prisoner, nor unless he shall also give bond, with sufficient, to such Sheriff, Coroner, Constable or Marshal as the case may be, conditioned that such applicant will pay the charges of carrying back such prisoner.

SEC. 42. *Duty of officers :*

Duty of officers.

It shall be the duty of the officer to whom the writ is delivered or upon whom it is served, whether such writ be directed to him or not, upon payment or tender of the charges allowed by law, and the delivery or tender of the bond herein prescribed, to obey and return such writ according to the exigency thereof, upon pain, on refusal or neglect to forfeit to the party, on whose application the same shall have been issued, the sum of five hundred dollars.

SEC. 43. *Prisoner to be remanded :*

Prisoners to be re-
manded.

After having testified, the prisoner shall be remanded to the prison from which he was taken.

SEC. 44. *Repeal.*

The fifty-fifth chapter of the Revised Code, the fifty-third chapter of the Acts of the General Assembly of 1858-'59, the forty-sixth chapter of the Acts of 1862-'63, and all other laws in conflict with the provisions of this act are hereby repealed. Repeal.

SEC. 45. *Ratification, effect of.*

This act shall have effect from the date of its ratification. Ratified the 6th day of April, A. D. 1869.

CHAPTER CXVII.

AN ACT TO CREATE A MECHANICS' AND LABORERS' LIEN LAW.

The General Assembly of North Carolina do enact :

SECTION 1. *In what cases a lien may be enacted :*

1. A lien may be and is hereby created under the provisions of this act in the following cases : Where any person performs any labor in erecting, altering or repairing any vessel, house, building or appurtenances thereto. Where labor is performed.

2. Where any person furnishes any material for erecting, altering or repairing any vessel, house, building or appurtenances thereto. Material furnished.

3. Where any person performs any labor in making and securing any crop : *Provided*, Such laborer shall have worked out the full term for which he shall have contracted, or shall have been discharged by the employer, without default on the part of the laborer. Labor on crops.
Proviso.

SEC. 2. *On what the lien shall attach :*

The lien hereby created, on filing the notice hereinafter provided for, shall attach for the value of such labor or On what the lien shall attach.
PUB. 20.]

materials upon such vessel, house, building or appurtenances, and upon the lot, parcel or farm of land, upon which such house, building or appurtenances shall stand, or upon which such crop shall be made and secured, to the extent of the right, title and interest of persons contracting for such labor, or for the furnishing of such material, or his heirs or assignee.

SEC. 3. *Notice of lien, where filed.*

Notice of lien,
when filed.

The notice of the lien herein provided for shall be filed.

1. In all cases where the claimant's demand does not exceed two hundred dollars, with the Clerk of the Township Board of Trustees, where the property is situated, or if there be none, then with the Register of Deeds for the County.

2. In all cases where the demand of the claimant exceeds two hundred dollars with the Register of Deeds of the County where the property is situated.

SEC. 4. *When filed :*

When filed.

The notice of the lien shall be filed as provided in the preceding section, at any time before or within thirty days after the performance and completion of the labor, or the final furnishing of the materials, or the gathering of the crop.

SEC. 5. *Requisites of the notice of lien :*

Requisites of the
notice of lien.

The notice of the lien is hereby directed to be filed with the Township Clerk, and the Register of Deeds, must be in writing, signed by the claimant, and must specify :

1. The amount of the claim.
2. The person against whom the claim is made.
3. The situation and description of the vessel, house, building or appurtenances, or piece or farm of land, with reasonable certainty.

SEC. 6. *Duty of the Township Clerk and Register of Deeds :*

Each Township Clerk, Justice of the Peace and Register of Deeds is required to enter the particulars of the notice of lien in a book to be kept in his office, to be called "The lien docket," which shall be suitably ruled in columns, headed as follows :

1. Claimants.
2. Against whom claimed.
3. Building or other descriptions of property.
4. Amount claimed.
5. Date of filing the notice of lien ;
6. Date of discharge ;

Duty of the Township Clerk and Register of Deeds.

SEC. 7. *Proceedings to enforce lien ; in what Courts and in what time.*

Proceedings to enforce the lien herein created, must be commenced in the Courts of Justices of the Peace, and in the Superior Courts, according to the jurisdiction thereof, within six months from the date of filing the notice of the lien.

Proceedings to enforce lien, in what Courts and in what time.

SEC. 8. *Defendants entitled to set off :*

The defendant, in any suit to enforce the lien, shall be entitled to any set off or counter claim, arising between the contractors during the performance of the contract.

Defendants entitled to set off.

SEC. 9. *Executions :*

Upon judgment rendered in favor of the claimant, an execution for the collection and enforcement thereof, shall issue, in the same manner as upon other judgments in actions arising on contract for the recovery of money only, except that the execution shall direct the officer to sell the right, title and interest which the owner had in the premises or the crops thereon, at the time of the filing the notice of lien, before such execution shall extend to the general property of the defendant.

Executions.

SEC. 10. *Costs:*

c

Costs are allowed to either party upon the rules established by law in actions arising on contract, under the Code of Civil Procedure.

SEC. 11. *Order in which liens to be paid:*

Order in which
liens to be paid.

The liens created and established by this act shall be paid and settled according to the priority of the notice of lien filed with the Township Clerk or the Register of Deeds.

SEC. 12. *How liens discharged:*

How liens dis-
charged.

All liens created by this act may be discharged as follows:

1. By filing with the Township Clerk or Register of Deeds a receipt or acknowledgement that the lien has been paid or discharged, signed by the claimant.

2. By filing with the Township Clerk or Register of Deeds, money equal to the amount of the claim, which money shall be held by said officer for the benefit of the claimant.

3. By an entry in the lien docket, that the proceedings on the part of the claimant to enforce the lien has been dismissed, or a judgment rendered against the claimant in such action.

4. By a failure of the claimant to commence an action for the enforcement of the lien within six months from the notice of lien filed.

SEC. 13. *Justices Judgment.*

Justices judg-
ments.

No execution issued by a Justice of the Peace, under this chapter, shall be enforced against real estate or any interest therein, but Justices judgments may be docketed as provided in section 503, Title XX, of the Code of Civil Procedure, for the purpose of selling such estate or any interest therein.

SEC. 14. *When remedy by attachment:*

When remedy by
attachment.

In all cases where the owner or employer attempts to

remove the crop, houses or appurtenances from the premises, without the permission, or with the intent to defraud the laborer of his lien, the claimant may have a remedy by attachment.

SEC. 15. *Act of August 22d, 1868, repealed:*

The act of the General Assembly, ratified on the 22d day of August, A. D. 1868, is repealed. Act of August 22d, 1868, repealed.

SEC. 16. *When this act to go into effect:*

This act shall go into effect from the date of its ratification.

Ratified the 6th day of April, A. D. 1869.

CHAPTER CXVIII.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A TOLL BRIDGE ACROSS HAW RIVER.

SECTION 1. *The General Assembly of North Carolina do enact,* That James R. Bason, Constantine Sellers, Andrew Murray, and W. F. Bason, be authorized and empowered to build a bridge across Haw River, in the County of Alamance, at or near where the public bridge formerly stood, near the North Carolina Rail Road Bridge. Bridge across Haw River.

SEC. 2. The aforesaid persons shall have power to collect such toll as they may fix for passage over said bridge; Power to collect toll.
Provided, That the County Commissioners shall approve the rates of toll established by the owner of said bridge. Proviso.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 6th day of April, A. D. 1869.

CHAPTER CXIX.

AN ACT TO AMEND AN ACT RELATIVE TO THE WESTERN TURNPIKE ROAD, RATIFIED MARCH, 17TH, 1869.

Western Turnpike
Road amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act relative to the Western Turnpike Road, leading from Asheville westward to Murphy, and thence by separate routes to the Georgia and Tennessee lines, ratified March 17th, 1869, be amended by inserting "June" for "April" whenever the latter word occurs in said act.

SEC. 2. This act to be in force from and after its ratification.

Ratified the 6th day of April, A. D. 1869.

CHAPTER CXX.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION TO SELL THE STOCK NOW OWNED BY THE PUBLIC SCHOOL FUND IN THE CAPE FEAR NAVIGATION COMPANY.

Board to sell
stock, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Board of Education be and hereby is authorized to sell the stock now owned by the Public School Fund in the Cape Fear Navigation Company, at such price as may appear to said Board advantageous to the Public School Fund.

SEC. 2. This act shall go into effect from and after its ratification.

Ratified the 6th day of April, A. D. 1869.

CHAPTER CXXI.

AN ACT TO FORBID THE SALE OF SPIRITUOUS LIQUORS ON THE
LINE OF THE NORTHWESTERN NORTH CAROLINA RAIL ROAD.

SECTION 1. *The General Assembly of North Carolina do* ^{Sale of liquors prohibited.}
enact, That no person shall sell any spirituous liquors by a
less quantity than five gallons within five miles of any part
of the line of the Northwestern North Carolina Rail Road,
on which laborers at the time of such sale shall be engaged
in the construction of said Road, and any person selling
contrary to the provisions of this act shall be deemed guilty
of a misdemeanor; *Provided*, That this act shall not apply
to sale in any incorporated town by persons duly licensed. ^{Proviso.}

SEC. 2. This act shall go into effect upon its ratification.

Ratified the 6th day of April, A. D. 1869.

CHAPTER CXXII.

AN ACT TO REGULATE PROCEEDINGS IN THE PARTITION AND
SALE OF REAL AND PERSONAL PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. *Appointment of Commissioners:*

The Superior Courts, on petition of one or more persons
claiming real estate as tenants in common, shall appoint ^{Appointment of Commissioners.}
three disinterested Commissioners to divide and appropriate
such real estate, or so much thereof as the Court may deem
best, among the several tenants in common.

SEC. 2. *Oath of Commissioners :*

Oath of Commissioners.

The Commissioners shall be sworn by a Justice of the Peace, or other person authorized to administer oaths, to do justice among the tenants in common, in respect to such partition, according to their best skill and ability.

SEC. 3. *Duty of Commissioners :*

Duty of Commissioners.

The Commissioners who shall be summoned by the Sheriff, or any Constable, must meet on the premises and partition the same among the tenants in common, according to their respective rights and interests therein, by dividing the land into equal shares in point of value as nearly as possible, and for this purpose they are empowered to subdivide the more valuable tracts as they may deem best, and to charge the more valuable dividends with such sums of money as they may think necessary, to be paid to the dividends of inferior value, in order to make an equitable partition.

SEC. 4. *Employ a surveyor.*

Employ a Surveyor.

The Commissioners are authorized to employ the County Surveyor, or in his absence, or if he be connected with the parties, some other surveyor, who shall make out a map of the premises showing the quantity, courses and distances of each share, which map shall accompany and form a part of the report of the Commissioners.

SEC. 5. *Report of Commissioners :*

Report of Commissioners.

The Commissioners, within a reasonable time, not exceeding sixty days after the notification of their appointment, shall make a full and ample report of their proceedings, under the hands of any two of them, specifying therein the manner of executing their trust and describing particularly the land or parcels of land divided, and the share allotted to each tenant in severalty, with the sum or sums charged on the more valuable dividends to be paid to those of inferior value. The report shall be filed in the office of the Super-

the Court Clerk, who shall give the parties or their attorneys ten days notice to file exceptions thereto, before any motion to confirm such report is heard.

SEC. 5. *Decree of confirmation, effect of :*

Such report when confirmed, together with the decree of confirmation, shall be enrolled and certified to the Register, and registered in the office of the County where such real estate is situated, and shall be binding among and between the claimants, their heirs and assigns.

Decree of confirmation, effect of.

SEC. 7. *Where land lies in several Counties :*

In cases where the real estate lies in several Counties, the petition may be exhibited in the Superior Court of any one of such Counties, in which a part thereof is situated.

When land lies in several Counties.

SEC. 8. *Sums to bear interest :*

The sums of money due from the more valuable dividends shall bear interest until paid.

Sums to bear interest.

SEC. 9. *Sums charged on minors, when payable :*

When a minor, to whom a more valuable dividend shall fall, is charged with the payment of any sum, the money shall not be payable until such minor arrives at the age of twenty-one years, but the general guardian, if there be one, must pay such sum whenever assets shall come into his hands, and in case the general guardian shall have assets which he did not so apply, he shall pay out of his own proper estate any interest that may have accrued in consequence of such failure.

Sums charged on minors, when payable.

SEC. 10. *Compensation of Commissioners, penalty :*

The Commissioners shall be allowed, each of them, the sum of one dollar *per diem* for their services, and if, after accepting the trust, they or any of them unreasonably delay or neglect to execute the same, every such delinquent Com-

Compensation of Commissioners and penalty.

missioner shall be liable to the penalty of fifty dollars, to be recovered by action by the petitioners.

SEC 11. *Costs.*

Costs.

The compensation of the Commissioners, the expenses incurred for surveying, and all fees and costs of the proceeding shall be paid as the Court may direct.

SEC. 12. *Sale of real estate, application, how to be made :*

Sale of real estate, how application to be made.

Application for the sale of real estate held in common may be made by petition preferred in the Superior Court of the County where such real estate or some part thereof lies, by one or more of the parties interested therein.

SEC. 13. *When sale to be ordered, and terms :*

When sale to be ordered, and term.

Whenever it appears by satisfactory proof that an actual partition of the lands cannot be made without injury to some or all of the parties interested, the Court shall order a sale of the property described in the petition, or any part thereof, on such terms as to size of lots, place or manner of sale, time of credit and security for payment of purchase money, as may be most advantageous to the parties concerned, and, on the coming in of the report of sale and confirmation thereof, the title shall be made to the purchaser or purchasers at such time and by such person as the Court may direct.

SEC. 14. *Notice of sale :*

Notice of sale.

The notice of sale, under this proceeding, shall be the same as required by law on sales of real estate by Sheriff's on execution.

SEC. 15. *Who authorized to sell :*

Who authorized to sell.

The Court may authorize any officer thereof, or any other competent person, to be designated in the decree of sale, to sell the real estate under this proceeding. Such officer, or person, shall file his reports of sale, giving full particulars

thereof, within ten days after the sale, in the office of the Clerk of the Superior Court, who shall give the notice specified in section five of this act.

SEC. 16. *Lands required to be sold for public purposes; procedure:*

When the lands of joint tenants, or tenants in common, are required for public purposes, one or more of such tenants, or their guardians for them, may file a petition verified by oath, in the Superior Court of the County, where the lands or any part of them lie, setting forth therein that the lands are required for public purposes, and that their interests would be promoted by a sale thereof; whereupon the Court, all proper parties being before it, and the facts alleged in the petition being ascertained to be true, shall order a sale of such lands, or so much thereof as may be necessary, in the manner and on the terms it deems expedient. And the expenses, fees and costs of this proceeding shall be paid in the discretion of the Court.

Lands required to be sold for public purposes; procedure.

SEC. 17. *Proceeds to be secured to certain persons:*

When a sale is made under sections thirteen and sixteen of this act, and any party to the proceedings be an infant, a married woman, *non compos*, imprisoned, or beyond the limits of the State, it shall be the duty of the Court to decree the share of such party, in the proceeds of sale, to be so invested or settled that the same may be secured to such party or his real representative.

Proceeds to be secured for certain purposes.

SEC. 18. *Dower may be apportioned, when.*

When there is dower or right of dower on any land, petitioned to be sold under this chapter, the woman, entitled to dower or right of dower therein, may join in the petition; and on a decree of sale, the interest of one-third of the proceeds shall be secured and paid to her annually; or, in lieu of such annual interest, the value of an annuity of six

Dower may be apportioned, when.

per cent on such third, during her probable life, shall be ascertained and paid out of the proceeds to her absolutely.

SEC. 19. *Compensation of officer or person appointed to sell :*

Compensation of officer or person appointed to sell.

In sales of real estate under this chapter, the allowance for services, in making sale and title, to the officer or person appointed to sell, shall be as follows : For sales of five hundred dollars or less, not more than ten dollars ; for sales of two thousand and not less than five hundred dollars, not more than two per centum ; and, when the allowance shall amount to forty dollars, any additional compensation shall not exceed the rate of one per centum. (Acts 1860-'61, chapter 39.)

SEC. 20. *Proceedings when lands lie partly in this State and partly in another :*

Proceedings when lands lie partly in this State and partly in another.

Whenever on the death of any person, his lands in this State, and in another State, shall descend or be devised to several persons, who, by the law of this and the other State, shall hold, in the lands, undivided estates as tenants in common, or by any other undivided tenancy, and such heirs or devisees cannot, without suit, have partition for want of consent, or because of inability in any of the co-tenants, then, if such deceased person shall have been at the time of his death, a resident of the State, or not then a resident of any of the States, in which his lands lie, and in the last case the most valuable part of such lands shall lie in this State, such heir or devisee, or any person claiming under him, may file a petition in the Superior Court for the County where the deceased resided at his death, or where any part of the land lies in this State, setting forth all the lands in which the plaintiff has an undivided estate, without and within the State, described by their names and boundaries, or by the adjoining tracts, and also the estate the deceased had in them, and the supposed value of the lands in each State, and the share, in severalty, to which the plaintiff and

each of his co-tenants is entitled, under the laws of the several States, and praying for partition to be made of all the tracts, according to their respective interests, and the material facts set forth in the petition shall be verified by the affidavit of the plaintiff or his guardian, or other person, at the discretion of the Court; and all persons concerned in interest in the lands shall be made parties, according to the practice of the Superior Courts in this State.

Facts verified by affidavit.

SEC. 21. *Court may decree partition :*

On the hearing of the petition, the Court may decree a partition; and shall allot in severally to each tenant his just share of the lands, according to the value of his interest in the same, by the laws of the several States, in which they are situated.

Court may decree partition.

SEC. 22. *Commissioners to be appointed, their duty ; final decree ;*

The Court making such decree, shall issue a commission to three respectable freeholders in this, or any State, where any part of the land may lie, unconnected by blood or interest with the parties, directing them or a majority of them, to make partition between the co-tenants, plaintiffs and defendants in said petition, and to assign each his respective share in the value, in severalty, in any tract or tracts, in any or all the States; and before making the allotment the Commissioners shall make a valuation of all the lands held by the co-tenants in all the said States; and where they cannot, without injury to the value of some shares, make an exact division of the lands, they shall charge the more valuable dividends with money to be paid to the tenants of a less valuable dividend to make equality of partition, and they shall report their proceedings as they may be directed, and the report shall contain a valuation of all the estate in this and other States, and the division among the co-tenants, according to such valuation; and the Court may confirm such report, or, on sufficient cause

Commissioners to be appointed; their duty; final decree.

shown, may correct and alter, or set it aside and order a new commission; and where any sum is charged upon a more valuable dividend, the Court may direct, if the tenant taking such a dividend, be an infant, that the sum charged shall not be paid till a future day, and the same shall bear interest at a rate not greater than allowed in this State: *Provided*, That the tenant of the larger dividend may discharge himself from accruing interest by paying the whole amount due, at any time; and the sum due from the greater dividend shall be a charge on the land into whose hands soever it may come, although it may be taken without notice; and the Court shall, upon the confirmation of any report of the Commissioners, make a final decree. And where all the parties are within the jurisdiction of this Court, the Court shall, by the usual proceedings, direct and compel the parties to execute and deliver deeds and assurances, sufficient, by the laws of this State and other States, to give the partition full force and validity in all the States; and in case any of the parties are under such disabilities that they cannot execute such assurances, or are without the jurisdiction of the Court, then the Court, upon receiving evidence from the plaintiff, that, by a law of the other State in which lie the parts of the lands described in the petition to be without this State, the decree can have effect thereon, shall direct the decree to be enrolled, and a copy of it shall be registered in the Register's office of all the Counties within this State, where any of the lands lie; and a copy shall also be furnished to the plaintiff or other party interested, duly certified to the end that, as to the lands without this State, it may be carried into effect in the State in which the said lands may be, in such manner as said State may direct; and on satisfactory evidence being made to the Court in this State that the decree may have full effect by the law of such other State, the Court in this State shall by its decree declare the partition in the land in this State to be final and conclusive; and the decree shall be firm and irreversible, as hereinafter provided; and shall,

Proviso.

Court shall compel parties to execute and deliver deeds.

State shall declare decree conclusive.

on registration as aforesaid, pass to the tenants the title in severalty to the lands in this State, in the same manner as if all the lands mentioned in the decree were situate within this State.

SEC. 23. *Decree for partition in another State when enforced in this State :*

Where real estate may be partly in this State and partly in another State, and the deceased person from whom it was derived by descent or devise, was, at the time of his death, a resident in some other State, or was a resident of none of the States in which he held lands, and in this last case, the lands of which he was seized in this State were of less value than the lands of which he was seized in any other State, the Courts of the State in which such deceased person had his residence at his death, or in which he held lands of greater value than those he held in this State shall have full power and authority, under any law passed by the Legislature of such State, substantially in accordance with the provision herein made on this subject, to decree partition of the lands in this State, together with those within such other State, in the same manner as if the whole real estate were within the jurisdiction of such Court, and in the same manner as the Courts in this State are directed and authorized to do by the preceding section, as to the lands of deceased persons resident here at their death, or having lands of greater value here than in any other State, and in case of any person, having an interest in the final decree, made as aforesaid in another State, as to lands in this State, shall, within twelve months after the same may be entered up in the Courts in said State, produce the record and proceedings of such Courts of Record duly certified, to a Superior Court of any County in this State, where any of the lands in this State lie, the Court, on petition *ex parte* in such case, shall order such proceedings to be entered of record in the Court of this State, and order that the said decree shall be of the same force and validity as if it had

Decree for partition in another State when enforced in this State.

been a decree of the Court in this State in which the petition is filed, upon a petition and regular proceedings had thereon, and the decree of the Court of such other State, and the proceedings on it by petition in the Superior Court in this State confirming and giving it validity, being enrolled in the said Court of this State and registered in all the Counties where the lands lie in this State, shall pass the lands in this State according to the decree, and shall vest estates in severalty therein declared, as to said lands, in the same manner and with the same effect in law, as if the lands in this State had been so allotted on a petition for partition, according to the provisions of the former sections of this chapter.

SEC. 24. *Judge to decide in reference to Law passed by another State :*

Judge to decide in reference to law passed by another State.

Where a copy of a decree and proceedings of a suit in any other State shall be produced, as in the preceding section, and also when it is necessary for a Superior Court to be certified that its decree of a partition of lands without this State and within the territory of another State, can have effect therein, it shall be competent for the Judge of the Superior Court before which the existence of a law in such other State is to be proved, to decide whether any act of the Legislature of such State has been passed.

SEC. 25. *Time allowed Married Women, Infants, &c.:*

Time allowed married women, infants, &c.

On petition under this chapter, as against *feme covert*s, infants, persons *non compos mentis*, and against all parties, against whom judgment shall be taken by default on publication, the final decree shall be binding, in like manner, on the same terms and to the same extent, and with the like saving for persons under disabilities, as are provided in title four, chapter one, section twenty-seven, of the Code of Civil Procedure.

SEC. 26. *Pay of Commissioners:*

The Commissioners, appointed to divide lands lying in this and another State, shall be entitled to three dollars per day for their services; which, with all fees, expenses and costs, shall be paid as the Court may direct.

Pay of Commissioners.

SEC. 27. *Partition of Personal Property, how made:*

When any persons entitled as tenants in common of personal property, desire to have a division of the same, they, or either of them may file a petition in the Superior Court for that purpose; and the Court, if it think the petitioners entitled to relief, shall appoint three disinterested Commissioners, who, being first duly sworn, shall proceed within twenty days after notice of their appointment, to divide such property as near equally as possible among the tenants in common: *Provided*, That no common claimant shall work on any such lands until such division shall be made.

Partition of personal property, how made.

SEC. 28. *Report, confirmation thereof:*

The Commissioners shall report their proceedings under the hands of any two of them, and file their report in the office of the Clerk of the Superior Court within five days after the petition made, of which the Clerk shall give the parties or their attorneys ten days' notice before any motion to confirm the same is heard; and if such report is confirmed, a decree shall be entered accordingly and vest in each tenant in common his share in severalty.

Report, confirmation thereof.

SEC. 29. *When sale ordered:*

If a division of such personal property cannot be had without injury to some of the parties interested, and a sale thereof be deemed necessary, the Court shall order a sale to be made by some officer of the Court or other competent person; who shall file his report of sale in the office of the Clerk of the Court within ten days after sale made, of which the parties shall have notice as prescribed in the last section.

When sale ordered.

SEC. 30. *Notice of Sale, &c.:*

Notice of sale, &c. The sale shall be made after twenty days' notice, by advertisement in three or more public places in the County, and shall be on such terms as the Court may direct.

SEC. 31. *Confirmation and Effect of Deed:*

Confirmation and effect of deed.

Upon confirmation of the report, the Court shall secure to each tenant in common his ratable share in severalty of the proceeds of sale; and the deed of the officer or person appointed to sell, when such deed is directed to be made, shall convey to the purchaser such title and estate in the property as the tenants in common had.

SEC. 32. *Compensation of Commissioners, &c.:*

Compensation to be fixed by Court.

The Commissioners nominated to make a division, and the officer or person appointed to make a sale of personal property held in common, shall receive for their services a sum to be fixed by the Court and taxed in the bill of fees and costs, all of which shall be paid by the parties in such manner as the Court may decree.

SEC. 33. *Procedure as in the special proceedings:*

Procedure as in the special proceedings.

The procedure in all cases by petition, under this chapter, shall be the same, in all respects, as prescribed by law in other special proceedings, except as modified by this act; and any person authorized by section sixty-one of the Code of Civil Procedure, may be made a party to any proceeding under this chapter.

SEC. 34. *Repeal:*

Repeal.

Chapter eighty-two, Revised Code, and chapter thirty-nine, acts eighteen hundred and sixty and eighteen hundred and sixty-one, are hereby repealed.

SEC. 35. *When this act to take effect:*

SEC. 35. This act shall take effect from its ratification. Ratified the 10th day of April, A. D. 1869.

CHAPTER CXXIII.

AN ACT TO AMEND SECTION THREE, CHAPTER THIRTY-NINE, OF
THE REVISED CODE IN REGARD TO OBTAINING DIVORCES.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases in which the Court shall grant alimony by the assignment of real estate, the Court shall have power to issue a writ of possession when necessary in the judgment of the Court to do so. Court power to issue writ.

SEC. 2. That section seventeen of chapter thirty-nine of the Revised Code be and the same is hereby repealed, and all persons heretofore divorced and subject to the disabilities, pains and penalties, imposed by this section, are hereby released from all such disabilities and pains and penalties, as therein imposed, and are hereby restored to all the rights, privileges and immunities of unmarried persons: *Provided*, That such persons shall not be permitted to marry within two years after the decree ordering such divorce. Chapter 39, Revised Code repealed.

SEC. 3. All laws and regulations, not inconsistent with this act, in regard to obtaining divorce, shall be applicable to the first section of this act. Proviso.

SEC. 4. This act shall take effect from and after its ratification. Conflicting laws repealed.

Ratified the 7th day of April, A. D. 1869,

CHAPTER CXXIV.

AN ACT TO AUTHORIZE CLAY COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Board of Commissioners of the County of Special tax authorized.

Clay be and are hereby authorized to levy a special tax to pay off the indebtedness of said County.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXV.

AN ACT TO GIVE CLAY COUNTY THE BENEFIT OF HER OWN BONDS.

Proceeds to be applied, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That all the proceeds arising from the sale or entry of lands in Clay County that are now in the hands, or that may hereafter come into the hands of Jacob Siler, Agent of the State for the collection of the Cherokee bonds, or into the hands of any person who may hereafter be an Agent of the State for the collection of said bonds, shall be applied to works of internal improvement in Clay County.

Commissioners may direct.

SEC. 2. Said bonds shall be applied as the majority of the County Commissioners may direct.

SEC. 3. The Agent is hereby authorized and required to pay said bonds to the Commissioners of said County.

Conflicting laws repealed,

SEC. 4. All laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXVI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF UNION COUNTY
TO LEVY A SPECIAL TAX.

WHEREAS, The County of Union owes as interest on its bonds the sum of sixteen thousand dollars, a portion of which debt is due to creditors living in other States, and is now in suit in the District Court of the United States; and whereas, the further sum of four thousand dollars or upwards will be due from and payable by said County for interest during the current year; and whereas, it is believed that the ordinary tax which the County Commissioners will be authorized to levy for the ensuing fiscal year will be consumed in the repairs of roads, bridges and of the County buildings; therefore, for the special purpose of enabling the Commissioners of Union County to pay such interest due, and to become due during the current year,

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Union County are authorized to levy and collect for the next fiscal year such a tax as the County Commissioners deem necessary, not exceeding two dollars per hundred upon all moneys, credits, investments in bonds, stocks, joint stock Companies or otherwise, and all other real and personal property in said County, in addition to the taxes authorized by section seven, article V, of the Constitution.

Special tax authorized.

SEC. 2. The special tax authorized by the preceding section shall be levied and collected in the same manner as the ordinary County taxes, and all laws applicable thereto shall be applicable to such special tax.

How applied.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY
OF ROBESON TO LEVY A SPECIAL TAX.

Special tax
authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Robeson County are authorized and empowered to levy and collect for the present fiscal year, a special tax of not more than twenty cents upon the one hundred dollars valuation of all moneys, credits, investments in trade, joint stock Companies or otherwise, and all the real and personal property in the said County, in addition to the taxes authorized by section seven, article five of the Constitution, for the purpose of paying the County indebtedness, and the residue (if any there be) for the erection and construction of a House of Correction for said County.

Collected as other
taxes.

SEC. 2. The tax authorized by the preceding section shall be laid and collected in the same manner as the ordinary County taxes, and all laws applicable thereto shall be applicable to such special tax.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXVIII.

AN ACT TO RAISE ADDITIONAL REVENUE IN THE COUNTY OF
GREENE.

Special tax
authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Greene County are hereby authorized to levy a tax of not more than ten mills on the

dollar of real and personal property in said County for the purpose of paying the County debt, which tax shall be in addition to the tax allowed to be raised by the State Constitution.

SEC. 2. The proceeds of said tax shall be used for the purpose of paying the County indebtedness, and the interest thereon, and for no other purpose. ^{Proceeds to be used.}

SEC. 9. This act shall take effect from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXIX.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF WAKE COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact,* That the County Commissioners of the County of Wake, be, and are hereby empowered to levy a special tax, not to exceed five thousand dollars, for the support of the poor and other necessary expenses, the same to be collected at the same time and in the same manner as the regular taxes of the State and County. ^{Special tax authorized.}

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF RANDOLPH COUNTY TO LEVY A SPECIAL TAX.

Special tax authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Randolph County are hereby authorized to levy a special tax, to be collected as State and County taxes are, to support the poor and pay the indebtedness of said County: *Provided*, That said special tax shall not exceed the sum of five thousand dollars.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXXI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WASHINGTON AND RUTHERFORD COUNTIES TO LEVY A SPECIAL TAX.

Taxes for County purposes.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Washington and Rutherford Counties be and are hereby authorized to levy and collect for County purposes, during the present fiscal year, a special tax on the real and personal property in said Counties, not to exceed the sum of four thousand dollars.

How accounted for.

SEC. 2. The tax authorized by this act shall be levied and accounted for in the same manner as other taxes.

SEC. 3. This act shall be in force from its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXXII.

AN ACT TO ALLOW THE COMMISSIONERS OF THE TOWN OF RUTHERFORDTON TO LEVY TAXES AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Town Commissioners of the Town of Rutherfordton shall have full power and authority to levy and collect a sufficient amount of taxes upon all subjects of taxation within the limits of said Town, as, in their judgment, will be necessary to make the necessary repairs upon the public streets and sidewalks of said Town, and to make all such changes and amendments to said streets, as in their judgment will best promote the interests of said Town.

Town Commissioners to levy taxes.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1869.

CHAPTER CXXXIII.

AN ACT TO ALLOW THE COMMISSIONERS OF ALEXANDER COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Alexander County be, and they are hereby authorized to levy a special tax for the purpose of repairing the public buildings of the County and paying the lawful debt of said County.

Special tax for County purposes.

SEC. 2. That said Commissioners shall have power to levy said taxes at the same time and in like manner as other County taxes are provided by law to be levied, and in the same proportion on all subjects taxed by the State, and

Levied and collected as other taxes.

Proviso.

shall be collected as other taxes are required by law to be collected and accounted for: *Provided*, That the special tax herein authorized to be levied shall not exceed in the aggregate three thousand dollars.

SEC. 3. That this act shall take effect from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXXIV.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR WILSON COUNTY TO LEVY A SPECIAL TAX.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners for the County of Wilson are hereby authorized to levy a tax, to be collected under the same rules, regulations and penalties as are other taxes, not to exceed six thousand dollars, for the special purpose of paying the outstanding debt of the County.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXXV.

AN ACT AUTHORIZING THE COMMISSIONERS OF IREDELL COUNTY TO LEVY A SPECIAL TAX.

Special tax authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Iredell County are hereby authorized to levy and collect the sum of five thousand dol-

lars in the same manner as other taxes are levied and collected for the purpose of building a jail for said County.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXXVI.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF STANLY COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Board of Commissioners of the County of Stanley, be, and they are hereby authorized to levy a special tax of two thousand dollars, to pay off the indebtedness of said County. Special tax.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXXVII.

AN ACT TO LAY OFF THE HOMESTEAD AND PERSONAL PROPERTY EXEMPTION.

The General Assembly of North Carolina do enact as follows:

SECTION 1. *Homestead, when and how exempted:*

Whenever the real estate of any resident of this State shall be levied on, by virtue of any execution or other final Homestead, when and how exempted.

process obtained on any debt, such portion thereof as may be occupied by the owner as an actual homestead, and which he may then elect to regard as such, including the dwelling and buildings thereon, shall be exempt from such levy, except under an execution or other final process issued for the collection of a debt contracted :

1. For purchase of said homestead ;
2. For such work and labor done for the owner of the homestead as may constitute a laborer's lien ;
3. For such labor done on the premises as may constitute a mechanic's lien ;
4. For taxes accruing on said homestead.

SEC. 2. *Sheriff to summon Appraisers :*

Sheriff to summon appraisers.

Before levying upon any homestead thus owned and occupied, the Sheriff or other officer charged with such levy, shall summon three discreet persons qualified to act as jurors to whom he shall administer the following oath : "I, A. B., do solemnly swear (or affirm) that I have no interest, near or remote, in the homestead exemption of C. D., and that I will faithfully perform the duties of appraiser (or assessor, as the case may be,) in valuing the laying off the same. So help me God."

SEC. 3. *Duty of Appraisers :*

Duty of appraisers

The said appraisers shall thereupon proceed to value the homestead, with its dwelling and buildings thereon, and lay off to said owner such portion as he may select, or any agent, attorney, or other person in his behalf, not exceeding in value one thousand dollars, and to fix and describe the same by metes and bounds.

SEC. 4. *Appraisers to make return :*

Appraisers to make return.

They shall then make and sign in the presence of the officer a return of their proceedings, setting forth the property exempted, which shall be returned by the officer to the Clerk of the Court for the County in which the homestead

is situated and filed with the judgment roll in the action, and a minute of the same entered on the judgment docket.

SEC. 5. *The levy to be made on the excess :*

The levy may be made upon the excess of the homestead, not laid off according to the provisions of this act, and that the officer shall make substantially the following return upon the execution : “ A. B., C. D., and E. F. summoned and qualified as appraisers or assessors, (as the case may be,) who set off to X. Y., the homestead exempt by law. Levy made upon the excess.”

Levy to be made on the excess.

SEC. 6. *Appraisers to elect :*

In case no election is made by the owner, his agent, or attorney, or any one acting in his behalf, of the homestead, to be laid off as exempt, the appraisers shall make such election for him, including always the dwelling and buildings used therewith.

Appraisers to elect.

SEC. 7.

That whenever any resident of this State may desire to take the benefit of the homestead and personal property exemption as guaranteed by article ten of the Constitution of this State, such resident (or his agent or attorney,) shall apply to any Justice of the Peace of the County in which he resides and said Justice of the Peace shall appoint as assessors, three disinterested persons qualified to act as jurors residing in said County, who shall, on notice by order of said Justice, meet at the applicant's residence, and, after taking the oath prescribed in section two of this act for appraisers before some officer authorized to administer an oath, lay off and allot to the applicant a homestead with metes and bounds, according to the applicant's direction not to exceed one thousand dollars in value, and make and sign a descriptive account of the same and return it to the office of the Register of Deeds.

Assessors to be appointed.

SEC. 8.

Assessors to set apart property.

That said assessors shall set apart of the personal property of said applicant, to be by him selected, articles of personalty not exceeding in value the sum of five hundred dollars, and make and sign a descriptive list thereof, and return the same to the Register of Deeds.

SEC. 9.

Register to endorse, &c.

That it shall be the duty of the Register of Deeds to endorse on each of said returns the date when received for registration, and to cause the same to be registered without unnecessary delay. The said Register shall receive for registering the said returns the same fees that may be allowed him by law for other similar or equivalent services, which fees shall be paid by said resident applicant (or his agent or attorney) upon the reception of said returns by the Register.

SEC. 10.

When persons die without having set apart homestead.

That if any person entitled to a homestead and personal property exemption, die without having had the same set apart his widow, if he leave one, then his child and children under the age of twenty-one years, if he leave such, may proceed to have said homestead and personal property exemption laid off to her, him or them, according to the provisions of sections seven and eight of this act.

SEC. 11.

Petition to be filed, &c.

That when any person entitled to a homestead and personal property exemption, shall file his or her petition before a Justice of the Peace to have the same laid off and set apart under the provisions of sections seven, eight, nine and ten of this act, the said Justice shall make advertisement at the Court House door of the County in which the petition is filed, notifying all creditors of said applicant of the time and place when and where the said petition will be heard; and the same shall not be heard nor any decree

made in the cause in less than six months nor more than twelve, from the day of making advertisement as above required.

SEC. 12. *Appraisal of Personal Property :*

Whenever the personal property of any resident of this State shall be levied upon by virtue of any execution or other final process issued for the collection of any debt, and the owner or any agent, or attorney in his behalf, shall demand that the same, or any part thereof, shall be exempted from sale under such execution, the Sheriff or other officer making such levy, shall summon three appraisers as heretofore provided, who, having been first duly sworn, shall appraise and lay off to the judgment debtor such articles of personal property as he, or another in his behalf, select, to the value of five hundred dollars, which articles shall be exempt from said levy.

Appraisal of personal property.

SEC. 13. *Return of the same :*

Return shall be made of such appraisal and setting off of personal property, in the same manner as is required in section four of this act, upon the laying off of a homestead exemption.

Return of the same.

SEC. 14. *Who to be Appraisers :*

The persons summoned to appraise the personal property exemption shall take the same oath and be entitled to the same fees as the appraisers of the homestead, and when both exemptions are claimed by the judgment debtor, at the same time one board of appraisers shall lay off both and be entitled to but one fee.

Who to be appraisers.

SEC. 15. *Tracts not contiguous included :*

Different tracts or parcels of land not contiguous may be included in the same homestead, when a homestead of contiguous lands is not of the value of one thousand dollars.

Tracts not contiguous included.

SEC. 16. *Costs, how charged:*Costs, how
charged.

The cost and expenses of appraising and laying off the homestead or personal property exemptions, when the same is made under execution shall be charged and included in the officer's bill of fees upon such execution or other final process; and when made upon the petition of the owner they shall be paid by such owner, and the latter cost shall be a lien on said homestead.

SEC. 17. *Liability of officer:*

Liability of officer.

Any officer making a levy, who shall refuse or neglect to summon and qualify appraisers as heretofore provided for, or who shall fail to make due return of their proceedings, or who shall levy upon the homestead set off by said appraisers or assessors, (as the case may be,) except as herein provided, shall be liable to indictment for a misdemeanor, and he and his sureties shall be liable to the owner of said homestead for all costs and damages in a civil action.

SEC. 18. *Liability of Appraiser:*Liability of ap-
praiser.

Any officer or appraiser or assessor, (as the case may be,) who shall wilfully or corruptly conspire with any judgment debtor, or other appraiser or assessor, (as the case may be,) to undervalue the homestead or personal property exemption of such debtor, or shall assign false metes and bounds, or make or procure to be made a false and fraudulent return thereof, shall be liable to indictment for a misdemeanor, and shall be answerable to the judgment creditor for all costs and damages in a civil action.

SEC. 19.

Liable for misde-
meanor.

Any officer or appraiser or assessor who shall wilfully or corruptly conspire with any judgment creditor, or other appraiser or assessor, to over-value the homestead or personal property exemption of any debtor or applicant, or shall assign false metes and boundaries, or make, or procure to be made, false and fraudulent return thereof, shall be

liable to indictment for a misdemeanor, and shall be answerable to the party injured, for all costs and damages in a civil action.

SEC. 20. *Judgment Creditor dissatisfied :*

If the judgment creditor for whom the levy is made, or judgment debtor or person entitled to homestead exemption, shall be dissatisfied with the valuation and allotment of the appraisers or assessors, (as the case may be,) he may, within ten days thereafter, or any other judgment creditor within six months, and before sale under execution of the excess, notify the Clerk of the Township thereof and file with him a transcript of the return of the appraisers or assessors, (as the case may be,) and thereupon the Clerk shall notify the other Trustees of the Township to meet him, at a time specified within ten days on the premises, to re-assess and allot said homestead. At the time specified the Trustees shall meet on the premises, and, having first taken the oath prescribed for appraisers, they shall view and examine the homestead laid off, and make their report as required in section twenty-two of this act.

Judgment creditor
dissatisfied.

SEC. 21. *Who disqualified to act as Appraisers :*

If any trustee, or any person summoned as an appraiser, shall be related by blood or marriage to the debtor or judgment creditor, or shall be a party in interest in any action against the former, he shall be disqualified to serve in the valuation of the homestead or personal property exemption, and another person qualified to act as juror shall be summoned and qualified in his place.

Who disqualified
to act as appraisers.

SEC. 22.

When the homestead or personal property exemption is made or re-allotted on the petition of the person entitled thereto, the Township Trustees shall make their report as required in section twenty of this act, to the Register of Deeds, specifying what changes, if any, they have made in

When exemption
made or re-allotted.

the former valuation and allotment, who shall register the same as required in section nine, and when said homestead and personal property exemptions is made or re-allotted, under execution by a judgment creditor, the Township Trustees shall make said return to the Clerk of the Superior Court, who shall file the same and make a minute thereof on the judgment roll and the execution docket.

SEC. 23. *Cost of re-assessment, how paid:*

Cost of re assessment, how paid.

If the Board of Trustees shall confirm the former appraisal or shall increase the exemption allowed the judgment debtor, the levy shall stand only upon the excess remaining, and the judgment creditor shall pay all costs of the re-allotment. If they shall reduce the amount allowed the judgment debtor, the costs shall follow the execution, and the levy shall cover the excess then remaining.

SEC. 24. *How vacated:*

How vacated.

Any appraisal or allotment by the Trustees of a Township may be set aside, on application of any party interested, for fraud, complicity or other irregularity. The proceedings shall be upon petition, as in other special proceedings, and the applicant shall give bond to the opposing party for costs and damages.

SEC. 25. *Fees:*

Fees.

The following fees and no other shall be charged in this proceeding:

Laying off exemption.

Each appraiser, for laying off homestead or personal property exemption, or both, one dollar.

Summoning appraiser.

Officer, for summoning and qualifying appraisers and delivering return to Clerk, one dollar.

Clerk of Superior Court, for filing return and entering minute on execution docket, twenty-five cents.

For making transcripts for Township Clerk, when required to do so, fifty cents.

Township Clerk, for summoning Trustees, fifty cents.

Township Clerk, for transmitting return, twenty-five cents.

SEC. 26. *Acts repealed:*

All acts or clauses of acts, in conflict with this act, or providing other means for the laying off of a homestead or personal property exemption, are hereby repealed. Acts repealed.

SEC. 27. *Forms:*

The following forms shall be substantially followed in proceedings under this act: Forms.

[No. 1.]

I. APPRAISERS' RETURN.

I. WHEN THE HOMESTEAD IS VALUED AT LESS THAN ONE THOUSAND DOLLARS, AND PERSONAL PROPERTY ALSO APPRAISED.

The undersigned having been duly summoned, and sworn to act as appraisers of the homestead and personal property exemptions of A. B., of Township, County, by C. D., Sheriff (or Constable, or Deputy,) of said County, do hereby make the following return: We have viewed and appraised the homestead of the said A. B. and the dwellings and buildings thereon, owned and occupied by said A. B. as a homestead, to be one thousand dollars (or any less sum) and that the entire tract, bounded by the lands of and is therefore exempted from sale under execution according to law. At the same time and place we viewed and appraised at the values annexed, the following articles of personal property selected by said A. B. (*Here specify the articles and their value, to be selected by the debtor or his agent.*) Which we declare to be a fair valuation, and that the said articles are exempt under said execution. We hereby certify that we are not Form of appraisers' return.

related by blood or marriage to the judgment debtor or the judgment creditor in this execution, and have no interest, near or remote, in the above exemptions.

Given under our hands and seals this day of, 18. . . .

O. K. (*L. S.*)

L. M. (*L. S.*)

R. S. (*L. S.*)

The above return was made and subscribed in my presence, day and date above given.

C. D., (*Sheriff or Constable.*)

[No. 2.]

II. PETITION FOR HOMESTEAD BEFORE A JUSTICE OF THE PEACE.

In the matter of A. B.	}	Before <i>J. P.</i> County.
------------------------	---	--

Form of petition.

A. B. respectfully shows that (he, she *or* they, *as the case may be,*) is (*or* are) entitled to a homestead exempt from execution in certain real estate in said County, and bounded and described as follows: (*Here describe the property.*) The true value of which he (she *or* they, *as the case may be,*) believe to be one thousand dollars, including the dwelling and buildings thereon. He (she *or* they) further shows, that he (she *or* they, *as the case may be,*) is (*or* are) entitled to a personal property exemption from execution, to the value of (*here state the value*) consisting of the following property: (*Here specify.*) He (she *or* they, *as the case may be,*) therefore prays your worship to appoint three disinterested persons qualified to act as jurors or assessors to view the premises, allot and set apart to your petitioner his homestead and personal property exemption, and report according to law.

[No. 3.]

III. PERSONAL PROPERTY ALONE APPRAISED.

The undersigned having been duly summoned and sworn Personal property appraised. to act as appraisers of the personal property of A. B., of Township, County, and to lay off the exemption given by law thereto, by C. D., (Sheriff *or other officer*,) of said County, do hereby make and subscribe the following return :

We viewed and appraised at the values annexed the following articles of personal property selected by the said A. B., to-wit: which we declare to be a fair valuation, and that said articles are exempt under said execution.

We hereby certify, each for himself, that we are not related by blood or marriage, to the judgment debtor or judgment creditor in this execution, and have no interest, near or remote, in the above exemptions.

Given under our hands and seals this day of, 18

O. K., (*L. S.*)
 L. M., (*L. S.*)
 R. S., (*L. S.*)

The above return was made and subscribed to in my presence, day and date above given.
 C. D., (Sheriff *or* Constable.)

[No. 4.]

IV. CERTIFICATE OF QUALIFICATION TO BE ENDORSED ON RETURN BY SHERIFF.

The within named B. F., G. H. and J. R. were summoned and qualified according to law, as appraisers of the Form of certificate by Sheriff.

..... exemption of the said A. B., under an execution
 in favor of X. Y., this day of, 18....
 C. D., (Sheriff.)

[No. 5.]

V. MINUTE ON EXAMINATION DOCKET.

X.... Y....	}
A.... B....	

vs.

Form of minute
 on docket.

Execution issued 18....
 Homestead appraised and set off and return made
, 18....

SEC. 28. *When to take effect:*

This act shall be in force from and after its ratification.
 Ratified the 7th day of April, A. D. 1869.

CHAPTER CXXXVIII.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A RAIL ROAD FROM
 THE TOWN OF EDENTON IN THIS STATE TO THE TOWN OF SUFFOLK
 IN VIRGINIA.

Authority to con-
 struct Rail Road.

SECTION 1. *The General Assembly of North Carolina do enact,* That for the purpose of establishing communication by Rail Road from some point at or near Suffolk in the State of Virginia, to the Town of Edenton in this State, said Road to be entitled the Edenton and Norfolk Rail Road, the Governor is hereby authorized and directed on behalf of the State to appoint five Directors.

SEC. 2. Whenever the Governor shall appoint said Directors mentioned in section one, he shall as soon thereafter as practicable, order a meeting of the same, at which meeting they shall choose from their number one person as President, another as Treasurer and Secretary, and another as Superintendent.

Governor to order meeting.

SEC. 3. In order to secure aid to the State in the completion of said Road, the Directors shall have power to receive donations from private persons or from any incorporated company in lands, money, bonds or stocks.

Power to receive donations.

SEC. 4. The Governor shall fill any vacancy that may occur during the term of office of the Directors, which term shall be one year, unless re-appointed.

Governor to fill vacancy.

SEC. 5. In case the donations shall be in land, the Secretary appointed by the Directors shall sell the same in such manner as the Directors shall declare.

Donation in land.

SEC. 6. The Directors shall have power to borrow money and to secure the payment thereof, may mortgage real estate, property and works, but all such loans, mortgages and rules shall be expressly authorized by a majority of the Directors.

Directors may borrow money.

SEC. 7. The Directors may use any portion of said Road constructed before its final completion and charge for transportation thereon. They may construct said railway along or across any public road: *Provided*, That if they obstruct any such public road, they provide another as good as that obstructed and as near as practicable.

Directors may use Road.

Proviso.

SEC. 8. That when any land shall be required for the construction of the Road, or for warehouses, water-stations, work-shops or depositories or other buildings and offices, and from any cause the same cannot be purchased from the owner, the same may be taken by the Directors at a valuation to be ascertained as follows, viz: The Sheriff of the County in which said lands may be, shall, at the request of the President of said Road, summon five freeholders of said County who shall ascertain the value, under oath to be administered to them by the Sheriff, they first deducting

Lands necessary may be taken.

the enhanced value of the land caused by the Road from such valuation, and adding any particular loss or damage, and upon the payment or tender by the President of the amount so assessed the title of the property seized and so appraised shall immediately vest in the State: *Provided*, That either party may appeal to the Superior Court upon the question of the amount assessed: *And provided further*, The President shall be entitled to condemn in this manner for the purpose of constructing the road-bed not more than one hundred feet from the center thereof.

Proviso.

State to have use of Road.

SEC. 9. That the State shall have the exclusive right to the use of this Rail Road, and the Directors the exclusive privilege of establishing the rates of freight and transportation.

Public Treasurer to issue bonds.

SEC. 10. That whenever a meeting of the Directors shall have been called and a President elected, thereupon, the demand of the President, the Public Treasurer is hereby instructed to deliver to said President eight hundred and fifty thousand in coupon bonds of the State at par, of the denomination of one thousand dollars each, dated the first day of January, eighteen hundred and sixty-nine, and payable thirty-years thereafter, bearing six per cent. interest, payable semi-annually, principal and interest payable in New York, said bonds to be signed by the Governor and countersigned by the Treasurer and sealed with the great seal of the State.

Interest provided for.

SEC. 11. In order to provide for the payment of the interest which may accrue on the bonds issued as above mentioned, there shall be annually levied and collected a special tax of one-fortieth of one per cent. on all the taxable property of the State, collectible and payable into the Treasury as other taxes.

Conflicting laws repealed.

SEC. 12. All laws in conflict with this act are hereby repealed.

SEC. 13. This act shall be in force from its ratification.

Ratified the 8th day of April, 1869.

CHAPTER CXXXIX.

AN ACT TO ALLOW THE COMMISSIONERS OF BUNCOMBE COUNTY
TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of being better enabled to pay the debt of the County, the Commissioners of Buncombe County be allowed to levy a special tax for the purpose of paying the indebtedness of said County, not to exceed one thousand dollars on all the taxable property of said County. Special tax authorized.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CXL.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MACON COUNTY TO LEVY SPECIAL TAXES FOR SPECIAL PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Macon County be and they are hereby authorized to levy additional taxes for the purpose of liquidating the debt of that County, and defraying the ordinary expenses of the same, according to section seven, article five of the Constitution.

SEC. 2. The said Commissioners are further authorized to levy a special tax and to appropriate such sums as they may deem proper for the killing of wolves by the citizens of that County. Sums appropriated for the killing of wolves

SEC. 3. This act shall be in force from its ratification.

Ratified the 9th day of April, 1869.

CHAPTER CCLI.

AN ACT TO ALLOW THE COMMISSIONERS OF YADKIN COUNTY TO
LEVY A SPECIAL TAX.

Commissioners
authorized to levy
taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Yadkin County be, and they are hereby authorized to levy a special tax, for the purpose of building bridges and paying the lawful debt of said County.

To be levied and
collected as other
taxes.

SEC. 2. That said Commissioners shall have power to levy said taxes at the same time and in the same manner as other County taxes are provided by law, to be levied and collected as other taxes are required by law to be collected and accounted for.

SEC. 3. That this act shall take effect from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CXLII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY
OF PASQUOTANK TO LEVY AN EXTRA TAX FOR CERTAIN
PURPOSES.

Commissioners
to levy a tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of the County of Pasquotank be empowered to levy a tax more than double the amount levied by the State, for the purpose of paying the outstanding obligations of said County not contracted in aid of the rebellion, for the support of the poor of said County,

and for other County purposes: *Provided*, Said tax do not exceed twenty thousand dollars (§20,000) in the aggregate. Proviso.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CXLIII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF JOHNSTON COUNTY TO LEVY A SPECIAL TAX TO PAY FOR THE BUILDING OF A BRIDGE ACROSS NEUSE RIVER.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of the County of Johnston are authorized to levy and collect forthwith, as of the County taxes of the present year, a special tax not to exceed twenty cents on the one hundred (\$100) worth of all moneys, credits, investments in bonds, stock, joint-stock companies and all real and personal property in the said County, to be applied to the payment of a debt contracted by the late County Court of Johnston County in building a bridge across Neuse River, at a point on said river known as "Turner's Bridge." In assessing the tax aforesaid, the County Commissioners aforesaid are required to adopt the valuation of property the present year. Special tax authorized for certain purposes.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CXLIV.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE
COUNTY OF SAMPSON TO LEVY A SPECIAL TAX.

Special tax
authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of the County of Sampson are hereby authorized to levy a special tax of thirty cents on each one hundred dollars' worth of property made subject to taxation by the Constitution of this State, the said tax to be applied to the payment of debts outstanding against the County for the rebuilding of bridges and for other things, as well as to meet the expenses of the current year.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CXLV.

AN ACT AUTHORIZING THE COMMISSIONERS OF JONES COUNTY TO
LEVY A SPECIAL TAX.

Special tax
authorized for build-
ing bridges, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Jones County are authorized to levy a special tax of five thousand dollars, which money shall be applied to the building and repairing of County bridges, and to the support of the poor or other County orders.

Special tax for
building Court
House.

SEC. 2. That said Commissioners are authorized to levy a special tax of ten thousand dollars, if they deem it necessary, to build a Court House and repair the jail of said County.

Said taxes shall be levied and collected as other taxes are by law.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CXLVI.

AN ACT AMENDATORY OF THE ACT TO INCORPORATE THE WESTERN NORTH CAROLINA RAIL ROAD COMPANY, RATIFIED THE FIFTEENTH DAY OF FEBRUARY, EIGHTEEN HUNDRED AND FIFTY-FIVE, AND OF ALL ACTS AMENDATORY THEREOF.

SECTION 1. *The General Assembly of North Carolina do enact*, That the proviso in section fifteen of said act shall not be so construed as to prevent the immediate construction of the branch road leading from a point near Catawba Station in Catawba County, to the lime beds, as provided for in section one of said act, and in all meetings hereafter held by the stockholders of the Eastern Division of said Company, the State stock, if represented, shall vote as provided in the eleventh section of the act ratified the twenty-ninth day of January, eighteen hundred and sixty-nine, for the "Western Division," of which this is amendatory, and the adoption of these and further amendments shall be left to the private stockholders of the Eastern Division.

An act to incorporate amended.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

All acts inconsistent repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CXLVII.

AN ACT TO REGULATE THE SALARY AND FEES OF THE SUPREME COURT CLERK.

Salary and fees.

SECTION 1. *The General Assembly of North Carolina do enact*, The Supreme Court Clerk shall have an annual salary of one thousand dollars, to be paid semi-annually on the certificate of the Chief Justice; and, in addition thereto, the following fees, namely: For entering an appeal, two dollars; a continuance, one dollar; a *scire-facias*, one dollar; a *certiorari*, one dollar; a determination, three dollars; a certificate, one dollar; a *ieri-facias*, or other execution, one dollar and fifty cents; a seal, fifty cents; and for a transcript, or copy of a record, or other matter required to be copied or recorded, thirty cents per copy sheet.

SEC. 4. This act shall be in force from its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CXLVIII.

AN ACT TO AMEND CERTAIN SECTIONS OF THE CODE OF CIVIL PROCEDURE, AND TO REPEAL CERTAIN SECTIONS OF THE REVISED CODE.

Amendments to
Code Civil Procedure.

SECTION 1. *The General Assembly of North Carolina do enact as follows*: Section two hundred and sixty-one of the Code of Civil Procedure shall be amended by adding to the end of subdivision one the following words: "but no execution against the property of a judgment debtor shall be a lien on the personal property of such debtor, as against

any *bona fide* purchaser from him for value, or as against any other execution, except from the levy thereof.”

SEC. 2. Sections one, two, three, five, seven, eight, nine, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one and thirty-two, of chapter one hundred and two of the Revised Code are hereby repealed.

Sections of 102d chapter Revised Code repealed.

SEC. 3. Sections eleven and twelve of chapter thirty-three of the Revised Code are hereby repealed.

Sections 11 and 12, chapter 3, Revised Code repealed.

SEC. 4. Section two hundred and sixty-six of the Code of Civil Procedure, shall be amended by inserting after the words “an amount exceeding ten dollars the,” and before the word “Judge,” the words “Court or.”

Section 266, Code of Civil Procedure amended.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CXLIX.

AN ACT TO AUTHORIZE, EMPOWER AND DIRECT THE COUNTY COMMISSIONERS OF HALIFAX TO FORCE COLLECTION OF ARREARS IN TAXES.

WHEREAS, For several years past large tracts of land in Halifax County have escaped taxation by not being given in, and from other causes, large sums remain uncollected of the taxes levied in former years.

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Board of the Commissioners of the County of Halifax shall prepare lists of all delinquents' lands and taxes in arrears since the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, and, to do which, if necessary, may send for persons and papers, and

Commissioners to prepare lists of lands.

Sheriff to collect
taxes,

it shall be lawful for the present Sheriff, and is hereby made his duty to collect all such arrears of taxes and pay them over to the Treasurer.

SEC. 2. This act to be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CL.

AN ACT TO PROVIDE FOR THE LEVYING A SPECIAL TAX IN THE COUNTY OF PERQUIMANS.

Special tax
authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of the County of Perquimans are hereby authorized to levy a special tax (not to exceed the sum of five thousand dollars (for the purpose of paying present indebtedness of the County not otherwise provided for, and for repairing bridges and public buildings of the County.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CLI.

AN ACT TO PROVIDE FOR LEVYING A SPECIAL TAX FOR THE COUNTY OF BEAUFORT.

Special tax
authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of the County of Beaufort are hereby authorized to levy a special tax (not to exceed

the sum of ten thousand dollars) to meet obligations already assumed, and other expenses not met by general taxation.

SEC. 2. This act shall be in force from its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CLII.

AN ACT TO PREVENT THE TAKING OF ILLEGAL FEES UNDER TITLE SEVENTEEN OF THE CODE OF CIVIL PROCEDURE, AND TO EXTEND THE TIME ALLOWED IN SECTION FOUR HUNDRED OF SAID TITLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That Clerks of the Superior Courts shall not be allowed to charge a fee of one dollar for entering existing judgments and decrees not dormant under the execution docket, under section four hundred and three, title seventeen, of the Code of Civil Procedure; and that, in all cases where such fees have been collected, they shall be repaid to the parties entitled thereto.

Fees.

SEC. 2. That the time allowed parties to have transferred existing suits, under section four hundred, title seventeen of the Code of Civil Procedure be, and the same is hereby extended to six months from the twenty-fourth day of February, eighteen hundred and sixty-nine.

Time extended

SEC. 3. That this act shall be in force from its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CLIII.

AN ACT AUTHORIZING THE COMMISSIONERS OF GRANVILLE COUNTY TO LEVY A SPECIAL TAX FOR THE MAINTENANCE OF THE POOR.

Special tax authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, The County Commissioners of Granville County are hereby authorized to levy and collect during the year one thousand eight hundred and sixty-nine, in the same manner as other taxes are levied and collected, a special tax not exceeding ten thousand dollars, for the purpose of providing for the maintenance of the poor of said County.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CLIV.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO LEVY A SPECIAL TAX.

Special tax authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Franklin County are authorized to levy a special tax, not to exceed in amount seven thousand dollars, in order to meet the County expenses, and to pay a portion of the outstanding debts of the County.

SEC. 2. This act shall go into effect from and after ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CLV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF TRANSYLVANIA
AND HENDERSON COUNTIES TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Transylvania and Henderson Counties are hereby authorized and empowered to levy a special tax for the purpose of paying the lawful debt of the County, and repairing and building bridges in said Counties. Tax to pay lawful debt.

SEC. 2. That said special tax may be levied at the same time and in the same manner as other County taxes, and in the same proportion on all the subjects of taxation that are taxed by the State, and shall be collected at the same time and accounted for as other County taxes are provided by law to be collected: *Provided*, That the special tax herein authorized to be levied shall not exceed in the aggregate fifteen hundred dollars. How collected.

SEC. 3. That this act shall take effect from and after its ratification. Proviso.

Ratified the 9th day of April, A. D. 1869.

CHAPTER CLVI.

AN ACT IN RELATION TO LANDLORD AND TENANT.

The General Assembly of North Carolina do enact as follows:

SEC. 1. *Guardians of infant may lease to end of current year of full age; but not to lease, &c:*

The guardian of an infant may lease the lands of the infant for a term not exceeding the end of the current year Guardian may lease, &c.

in which the infant shall come of age, or die in non-age.

But no guardian, without leave of the Court, shall lease any land of his ward, without impeachment of waste, or for a term of more than three years, unless at a rent not less than three *per centum* on the assessed taxable value of the land.

SEC. 2. *When lease shall be in writing :*

When lease shall be in writing.

All leases and contracts for leasing land for the purpose of digging for gold or other minerals, or of mining generally, of whatever duration, and all other leases and contracts for leasing lands, exceeding in duration three years from the making thereof, shall be void unless put in writing and signed by the party to be charged therewith, or by some other person by him thereto lawfully authorized.

SEC. 3. *Lessors not Partners with Lessees unless they so contract :*

Lessors not partners.

No lessor of property, merely by reason that he is to receive as rent or compensation for its use a share of the proceeds or net profits of the business in which it is employed, or any other uncertain consideration, shall be held a partner of the lessee.

SEC. 4. *Formal demand of rent not necessary to create a forfeiture when there is a proviso for re-entry :*

Formal demand not necessary.

Whenever any half year's rent or more shall be in arrear from any tenant to his landlord, and the landlord has a subsisting right to re-enter for the non-payment of such rent, he may bring an action for the recovery of the demised premises, and the service of the summons therein shall be deemed equivalent to a demand of the rent in arrear and a re-entry on the demised premises, and if, on the trial of the cause, it shall appear that the landlord had a right to re-enter, the plaintiff shall have judgment to recover the demised premises and his costs.

SEC. 5. *Right to recover for use and occupation, when :*

Whenever any person shall occupy land of another, by the permission of such other, without any express agreement for rent, or upon a parol lease which is void, the landlord may recover a reasonable compensation for such occupation, and if by such parol lease a certain rent was reserved, such reservation may be received as evidence of the value of the occupation.

Right to recover*

SEC. 6. *Rents apportioned when the estate of the Lessor terminates :*

If a lease of land, in which rent is reserved, payable at the end of a year or other certain period of time, be determined by the death of any person during one of the periods in which the rent was growing due, the lessor or his personal representative may recover a part of the rent which becomes due after the death, proportionate to the part of the period elapsed before the death, subject to all just allowances ; and if any security shall have been given for such rent it shall be apportioned in like manner.

Lessor may recover rent.

SEC. 7. *When Person entitled to rents, &c., limited in succession dies, to whom payment to be made :*

In all cases where rents, rent charges, annuities, pensions, dividends, or any other payments of any description, are made payable at fixed periods to successive owners under any instrument executed hereafter, or by any will becoming operative hereafter, and where the right of any owner to receive payment is terminable by a death or other uncertain event, and where such right shall so terminate during a period in which a payment is growing due, the payment becoming due next after such terminating event, shall be apportioned among the successive owners according to the parts of such periods elapsing before and after the terminating event.

When persons entitled to rents, &c.

SEC. 8. *Where lease of farming land determines during a current year tenant to hold to end of year in lieu of emblements :*

Land let for farming, &c.

Where any lease for years of any land let for farming on which a rent is reserved shall determine during a current year of the tenancy, by the happening of any uncertain event determining the estate of the lessor, the tenant in lieu of emblements shall continue his occupation to the end of such current year, and shall then give up such possession to the succeeding owner of the land, and shall pay to such succeeding owner a part of the rent accrued since the last payment become due, proportionate to the part of the period of payment elapsing after the termination of the estate of the lessor, to the giving up such possession, and the tenant in such case shall be entitled to a reasonable compensation for the tillage and seed of any crop not gathered at the expiration of such current year from the person succeeding to the possession.

SEC. 9. *What length of notice required to terminate a tenancy :*

Tenancy terminate by notice.

A tenancy from year to year may be terminated by a notice to quit given three months or more before the end of the current year of the tenancy ; a tenancy from month to month by a like notice of fourteen days ; a tenancy from week to week, of two days.

SEC. 10. *Tenant not liable for damage for accidental fire :*

Tenant not liable for damage.

A tenant for life, or year, or for a less term, shall not be liable for damage occurring on the demised premises accidentally, and notwithstanding reasonable diligence on his part ; unless he so contract.

SEC. 11. *Agreement to repair, how construed :*

Agreement to repair.

An agreement in a lease to repair a demised house shall not be construed to bind the contracting party to rebuild or repair in case the house shall be destroyed or damaged

to more than one-half of its value, by accidental fire not occurring from the want of ordinary diligence on his part.

SEC. 12. *In case of accidental damage lessee may surrender his estate :*

If a demised house, or other building, be destroyed during the term, or so much damaged that it cannot be made reasonably fit for the purpose for which it was hired, except at an expense exceeding one year's rent of the premises, and the damage occur without negligence on the part of the lessee or his agents or servants, and there be in the lease no agreement respecting repairs, or providing for such a case, and the use of the house damaged was the main inducement to the hiring, the lessee may surrender his estate in the demised premises by a writing to that effect delivered or tendered to the landlord within ten days from the damage, and by paying or tendering at the same time all rent in arrear, and a part of the rent growing due at the time of the damage, proportionate to the time between the last period of payment and the concurrence of the damage, and the lessee shall be thenceforth discharged from all rent accruing afterwards ; but not from any other agreement in the lease. This section shall not apply if a contrary intention appear from the lease.

When lessee may surrender estate.

SEC. 13. *Possession of crops deemed vested in lessors in certain cases.*

It shall be competent for any lessee of land to agree in writing to pay the lessor a share of the crop to be grown on the land during the term as rent, or to give him a lien on the whole crop, or any part thereof, as a security for the performance of any stipulation contained in the lease ; and when the lessee has so agreed, such charge, or such crop, shall be deemed and held to be vested in possession in the lessor and his assigns at all times until such lien shall have been satisfied or discharged by some writing signed by the lessor or his assigns ; and such lessor and his assigns shall

Lessee may give lien on crop.

be entitled against the lessee or any other person who shall gather or remove any part of such crop without the consent of the lessor or his assigns, to the remedies given in the Code of Civil Procedure, upon a claim for the delivery of personal property.

SEC. 14. *When money rent reserved, the lessor shall have like remedy:*

When rent shall be lien on property.

Where a tenant or lessee of land has agreed to pay a rent in money, such rent, unless otherwise agreed between the parties to the lease, shall be a lien on the crop which shall be grown on the land during the term; and the lessor in such case shall have the rights, and be entitled to the remedies, given in the next preceding section.

SEC. 15. *Removal of crop by lessee without notice, a misdemeanor.*

Removal of crop a misdemeanor.

Any tenant of land, under a lease giving the lessor a share of the crop as rent, or giving the lessor a lien on the crop as security for the rent, or for the performance of any stipulation in the lease; and any person with knowledge of said lien, under the license or authority of such tenant, who shall remove any part of the crop from such land without the consent of the lessor and without having given the lessor or his agent, if to be found on the demised premises or within five miles thereof, three days' notice, of such intended removal, and before satisfying all liens on said crop, shall be guilty of a misdemeanor.

SEC. 16. *Lessees of land for mining and for getting timber entitled to the remedies given by section fourteen.*

Lessor entitled to rights.

If, in a lease of land for mining, or of timbered land for the purpose of manufacturing the timber into goods, rent shall be reserved, and if it shall be agreed in the lease that the minerals or timber goods, or any portion thereof shall not be removed until the payment of the rent, in such case

the lessor shall have the rights and be entitled to the remedy given by section fourteen of this chapter.

SEC. 17. *On conveyance of the reversion, &c., no attornment necessary.*

Every conveyance of any rent, reversion, or remainder in lands, tenements or hereditaments, otherwise sufficient, shall be deemed complete without attornment by the holders of particular estates in said lands: *Provided, however,* No holder of a particular estate shall be prejudiced by any act done by him as holding under his grantor, without notice of such conveyance.

On conveyance, &c.

Proviso.

SEC. 18. *Rights of grantees of reversions, and of tenants of particular estates.*

The grantee in every conveyance of a reversion in lands, tenements or hereditaments, shall have the like advantages and remedies by action or entry, against the holders of particular estates in such real property, and their assigns, for non-payment of rent, and for the non-performance of other conditions and agreements contained in the instruments by the tenants of such particular estates hold, as the grantor or lessor or his heirs might have; and the holders of such particular estates, and their assigns, shall have the like advantages and remedies against the grantee of the reversion, or any part thereof, for any conditions and agreements contained in such instruments, as they might have had against the grantor or his lessor or his heirs.

Rights of grantees

SUMMARY PROCEEDINGS TO RECOVER POSSESSION OF LANDS FROM TENANTS WHO HOLD OVER.

SEC. 19. *Tenants who hold over may be dispossessed, when :*

Any tenant or lessee of any house or land, and the assigns, under the tenants or legal representatives of such tenants or lessee, who shall hold over and continue in the possession of the demised premises, or any part thereof, without the per-

Tenant may be removed.

mission of the landlord, and after demand made for its surrender, may be removed from such premises in the manner hereinafter prescribed in either of the following cases :

When tenant holds over.

1. Whenever a tenant in possession of real estate holds over after his term has expired ;

Omission.

2. When the tenant or lessee, or other person under him, has done or omitted any act by which, according to the stipulation of the lease, his estate has ceased.

SEC. 20. *When summons shall issue ; oath of lessor :*

Justice to issue summons, &c.

When the lessor or his assigns shall make oath in writing, before any Justice of the Peace of the County in which the demised premises are situated, stating such facts as constitute one of the cases above described, and describing the premises, and asking to be put in possession thereof, the Justice shall issue a summons reciting the substance of the oath, and requiring the defendant to appear before him or some other Justice of the County, at a certain place and time, (not to exceed five days from the issuing of the summons, without the consent of the plaintiff,) to answer the complaint. The plaintiff may in his oath claim rent in arrears, and damage for the occupation of the premises since the cessation of the estate of the lessee: *Provided*, The sum claimed shall not exceed two hundred dollars ; but, if he shall omit to make such claim, he shall not be thereby prejudiced in any other action for their recovery.

SEC. 21. *Officer to serve summons, and how :*

Officer to summons.

The officer receiving such summons shall immediately serve it by the delivery of a copy to the defendant, or by leaving a copy at his usual or last place of residence, with some adult person, if any such be found there, or if the defendant have no usual place of residence in the County, and cannot be found therein, by fixing a copy on some conspicuous part of the premises claimed.

SEC. 22. *What Justice to do, if defendant fail to appear or deny allegation :*

The summons shall be returned according to its tenor, and if on its return it shall appear to have been duly executed, and the defendant shall fail to appear, or shall admit the allegations of the complaint, the Justice shall give judgment, that the defendant be removed from, and the plaintiff be put in possession of the demised premises ; and if any rent or damages for the occupation of the premises after the cessation of the estate of the lessee, not exceeding two hundred dollars, be claimed in the oath of the plaintiff, as due and unpaid, the Justice shall inquire thereof, and give judgment as he may find the fact to be.

Justice to give judgment &c.

SEC. 23. *What to be done, if both parties require a trial by Jury :*

If the defendant by his answer, shall deny any material allegation in the oath of the plaintiff, and the parties shall waive a trial by jury, the Justice shall hear the evidence and give judgment as he shall find the facts to be. If either party shall demand a trial by jury, and shall deposit with the Justice a sum of money equal to the costs of such jury, the Justice shall immediately cause to be summoned twelve lawful jurors, from whom a jury of six shall be obtained and empannelled as is prescribed in other cases of trial by jury before a Justice, who shall decide upon the issues of fact joined between the parties, and if rent or damages be claimed as aforesaid, shall assess the same. The Justice shall record the verdict and render judgment accordingly ; and if the jury shall find that the allegation in the plaintiff's oath, which entitle him to be put in possession are true, the Justice shall give judgment that the defendant be removed from, and the plaintiff put in possession of the demised premises ; and also for such rent and damages as shall have been assessed by the jury, and for costs ; and shall issue his execution to carry the judgment into effect.

Justice to summon jury and assess damage.

Justice to record verdict.

SEC. 24. *Powers of Justices the same as on other trials :*

Power of Justices

On trials under this chapter, the Justice shall have the powers given him in other cases of trials before him, and be subject to like duties.

SEC. 25. *Either party may appeal—bond to be given :*

Either party may appeal, bond to be given.

Either party may appeal from the judgment of the Justice, as is prescribed in other cases of appeal from the judgment of a Justice; but no execution commanding the removal of a defendant from the possession of the demised premises, shall be suspended until the defendant shall have given bond in an amount not less than one year's rent of the premises, with sufficient security, who shall justify and be approved by the Justice, to be void if the defendant shall pay any judgment which in that or in any other action the plaintiff may recover for rent, and for damages for the detention of the land.

SEC. 26. *What done if defendant tenders rent in arrear and costs :*

When action shall cease.

If, in any action brought to recover the possession of demised premises upon a forfeiture for the non-payment of rent, the tenant, before judgment given in such action, shall pay or tender the rent due and the costs of the action, all further proceedings in such action shall cease; or if the plaintiff shall further prosecute his action, and the defendant shall pay into Court for the use of the plaintiff, a sum equal to that which shall be found to be due, and the costs, to the time of such payment, or to the time of a tender and refusal, if one has occurred, the defendant shall recover from the plaintiff all subsequent costs; the plaintiff shall be allowed to receive the sum paid into Court for his use, and the proceedings shall be stayed.

SEC. 27. *If proceedings quashed, judgment of restitution :*

When Court shall restore, &c.

If the proceedings before the Justice shall be brought before a Superior Court and quashed, or judgment be given

against the plaintiff, the Superior or other Court in which final judgment shall be given shall, if necessary, restore the defendant to the possession, and issue such writs as shall be proper for that purpose.

SEC. 28. *Damages may be recovered for occupation to time of trial :*

On an appeal to a Superior Court, the jury that tries the issues joined, shall also assess the damages of the plaintiff for the detention of his possession to the time of the trial in that Court, and judgment for the rent in arrear and for the damages as assessed may, on motion, be rendered against the sureties to the appeal bond.

Damages recovered to time of trial.

SEC. 29. *Costs to successful party :*

In all cases under this chapter, the successful party shall recover costs.

Cost recovered.

SEC. 30. *Defendant may recover damages for his removal from possession :*

If, by order of the Justice, the plaintiff shall be put in possession, and the proceedings shall afterwards be quashed or reversed, the defendant may recover damages of the plaintiff for his removal.

Damages recovered.

SEC. 31. *Purchasers of land under execution to have like remedies :*

Any purchaser of land sold under execution, who has completed his title, or his assigns, shall have, as against the defendant in the execution and against all persons who have come into possession under such defendant, since the lien of the execution attached, who shall remain in possession of the land after a demand for its surrender, the remedies provided in this chapter for lessors against tenants or lessees who hold over after the expiration or other cessation of their terms.

Land under execution.

SEC. 32. *Like remedy given to the lessor when the tenant deserts premises.*

Remedy when lessee deserts premises.

If any tenant or lessee of lands or tenements, being in arrear for rent, or having agreed to cultivate the demised premises and to pay a part of the crop to be made thereon as rent, or who shall have given to the lessor a lien on such crop as a security for the rent, shall desert the demised premises, and leave them unoccupied and uncultivated, the lessor shall have the like remedies to be put in possession as are given to lessors against tenants who hold over.

SEC. 33. *What acts and parts of acts are repealed :*

Acts and parts of acts repealed.

The following acts and parts of acts are repealed :

So much of section twenty-five, of chapter fifty four of the Revised Code as is inconsistent with section one of this act.

So much of section eleven, of chapter fifty of the Revised Code as relates to leases and contracts for leasing land, tenements and hereditaments.

Chapter seventy-two of the Revised Code.

Sections one, two and three, of chapter sixty-three of the Revised Code.

The act entitled "An act to protect the landlords against insolvent tenants," being chapter sixty-seven of acts of eighteen hundred and sixty-six, sixty-seven, ratified twenty-eighth February, eighteen hundred and sixty-seven.

Sections seven and eight, of chapter forty-three of the Revised Code.

The act entitled "An act to amend an act for the relief of landlords," ratified the twenty-sixth of January, eighteen hundred and sixty-three, and an act amendatory of the same, ratified the twenty-eighth of May, eighteen hundred and sixty-four, ratified twenty-eighth February, eighteen hundred and sixty-seven.

The act entitled "an act for the relief of landlords," ratified the twenty-sixth of January, eighteen hundred and sixty-three.

The act entitled “an act to amend an act entitled an act for the relief of landlords,” ratified the twenty-eighth May, eighteen hundred and sixty-four.

The act entitled “an act to amend an act entitled an act for the relief of landlords,” ratified the second February, eighteen hundred and sixty-six.

SEC. 34. *What forms sufficient.*

The following forms, or any substantially similar, shall be sufficient in proceedings for the summary ejectment of tenants holding over, and others, under sections nineteen to thirty-three, both inclusive of this act. What forms sufficient.

SEC. 35. *When this act to go into effect.*

This act shall go into effect from and after ratification.

FORMS OF PROCEEDING BEFORE A JUSTICE OF THE PEACE FOR THE SUMMARY EJECTMENT OF A TENANT HOLDING OVER.

[No. 1.]

OATH OF PLAINTIFF.

North Carolina, County.

A. B., Plaintiff,
Against
 C. D., Defendant.

} Summary proceedings in ejectment.

The plaintiff maketh oath that the defendant entered into the possession of a piece of land in said County, [describe the land,] as a lessee of the plaintiff, [or as lessee of E. F., who, after the making of the lease, assigned his estate to the plaintiff, or, otherwise as the fact may be,] that the term of the defendant expired on the day of, 186., [or that his estate has ceased by non-payment of

Oath of plaintiff.

rent, or otherwise, as the fact may be,] that the plaintiff has demanded the possession of the premises of the defendant, who refused to surrender it, but holds over; that the estate of the plaintiff is still subsisting, and the plaintiff asks to be put in possession of the premises.

The plaintiff claims dollars for rent of the premises from the day of, 186., to the day of, 186.; and, also, dollars for the occupation of the premises since the day of, 186., to the date hereof.

A. B., *Plaintiff.*

Subscribed and sworn to before me, this day of, 186..

J. K., *J. P.*

[No. 2.]

FORM OF SUMMONS TO BE ISSUED BY THE JUSTICE.

North Carolina, County.

A. B., Plaintiff,
against
C. D., Defendant, } Summary proceedings in ejectment.

Summons issued
by Justice.

A. B., having made and subscribed before me the oath, a copy of which is annexed, you are required to appear before me, or some other Justice of the Peace of said County, on the day of 186., at, then and there to answer the complaint; otherwise judgment will be given that you be removed from the possession of the premises.

Witness my hand and seal this day of, 186..

J. K., *J. P.*, [SEAL.]

To C. D., Defendant.

The Justice attaches the oath of the Plaintiff to the summons and delivers them, and a copy of both of them, to the officer, and makes the following entry on his docket, or varied according to the facts.

[No. 3.]

FORM OF ENTRY MADE BY JUSTICE.

A. B., Plaintiff, <i>against</i>	}	Summary proceedings in ejection for, (<i>describe the premises.</i>)
C. D., Defendant,		

Oath of plaintiff filed on the day of, 186..

Form of entry.

Plaintiff claims dollars for rent, from

to and dollars for occupation from to

Summons issued the day of, 18.

to Constable, (*or Sheriff, as the case may be.*)

The officer serves the summons as required by section twenty-two, and returns it to the Justice with the oath of the plaintiff, and with his return endorsed.

[No. 4.]

FORM OF RETURN OF OFFICER.

On this day I served the within summons on the defendant, C. D., by delivering him a copy thereof, and of the oath of A. B. annexed, (*or by leaving a copy thereof, and the oath of A. B., at the usual place of residence of the defendant, C. D., with an adult found there, or (the said C. D. not being to be found in my County, and having no usual or last place of residence therein,) or (no adult person being found at his usual or last place of residence,)*

Form of return.

PUB. 24.]

by posting a copy of the summons, and of the oath of A. B. annexed, on a conspicuous part of the premises claimed.

N. M., *Constable.*

The day of, 186....

[No. 5.]

RECORD TO BE ENTERED BY JUSTICE ON HIS DOCKET.

A. B., Plaintiff, <i>against</i>	}	Summary proceedings in ejection.
C. D., Defendant,		

Record by Justice It appearing that the summons, with a copy of the oath of the plaintiff, was duly served on defendant,* and, whereas, the defendant fails to appear, (*or* admits the allegations of the plaintiff,) I adjudge that the defendant be removed from, and the plaintiff put in possession of, the premises described in the oath of the plaintiff. I also adjudge that the plaintiff recover of defendant dollars, for rent, from the day of, 18.., to the day of, 18.., and dollars for damages for occupation of the premises from the day of, 18.., to this day, and dollars for his costs; the day of, 18..

If the defendant admits part of the allegations of plaintiff, but not all, the judgment must be varied accordingly; for example: follow the foregoing to the *, and then proceed:

[No. 6.]

And whereas, the defendant appears and admits the first and second allegations of the plaintiff, and denies the residue; and whereas, both parties waived a trial by jury, I heard evidence upon the matters in issue, and find, (*here state the finding on the matters in issue separately.*)

Supposing the findings are for the plaintiff, the record would proceed :

I therefore adjudge that the defendant (*and so on from**.)

[No. 7.]

If either party shall demand a jury the record will proceed from*, as follows: And whereas, the plaintiff, (*or defendant as the case may be,*) demanded a trial of the issues joined by a jury, I caused a jury to be summoned to-wit: (*here give the names of the jurors summoned,*) from whom the following jury was duly empanelled, to-wit: (*here state the names of the six jurors empanelled,*) who find (*here state the verdict of jury; if they find all the issues for the plaintiff, say so; if any particular issues, say so; also, state the sums assessed by them for rent and for occupation to the trial.*) Therefore, I adjudge, &c., as in form No. 5, from*.

If either party appeals the Justice will enter on his docket as follows, altering the entry according to the facts.

[No. 8.]

RECORD WHEN AN APPEAL IS PRAYED.

From the foregoing judgment the (plaintiff *or* defendant *as the case may be*) prayed an appeal to the next Superior Court of law for said County, which is allowed.

Record when an appeal is prayed.

[No. 9.]

BOND TO BE GIVEN BY DEFENDANT TO SUSPEND EXECUTION.

We, C. D., E. F. and G. H. are bound to A. B. in dollars. Witness our hands and seals, this day of, 18. . . . Whereas, on the day of, 18. . . . before, Justice of the Peace, A. B. recovered a

Bond.

judgment against C. D., in a summary proceeding in ejectment, for . . . dollars, with interest from the . . . day of, 18. ., till paid, and . . . dollars costs, and C. D. obtained an appeal to the Superior Court of County. Now, if C. D. shall prosecute his appeal with effect, or shall perform the final judgment upon such appeal, the above shall be void.

Witnessed and approved by } (Seal.)
 J. P. } (Seal.)
 (Seal.)

JUSTIFICATION OF SURETIES.

We, E. F. and G. H., severally aver that we are respectively worth half the penalty of the above bond, clear of our debts and homestead exemptions.

(Signed) E. F.
G. H.

Subscribed and sworn to before me, }
 J. P. }

[No. 10.]

EXECUTION ON A JUDGMENT FOR THE PLAINTIFF.

A. B., plaintiff, }
Against } Beaufort County.
C. D., defendant, }

Execution, &c.

The State of North Carolina to any lawful officer of said County, greeting :

You are hereby commanded to remove C. D. from, and to put A. B. in, the possession of a certain piece of land, (*here describe it as in the oath of the plaintiff.*) You shall also make out of the goods and chattels, lands and tenements, of said defendant, . . . dollars, with interest from the . . . day of, 18. ., to the day of payment, which

the plaintiff lately recovered of the defendant as rent and damages, and the further sum of . . . dollars as costs, in said action. Return this writ, with a statement of your proceedings therein, before me. (*State when and where according to general law respecting Justices' executions.*)

Witness my hand and seal, this . . . day of . . ., 18..
(Seal.)

[No. 11.]

SUPERSEDEAS OF EXECUTION.

The State of North Carolina to any officer having an execution in favor of A. B., plaintiff, *vs.* C. D., defendant, in a summary proceeding in ejection, signed by a Justice of the Peace. Supersedeas, &c.

The defendant having given bond to me, as required by law, on his appeal to the Superior Court of County, in the above case, you will stay further proceedings upon said execution and immediately return the same to me, with a statement of your action under it.

Witness my hand and seal, this day of 186...

....., *J. P.*, (SEAL.)

[No. 12.]

CERTIFICATE OF JUSTICE ON RETURN OF THE APPEAL TO THE SUPERIOR COURT.

The annexed are the original oath, summons and other papers, and a copy of the record of the proceedings in the case of a summary proceeding in ejection. A. B., plaintiff, *vs.* C. D., defendant. Certificate of Justice.

....., *J. P.*

COSTS IN THE CAUSE.

Costs.

(Here state all the costs, to whom paid or due, and by whom.)

All the papers must be attached.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLVII.

AN ACT RESPECTING THE COUNTY TREASURER.

The General Assembly of North Carolina do enact as follows:

SECTION 1. *Repeal:*

Repeal of chapter
20, Revised Code, to
take effect.

Chapter twenty-nine of the Revised Code, and all laws inconsistent with the provisions of this act are repealed, and this act is to have force and effect from and after its passage.

SEC. 2. *When to qualify and give bond:*

When to qualify
and give bond.

The County Treasurer shall qualify and give bond before the Board of Commissioners on the first Monday of September next after his election.

SEC. 3. *Vacancy:*

Commissioners to
vacancy.

When a vacancy exists from any cause in the office of County Treasurer, the Board of Commissioners must fill such vacancy by the appointment of a successor, who, within ten days after his appointment, shall qualify and give bond as prescribed in this act.

SEC. 4.

Bond.

The County Treasurer before entering office, shall give bond in three or more sufficient securities, to be approved

by the Commissioners, payable to the State, conditioned that he will faithfully execute the duties of his office, and pay, according to law, and on the warrant of the Chairman of the Board of Commissioners, all monies which come into his hands as Treasurer, and render a just and true account thereof to the Board when required by law or by the Board of Commissioners. The penalty of his bond shall be at least double the amount of County revenue for the preceding year, and the Board of Commissioners at any time, by an order, may require him to renew or enlarge his bond. A failure to do so within ten days after the service of such order, shall vacate his office, and the Board shall appoint a successor.

SEC. 5. *Delivering of books, papers and money to successor :*

Whenever the right of any County Treasurer to his office expires, the books and papers belonging to his office, and all monies in his hands by virtue of his office, shall, upon his oath, or, in case of his death, upon the oath of his personal representative, be delivered to his successor.

Books, &c.

SEC. 6. *Prosecution of bond :*

The Board of Commissioners shall bring action on the Treasurer's bond whenever they have knowledge or a reasonable belief of any breach of the bond.

Prosecution of bond.

SEC. 7. *Compensation :*

The compensation of the Treasurer shall be fixed by the Board of Commissioners, not exceeding one per cent. on monies received and one per cent. on monies paid.

Compensation.

SEC. 8. *Speculating in County Claims :*

Any County Treasurer buying up claims against the County Treasurer at less than such claims call for on their face, shall not be entitled to receive or draw therefor more than what he actually paid for the same, and the Board of Commissioners may examine him as well as the person from

Speculating.

whom the claim was purchased, on oath, touching what was actually paid.

SEC. 9. *Treasurer's duties:*

Treasurer's duty, It is the duty of the Treasurer :

1. To receive all monies belonging to the County, and all other monies by law directed to be paid to him, and to apply them and render account of them as required by law.

To keep true account, &c,

2. To keep a true account of the receipt and expenditure of all such monies, taking proper vouchers in every case in books provided for the purpose at the expense of the County.

To call on Sheriff, &c.

3. To call on the Sheriff, the Clerk of the Superior Court, or other officer, having County monies in his hands, at least twice in each year, or as often as may be necessary, to pay over to him and account for all such monies.

To exhibit to Board of Commissioners,

4. To exhibit to the Board of Commissioners, at least five days before their regular meeting on the first Monday of September in each year or oftener if they require it, a statement of all his receipts and disbursements during the preceding year, together with his books, accounts and vouchers, to be audited and allowed by them. They shall post such statement at the Court House, or cause it to be published in the County newspaper.

SEC. 10. *Failure of Sheriff, &c., to account, &c.:*

Failure of Sheriff, &c.

In case of the failure or refusal of a Sheriff, Clerk of the Superior Court or other officer to account and pay over, when called on, as directed under subdivision three of the last section, the Treasurer shall report the facts to the Board of Commissioners, who may forthwith bring suit on the official bond of such delinquent officer, and they are allowed to bring suit on the official bond of the Clerk of the Superior Court of any adjoining County.

SEC. 11.

Any Treasurer failing to perform the duties herein enjoined shall be guilty of a misdemeanor, and, on conviction thereof, besides other punishment, at the discretion of the Court, shall be removed from office.

Failure of Treasurer a misdemeanor.

Ratified the 10th day of April, A. D. 1869.

 CHAPTER CLVIII.

AN ACT RELATING TO SPECIAL PROCEDURE IN CASES OF MILLS.

The General Assembly of North Carolina do enact :

CHAPTER —.

PROCEDURE IN SPECIAL PROCEEDINGS RELATING TO MILLS.

SECTION 1. *How persons wishing to build a water mill to proceed :*

Any person wishing to build a water mill, who hath land on only one side of a stream, shall issue a summons returnable to the Superior Court of the County in which the land sought to be condemned, or some part of it, lies, against the persons in possession and the owners of the land on the opposite side of the stream, and against such others as are required to be made defendants by the Code of Civil Procedure ; and the procedure shall be as is provided in other special proceedings, except so far as the same may be modified by this chapter. All persons may be made defendants who are permitted to be by section sixty-one of the Code of Civil Procedure.

Water mills.

SEC. 2. *Court to appoint three Commissioners :*

Court to appoint.

If no just cause should be shown against the building of such mill, the Court shall appoint three freeholders, one of whom shall be chosen by the plaintiffs, another by the defendants, and the third by the Court, or if the plaintiffs, or defendants, shall refuse, or fail, or unreasonably delay, to name a Commissioner, the Court shall name one in lieu of such delinquent party ; these Commissioners may be changed from time to time by permission of the Court for just cause shown.

SEC. 3. *The third Commissioner to notify meeting and preside :*

Third Commissioner to preside, &c.

The third Commissioner shall cause the others to be notified of the time and place of meeting, and shall preside at their meetings ; they may, if necessary, summon and examine witnesses, who shall be sworn by the presiding Commissioner ; any Commissioner named by or for either of the parties who, without just cause, shall fail to attend any meeting notified by the President, shall forfeit and pay to the opposite party fifty dollars ; and if the President shall, in like manner, unreasonably delay to notify of a meeting, or fail to attend one that is appointed, he shall forfeit and pay to the plaintiffs fifty dollars, and to the defendant a like sum.

SEC. 4. *Duty of Commissioners :*

Duty of Commissioners.

The Commissioners shall be sworn by some officer qualified to administer an oath, to act impartially between the parties, and to perform the duties herein imposed on them honestly and to the best of their ability. They shall view the premises where the mill is proposed to be built, and shall lay off and value a portion of the land of the plaintiff, not to exceed one acre in area, and an equal area of the land of the defendants opposite thereto, and report their proceedings to the Court within a reasonable time, not exceeding sixty days.

SEC. 5. *What their report to contain :*

The report of the Commissioners shall set forth :

Report to set forth.

1. The location, quantities and value of the several areas laid off by them.

2. Whether either of them includes houses, gardens, orchards or other immediate conveniences.

3. Whether the proposed mill will overflow another mill, or create a nuisance in the neighborhood.

4. Any other matter upon which they shall have been directed by the Court to report, or which they may think necessary to the doing of full justice between the parties.

SEC. 6. *When mill shall not be allowed :*

If the area laid off on the land of either party take away houses, gardens, orchards, or other immediate conveniences; or if the mill proposed will overflow another mill, or will create a nuisance in the neighborhood, the Court shall not allow the proposed mill to be built.

Mill not allowed.

SEC. 7. *Power of Court on return of report :*

If the report be in favor of building the proposed mill, and be confirmed by the Court, the Court may, in its discretion, allow either the plaintiffs or defendants to erect such mill at the place proposed, and shall order the costs, and the value of the opposite area, to be paid by the party to whom such leave shall be granted ; and upon such payment, the party to whom such leave shall be granted shall be vested with a title in fee simple to the opposite area. Such payment may be made into Court for the use of the parties entitled thereto.

Court to return report.

[The above sections are slightly altered from sections two, three and four of chapter seventy-one, Revised Code.]

SEC. 8. *Duty of persons to whom leave is granted :*

The person to whom leave shall be granted shall, within one year, begin to build such water mill, and shall finish the same within three years ; and thereafter keep it up for

Persons with leave granted.

the use and ease of such as shall be customers to it: otherwise, the said land shall return to the person from whom it was taken, or to such other person as shall have his right, unless the time for finishing the mill, for reasons approved by the Court, be enlarged. (Revised Code, chapter seventy-one, section four.

SEC. 9. *Time to build or repair water mill:*

Time to build. &c. If any water mill belonging to any person, not being of age, a married woman, or of unsound mind, or imprisoned, be let fall, burnt, or otherwise destroyed, such person and his heirs shall have three years to rebuild and repair the same, and any person under any disability aforesaid, shall have three years from the removal of the disability. (Revised Code, chapter seventy-one, section five.

SEC. 10. *Remedy for person injured by the erection of a mill:*

Remedy for injured persons.

Any person conceiving himself injured by the erection of any grist mill, or mill for other useful purposes, may issue his summons returnable to the Superior Court of the County in which the endamaged land is situated, against the persons required to be made defendants by the Code of Civil Procedure. In his complaint he shall set forth in what respect he is injured by the erection of the mill, together with such other matters as may be necessary to entitle him to the relief demanded. All persons may be made defendants who are permitted by section sixty-one of the Code of Civil Procedure; the proceedings shall be as in other special proceedings, except where modified by the provisions of this chapter.

SEC. 11. *Court to appoint Commissioners:*

Commissioners.

If, upon the hearing of the case, the Court shall adjudge the plaintiff entitled to relief, three Commissioners shall be appointed, as provided in section two of this chapter; they shall be subject to the provisions contained in section three

of this chapter, and shall be sworn as prescribed in section four of this chapter.

SEC. 12. *Duty of Commissioners :*

The said Commissioners shall view the premises alleged to be damaged, and the premises whereon is situated the mill by which the damage is alleged to be caused, and shall inquire, whether any damage hath been sustained by the plaintiff by reason of the matters complained of; and of the amount which the plaintiff ought annually to receive from the defendants on account thereof. They shall have power to summon witnesses, and to hear evidence; they shall put their report in writing, and return the same to the Court; the report may be excepted to, and the issues made upon the exceptions, whether of fact or law, shall be tried as other like issues are directed to be. A judgment giving to the plaintiff an annual sum by way of damages, shall be binding between the parties for five years from the issuing of the summons; if the mill is kept up during that time, unless the damages shall be increased by raising the water or otherwise. The judgment may be enforced as other judgments are.

Commissioners to view premises, &c.

SEC. 13. *Parties to be notified of meeting of Commissioners :*

The parties in all the cases provided for in this chapter, shall be notified as is prescribed in other cases of notice, at least ten days before the meeting of the Commissioners of the time and place of meeting.

Parties to be notified.

SEC. 14. *When yearly damages as high as twenty dollars :*

In all cases where the final judgment of the Court shall assess the yearly damage of the plaintiff as high as twenty dollars, nothing in this chapter contained shall be construed to prevent the plaintiff, his heirs or assigns, from suing as heretofore, and in such case, the final judgment aforesaid shall be binding only for the year's damage preceding the issuing of the summons.

Yearly damages.

SEC. 15. *If judgment against plaintiff, if for plaintiff:*

Judgment.

If the final judgment of the Court shall be that the plaintiff hath sustained no damage, he shall pay the costs of his proceeding; but if the final judgment shall be in favor of the plaintiff, he shall have execution against the defendant for one year's damage, preceding the issuing of the summons, and for all costs: *Provided*, That if the damage adjudged do not amount to five dollars, the plaintiff shall recover no more costs than damages. And if the defendant do not annually pay the plaintiff, his heirs, or assigns, before it falls due, the sum adjudged as the damages for that year, the plaintiff may sue out execution for the amount of the last year's damage, or any part thereof which may remain unpaid.

SEC. 16.

Pay of Commissioner.

Each commissioner appointed under this chapter shall be entitled to two dollars per day to be paid and taxed as the other costs provided in this act.

SEC. 17. *Certain sections of chapter seventy-one Revised Code repealed:*

Certain sections chapter 71, Revised Code repealed.

Sections two, three, four, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen, of chapter seventy-one, of the Revised Code are hereby repealed.

SEC. 18. *When this act to go into effect:*

This act shall be in force from its ratification; but no rights vested, and no proceeding instituted before such ratification shall be affected hereby.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLIX.

AMENDMENTS TO CODE OF CIVIL PROCEDURE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Code of Civil Procedure be amended as follows : Amendments to
Code Civil Proce-
dure.

Section one hundred and forty-four, page fifty-two, by adding as subdivision sixth, the following :

6. A minute docket, in which shall be entered a record of all proceedings had in the Court during term, in the order in which they occur, and such other entries as the Judge of the District may direct to be made therein.

SEC. 2. Section four hundred and ninety-eight, page one hundred and eighty-two, sub-division one, by inserting after the word "demanded," the words "exclusive of interest."

Section 495.

SEC. 3. Section four hundred and ninety-nine, page one hundred and eighty-two, by adding the following words : " Unless the plaintiff shall remit the excess above two hundred dollars, and shall, at the time of filing his complaint, direct the Justice to make this entry : "The plaintiff in this action forgives and remits to the defendant all interest, and so much of the principal of this claim, as is in excess of two hundred dollars."

Section 499.

SEC. 4. Section one hundred and forty-three, page fifty-three, by adding the following words : " He shall be answerable for all records belonging to his office, and all papers filed in the Court, and they shall not be taken from his custody, unless by special order of the Court, or on the written consent of the Attorneys of Record of all the parties ; but parties may at all times have copies upon paying the Clerk therefor."

Section 143.

SEC. 5. Section five hundred and five, page one hundred

Section 505.

and eighty-seven, by inserting after the word "Constable," in line two, the words "or other lawful officer."

Section 428.

SEC. 6. Section four hundred and twenty-eight, page one hundred and twenty-seven, by adding to it the following words: "The provision of section one hundred and forty-five of the Code of Civil Procedure shall be applicable to the furnishing of the books of the Judge of Probate in each County."

Section 117.

SEC. 7. Section one hundred and seventeen, by adding the following words: "Any Judge or Clerk of the Superior Court, Notary Public, or Justice of the Peace, shall be competent to take affidavits for the verification of pleadings, in any Court or County in the State, and for general purposes."

Section 113.

SEC. 8. Section one hundred and thirteen, page forty-three, by adding the following words: "But no Judge shall be required to return any transcript, decision, or appeal, order made on motion or petition, or other matter to the Clerk, or another party, unless there shall have been forwarded to him sufficient money or stamps to defray the postage on said returns."

Section 455.

SEC. 9. That section four hundred and ninety-five, by adding the following words: "A civil and criminal docket shall be furnished each Justice, at the expense of the County, as provided in section one hundred and forty-five of this Code for furnishing the books of the Clerk of the Superior Court, in which shall be entered a minute of every proceeding had in any action before such Justice."

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLX.

AN ACT ENTITLED AN ACT TO RE-ESTABLISH BURNT RECORDS.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all Counties where, by the casualties of war or otherwise, the original wills on file in the office of Clerks of the Courts of Pleas and Quarter Sessions, and will-books, containing copies, have been lost or destroyed, if the executor or any other person has preserved a copy of a will, (the original being so lost or destroyed,) with a certificate appended, signed by a former Clerk of said Court, and stating that said copy is a correct one, such copy may be admitted to probate, under the same rules and in the same manner as now prescribed by law for proving wills, and the proceedings in such cases shall be the same as though such copy was the original offered for the first time for probate, except that the Clerk who signed such certificate, shall on oath acknowledge his signature, or in case it shall appear that said Clerk has died or left the State, then his signature shall be proven by a competent witness, and the witness or witnesses to the original, who may be examined, shall be required to swear that he or they signed in the presence of the testator and by his direction a paper writing purporting to be his last will and testament.

Records re-established.

SEC. 2. That in any suit or proceeding at law, wherein it may become necessary to introduce such will to establish title, or for any other purpose, a copy of the will and of the record of the probate, with a certificate, signed by the Judge of Probate for the County where the will may be recorded, stating that said record and copy are full and correct, shall be admitted as competent evidence; and when a copy of a will shall have been admitted to probate, as provided in the first section above, the Judge of Probate shall thereupon issue letters testamentary.

Judge to issue letters, &c.

PUB. 25.]

Where records
lost or destroyed,
duty of Clerk.

SEC. 3. That where in such Counties other records have been so lost or destroyed, and such records would have furnished the only legal evidence of costs, due to former Clerks of the Superior Courts, Clerks and Masters in Equity, Clerks of the Courts of Pleas and Quarter Sessions, or of former Sheriffs, or of tax fees due to attorneys, and where, in such cases, by means of *fiere facias* returned without sale, or by any transcript or paper, now in the office of the Clerk of the Superior Court, a memorandum of costs, due either former Clerks, or Sheriffs, or fees due attorneys, can be obtained, it shall be the duty of the Clerk of the Superior Court, upon application of one of the parties to whom costs or fees are supposed to be due, to issue notice to the party or parties from whom they are supposed to be due, twenty days before any term of the Superior Court, setting forth the amount of costs due each of said former officers, and the amount of the tax fee, the time at which said costs or fees become due, with the name and style of the suit or proceeding in which they accrued, and citing such party or parties to appear at the next term of the Court and plead or answer: *Provided*, That notice shall not issue until the applicant shall have made oath before the Clerk of the Superior Court that such costs or fees have not been paid.

Proviso.

On return of no-
tice Clerk to issue
execution.

SEC. 4. That if, upon the return of such notice, the defendant shall enter pleas within the first three days of the term, then such case shall be entered upon the trial docket, and a jury may be empaneled to try any question at issue between the parties, whether it be the former existence and destruction of the record, or payment, and if said issue or issues shall be decided in favor of the plaintiff, or if the defendant shall fail to plead as aforesaid, then, in either event, judgment shall be entered for the plaintiff, and the Clerk shall issue execution.

Judges to have
jurisdiction.

SEC. 5. That the Judges of the Superior Courts shall have the same jurisdiction, in the re-establishment of lost or destroyed records of the Courts of Pleas and Quarter

Sessions, by petition or otherwise, as was given to the Courts of Pleas and Quarter Sessions, by any law or laws before said Courts were abolished.

SEC. 6. That all laws or parts of laws, coming in conflict with the provisions of the foregoing sections, are hereby repealed. Conflicting laws repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HERTFORD COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Hertford County may levy a special tax for the year eighteen hundred and sixty-nine, on all taxable property in said County, not exceeding the amount of two thousand dollars, to pay the expenses of building a jail and Court House, and repairing certain bridges in said County; said tax to be levied and collected in the same manner as other State and County taxes are now levied and collected. For building Jail, Court House, &c.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXII.

AN ACT CONCERNING THE ESTATES OF INSOLVENT AND
IMPRISONED DEBTORS.

The General Assembly of North Carolina do enact as follows:

CHAPTER I.

PROCEEDING BY DEBTOR TO BE RELIEVED FROM LIABILITY TO
IMPRISONMENT.

SECTION 1. *Petition of debtor:*

Petition of debtor. Every insolvent debtor may present a petition in the Superior Court, praying that his estate may be assigned for the benefit of all his creditors, and that his person may thereafter be exempted from arrest or imprisonment, on account of any judgment previously rendered, or of any debts previously contracted.

SEC. 2. *Schedule and affidavit:*

Schedule and affidavit. On presenting such petition, every insolvent shall deliver therewith a schedule containing an account of his creditors and an inventory of his estate, as required in the next section; and shall annex to his petition and schedule, the following affidavit, which must be taken and subscribed by him before the Clerk of the Superior Court, and must be certified by such officer:

“I,, do swear (or affirm) that the account of my creditors, with the places of their residence, and the inventory of my estate, which are herewith delivered, are in all respects just and true; that I have not, at any time or in any manner, disposed of or made over any part of my estate for the future benefit of myself or my

family, or in order to defraud any of my creditors ; and that I have not paid, secured to be paid, or in any way compounded with any of my creditors, with a view that they, or any of them, should abstain or desist from opposing my discharge. So help me God.”

SEC. 3. *Insolvent's schedule, what to contain :*

The insolvent's schedule shall contain,

Schedule to contain.

1. A full and true account of all his creditors, with the place of residence of each, if known, and the sum owing to each creditor, whether on written security, on account or otherwise.

2. A full and true inventory of all his estate, real and personal, with the incumbrances existing thereon, and all books, vouchers and securities relating thereto.

3. A full and true inventory of all property, real or personal, claimed by him as exempt from sale under execution.

SEC. 4. *Order to show cause :*

On receiving the petition, schedule and affidavit, the Clerk of the Superior Court shall make an order requiring all the creditors of such insolvent to show cause before said officer, within thirty days after publication of the order, why the prayer of the petitioner should not be granted.

Order to show cause.

SEC. 5. *Notice of order :*

Notice of the contents of the order shall be published by the Clerk at the Court House, and three other public places in the County where the application is made, for four successive weeks ; or, in lieu thereof, for three successive weeks in any newspaper published in said County, or in an adjoining County.

Notice.

SEC. 6. *Summary proceeding before Clerk :*

If no creditor oppose the discharge of the insolvent, the Clerk of the Superior Court, before whom the hearing of

Proceedings before Clerk.

the petitioner is had, shall enter an order of discharge, and appoint a trustee of all the estate of such insolvent.

SEC. 7. *Creditor may suggest fraud :*

Creditor may suggest fraud.

Every creditor opposing the discharge of the insolvent may suggest fraud and set forth the particulars thereof in writing, verified by his oath ; but the insolvent shall not be compelled to answer the suggestions of fraud in more than one case, though as many creditors as chose may make themselves parties to the issues in such cases.

SEC. 8. *Proceeding where fraud is suggested :*

Proceedings when fraud suggested.

In every case where an issue of fraud is made up, the case shall be entered in the trial docket of the Superior Court, and stand for trial as other causes : and upon a finding by the jury in favor of the petitioner, the Judge shall enter the order and make the appointment directed in section six.

SEC. 9. *Order of discharge, its terms and effect :*

Order of discharge, &c.

The order of discharge shall declare that the person of such insolvent shall forever thereafter be exempted from arrest or imprisonment on account of any judgment, or by reason of any debt due at the time of such order, or contracted for before that time, though payable afterwards. But no debt, demand, judgment or decree against any insolvent, discharged under this chapter, shall be affected or impaired by such discharge ; but the same shall remain valid and effectual against all the property of such insolvent acquired after his discharge and the appointment of a trustee ; and the lien of any judgment or decree upon the property of such insolvent shall not be in any manner affected by such discharge.

CHAPTER II.

PROCEEDING BY DEBTOR, ARRESTED OR IMPRISONED IN EXECUTION IN CIVIL CAUSES, TO BE DISCHARGED FROM SUCH ARREST OR IMPRISONMENT.

SEC. 10. *Who entitled to benefit of this chapter :*

The following persons are entitled to the benefit of this chapter : Who entitled to benefits.

1. Every person taken or charged on any order of arrest for default of bail, or on surrender of bail in any action.

2. Every person taken or charged in execution of arrest for any debt or damages rendered in any action whatever.

SEC. 11. *Where application to be made :*

Every person taken or charged as in the preceding section specified, may, at any time after his arrest or imprisonment, petition the Court from which the process issued on which he is arrested or imprisoned, for his discharge therefrom, on his compliance with the provisions of this chapter. Where application to be made.

SEC. 12. *Nature of application :*

The petitioner shall set forth the cause of the imprisonment, with the writ or process and complaint on which the same is founded, and shall have annexed to it a just and true account of all his estate, real and personal, and of all charges affecting such estate, as they exist at the time of filing his petition, together with all deeds, securities, books or writings whatever relating to the estate and the charges thereon ; and also what property, real and personal, the petitioner claims as exempt from sale under execution. Nature of application.

SEC. 13. *Oath :*

The petition shall have annexed to it an oath or affirmation, subscribed by the petitioner and taken before any Oath.

person authorized by law to administer oaths, to the effect following :

“I,, the within named petitioner, do swear (or affirm) that the within petition and account of my estate, and of the charges thereon, are, in all respects, just and true; and that I have not at any time or in any manner disposed of or made over any part of my property, with a view to the future benefit of myself or my family, or with an intent to injure or defraud any of my creditors. So help me God.”

SEC. 14. *Notice to be served :*

Notice to be served.

Twenty days' notice of the time and place at which the petition will be filed, together with a copy of such petition and the account annexed thereto, shall be personally served by such debtor on the creditor or creditors at whose suit he is arrested or imprisoned, and such other creditors as the debtor may choose, or their personal representatives or attorneys; and if the person to be notified reside out of the State, and have no agent or attorney therein, the notice may be served on the officer having the claim to collect, or by two weekly publications in any newspaper in the State.

SEC. 15. *Suggestions of fraud :*

Suggestion of fraud.

Every creditor upon whom the notice directed in the preceding section is served, may suggest fraud upon the hearing of the petition, as prescribed in section seven (7) of this act, and if the case be in a Court of a Justice of the Peace, the issues made up, respecting the fraud, shall be returned into the office of the Clerk of the Superior Court and stand for trial, as in other cases; and the proceeding in the Superior Court shall be as prescribed in section eight (8) of this act.

SEC. 16. *When no fraud is suggested :*

If no creditor suggest fraud or oppose the discharge of the debtor, the Justice of the Peace, or the Clerk of the Superior Court, before whom the petition is heard, shall forthwith discharge the debtor, and, if he surrender any estate for the benefit of his creditors, shall appoint a trustee of such estate. The order of discharge and appointment shall be entered in the docket of the Court, and if granted by a Justice of the Peace, a copy thereof shall be certified by him to the Clerk of the Superior Court, where same shall be recorded and filed.

When no fraud is suggested.

SEC. 17. *Debtor may give bond for his appearance :*

Every debtor entitled to the provisions of this chapter may, at the time of filing his application for a discharge, or at any time afterwards, tender to the Sheriff, or other officer having his body in charge, a bond, with sufficient surety, in double the amount of the sum due any creditor, or creditors, at whose suit he was taken or charged, conditioned for the appearance of such debtor before the Court, where his petition is filed, at the hearing thereof, and to stand to and abide by the final order or decree of the Court in the case. If such bond be satisfactory to the Sheriff, he shall forthwith release such debtor from custody.

Debtor may give bond.

SEC. 18. *In case of sickness or death :*

Whenever it appears to the Court that any debtor, who may have given bond for his appearance under this chapter, is prevented from attending Court by sickness or other sufficient cause, the case shall be continued another day, or to the next term, when the same proceedings shall be had as if the debtor had appeared according to the condition of his bond, and, in the event of his death in the meantime, his bond shall be discharged.

Sickness or death.

SEC. 19. *Order of discharge—terms and effect :*

Order of discharge The order of discharge under this chapter, whether granted upon a non-suggestion of fraud or upon the finding of a jury in favor of the debtor, or otherwise, shall be in like terms and have like effect as prescribed in section nine (9) of the preceding chapter; except that the body of such debtor shall be free from arrest or imprisonment at the suit of every creditor, and as to him only, to whom the notice required in section fourteen (14) may have been given; and the notices, or copies thereof, shall in all cases be filed in the office of the Superior Court Clerk.

SEC. 20. *Judgment on fraud found :*

Judgment on fraud found. If, on the trial, the jury find that there is any fraud or concealment, the judgment shall be that the debtor be imprisoned until a full and fair disclosure on account of all the money, property or effects be made by the debtor.

SEC. 21. *Proceeding after issue :*

Proceedings after issue. After an issue of fraud or concealment is made up the debtor shall not discharge himself as to the creditors in that issue, except by trial and verdict in the same, or by a discharge by consent.

SEC. 22. *Surrender of principal :*

Surrender of principal. The surety in any bond, conditioned for the appearance of any person under this chapter, may surrender the principal, or such principal may surrender himself, in discharge of the bond, to the Sheriff or other officer of any Court where such principal is bound to appear, in the manner provided in the Code of Civil Procedure, title nine, chapter one, section one hundred and fifty-eight.

SEC. 23. *Debtor swearing falsely ; penalty :*

False swearing, penalty. If any insolvent or imprisoned debtor take any oath prescribed in this act falsely and corruptly, and upon indictment of perjury be convicted thereof, he shall suffer all

the pains of wilful perjury, and he shall never after have any of the benefits of this act, but may be sued and imprisoned as though he had never been discharged.

SEC. 24. *Creditor liable for prison fees in certain cases :*

When any debtor is actually confined within the walls of a prison, on an order of arrest in default of bail or otherwise, the jailor must furnish him with necessary food during his confinement, if the prisoner require it, for which the jailor shall have the same fees as for keeping other prisoners. If the debtor be unable to discharge such fees, the jailor may recover them from the party at whose instance the debtor was confined. And when the debtor has remained in jail for twenty days, the Sheriff or jailor may give notice thereof to the plaintiff, his agent or attorney, and demand security of him for the prison fees that accrue after such notice, and if the plaintiff fail to give such security, then the Sheriff may discharge the debtor out of custody.

Prison fees.

SEC. 25. *Who may take prison bounds :*

Any imprisoned debtor may take the benefit of the prison bounds by giving security, as required by law, except as follows:

Prison bounds.

1. A debtor against whom an issue of fraud is found.
2. Any debtor who, for other cause, is adjudged to be imprisoned until he make a full and fair disclosure or account of his property.

CHAPTER III.

PROCEEDING BY PARTY COMMITTED IN CASES OF BASTARDY OR FOR FINE AND COSTS IN CRIMINAL ACTIONS, TO BE DISCHARGED FROM IMPRISONMENT.

SEC. 26. *Who entitled to be discharged under this chapter :*

Who entitled to discharge.

The following persons may be discharged from imprisonment upon complying with the provisions of this chapter :

1. Every putative father of a bastard committed for a failure to give bond, or to pay any sum of money ordered to be paid for its maintenance.

2. Every person committed for the fine and costs of any criminal prosecution.

SEC. 27. *Application to be made, how :*

Application.

Every such person, having remained in prison for sixty days, may apply by petition to the Court, where the judgment against him was entered, praying to be brought before such Court at a time and place to be named in the petition, and to be discharged upon taking the oath hereinafter prescribed.

SEC. 28. *Notice to be served :*

Notice.

The applicant shall cause ten days' notice of the time and place of filing the petition to be served on the Sheriff or other officer, by whom he was committed, which notice shall, in no case, be waived by such officer nor dispensed with in the discretion of any Court.

SEC. 29. *Warrant to bring prisoner :*

Warrant.

The Clerk of the Superior Court, or Justice of the Peace, before whom such petition is presented, shall forthwith issue a warrant to the Sheriff, or keeper of the prison, requiring him to bring the prisoner before the Court, at the time and place named, for the hearing of the case, which warrant every such Sheriff or keeper shall obey.

SEC. 30. *Proceeding before Court :*

At the hearing of the petition, if such prisoner have no visible estate, and take and subscribe the oath or affirmation, prescribed in the next section, the Clerk of the Superior Court, or Justice of the Peace before whom he is brought, shall administer said oath or affirmation to him, and discharge him from imprisonment ; of which an entry shall be made in the docket of the Court, and, where the proceeding be before a Justice of the Peace, the Justice shall return the petition and orders thereon into the office of the Clerk of the Superior Court to be filed.

Proceeding before Court.;

SEC. 31. *Oath to be taken :*

The oath referred to in the preceding section shall be as follows : “ I,, do solemnly swear (or affirm) that I have not the worth of one dollar in any worldly substance, above such exemption as may be allotted me by law, and that I have not at any time since my imprisonment or before, directly or indirectly, sold or assigned, or otherwise disposed of, or made over in trust for myself or my family, any part of my real or personal estate, whereby to have or expect any benefit, or to defraud any of my creditors, so help me God.”

Oath.

SEC. 32. *Who may suggest fraud :*

The Chairman of the Board of Commissioners, and every officer interested in the fee bill taxed against such prisoner, may oppose his taking the oath prescribed in the preceding section ; and file the particulars of his suggestion in writing; when the same shall be returned to and stand for trial in the Superior Court as prescribed in the preceding chapter, in other cases of fraud or concealment.

Who may suggest fraud.

CHAPTER IV.

PROCEEDING FOR APPOINTMENT OF TRUSTEES OVER THE ESTATE
OF ANY DEBTOR CONFINED FOR CRIME.SEC. 40. *When and by whom application to be made :*When application
made.

Whenever any debtor is imprisoned in the Penitentiary for any term whatever, or in a County jail for any term more than twelve months, application by petition may be made by any creditor of the debtor, or by his wife, or any of his relatives, for the appointment of a trustee, to take charge of the estate of such debtor.

SEC. 41. *To whom application to be made :*

To whom.

The application must be made to the Superior Court of the County where the debtor was convicted.

SEC. 42. *Trustee to be appointed :*

Trustee appointed.

Upon producing a copy of the sentence of conviction of such debtor, duly certified by the Clerk of the Court, together with an affidavit of the applicant that such debtor is actually imprisoned under such sentence, and is indebted in any sum whatever, the Clerk of the Court or the Judge thereof may immediately appoint a trustee of the estate of such debtor.

SEC. 43. *Duty of Trustee :*

Duty of Trustee.

Every trustee under this chapter is required to pay the debts of the imprisoned debtor in the manner directed in chapter five of this act ; and after paying such debts, the trustee shall apply the surplus, from time to time, to the support of the wife and children of such debtor, under the direction of the Superior Court ; and whenever any such imprisoned debtor is lawfully discharged from his imprisonment, the trustee so appointed shall deliver up to him all the estate, real and personal, of such debtor, after retaining

a sufficient sum to satisfy the expenses incurred in the execution of the trust and lawful commissions therefor.

CHAPTER V.

GENERAL PROVISIONS RESPECTING TRUSTEES UNDER THIS ACT.

SEC. 44. *General power and duty :*

Any trustee appointed under the provisions of the preceding chapter of this act, in the several cases therein contemplated, is hereby declared a trustee of the estate of the debtor, in respect to whose property such trustee is appointed, for the benefit of creditors, and is invested, from the time of appointment, with all the powers and authorities, and subject to the control, obligations and responsibilities prescribed by law in relation to personal representatives over the estates of deceased persons ; but all debts shall be paid by the trustee *pro rata* equally.

Powers and duty
of Trustees.

SEC. 45. *Where returns made and accounts settled :*

Such trustee shall make his returns and have his accounts audited and settled in the Court of Probate of the County, where the proceeding was had, in like manner as provided for personal representatives.

Returns, &c.

SEC. 46. *Oath :*

Before proceeding to the discharge of his duty, such trustee shall take and subscribe an oath, well and truly to execute his trust according to his best skill and understanding ; which oath must be filed with the Clerk of the Superior Court.

Take oath.

SEC. 47. *More than one person may be trustee :*

The Court shall have power, when deemed necessary, to appoint more than one person trustee under any of the

Court may appoint
more than one
Trustee.

provisions of this act; but in reference to the rights, authorities and duties conferred herein, all such trustees shall be deemed one person in law.

SEC. 48. *In case of disability:*

Disability of
Trustee.

In case of the death, removal, resignation or other disability of a trustee, the Court making the appointment may from time to time supply the vacancy; and all proceedings may be continued by the successor in office in like manner as in the first instance.

SEC. 49. *Repeal:*

Repeal.

Chapter fifty-nine (59) of the Revised Code, and all laws in conflict with this act are repealed. *

SEC. 50. *When to take effect:*

This act shall take effect from its ratification.
Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXIII.

AN ACT TO AMEND THE CHARTER OF THE ATLANTIC, TENNESSEE AND OHIO RAIL ROAD COMPANY.

Branch of Road.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Atlantic, Tennessee and Ohio Rail Road Company shall have power and authority to construct a branch of their Rail Road from some convenient point to the Town of Wilkesboro', in Wilkes County: *Provided*, That no part of the bonds authorized to be issued for the benefit of said Company by act of this General Assembly, ratified on the third day of February, Anno Domini eighteen hundred and sixty-nine, shall be used in, or in any way applied to, building the said branch, until the main

Proviso.

line of said Road, *via* Taylorsville in Alexander County, is graded to or near Lenoir, Caldwell County, as contemplated in the original charter and amendments thereto.

Ratified the 10th day of April, 1869.

CHAPTER CLXIV.

AN ACT TO AMEND CHAPTER FORTY OF REVISED CODE.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter forty of the Revised Code be amended by adding the following: Chapter 40 amended.

SEC. 2. Any proprietor in fee of swamp lands, which cannot be drained except by cutting a canal through the lands of another, or other proprietor in fee, situated at a lower level and which would also be materially benefited by the cutting of such canal, who desires that said canal be cut on the terms on which it is hereinafter allowed, may apply to the Superior Court of the County in which any of the lands through which the canal will pass may lie, as is prescribed in other cases of special proceedings. Canals may be cut

SEC. 3. On the establishment by the plaintiff of his allegations, the Court shall appoint three persons, (unless the parties shall agree on some one person,) who, having been duly sworn, shall examine the premises and inquire and report: Court shall appoint Commissioners to examine and report.

1. Whether the lands of the plaintiff can be conveniently drained, otherwise than through those of some other person;

2. Through the lands of what other persons a canal to drain the lands of the plaintiff should properly pass, considering the interests of all concerned;

3. A description of the several pieces of lands through which the canal would pass; and the present values of such

portions of said pieces of lands as would be benefited by it; and the reasons for arriving at the conclusion as to the benefit;

4. The route and plan of the canal, including its breadth, depth and slope, as nearly as they can be calculated, with all other particulars necessary for calculating its cost;

5. The probable cost of the canal and of a road on its bank, and of such other works, if any, as may be necessary for its profitable use;

6. The proportion of the benefit, (after a deduction of all damages,) which each proprietor would receive by the proposed canal and a road on its bank, and in which each ought, in equity and justice, to pay toward their construction and permanent support.

7. With their report they shall return a map explaining, as accurately as may be, the various matters required to be stated in their report.

Commissioners
may employ Sur-
veyor.

SEC. 4. The said Commissioners may employ a Surveyor to prepare the map required to accompany their report.

SEC. 5. If it appear that the lands on the lower level will be increased in value twenty-five per cent. or upwards, by the proposed improvement, within one year after the completion thereof, and that the cost of making such improvement will not exceed three-fourths of the present estimated value of the land to be benefited, and that the proprietors of at least one-half in value of the land to be affected, consent to the improvement, the Court may confirm such report, either in full, or with such modifications therein, as shall be just and equitable.

Proprietors de-
clared a corporation

SEC. 6. Upon a final adjudication, confirming the report, the proprietors of the several pieces of land adjudged to be benefited by the improvement, shall be declared a corporation of which the capital stock shall be double the estimated cost of the improvements, and in which the several owners of the land adjudged to be benefited, shall be incorporators, holding shares of stock in the proportions in which they

are adjudged liable for the expense of making and keeping up the improvement.

SEC. 7. The person assessed to pay the highest sum shall be President of the Company, until another shall be elected; he shall, or in case of his refusal or an unreasonable delay, any other stockholder may call a meeting of the corporators. The corporators shall choose a corporate name, elect a President and such other officers as may be necessary, and make all by-laws and regulations not contrary to law, which may be necessary or proper for effecting the purposes of the corporation; they shall fix the number of shares of stock, and assign to each proprietor his proper number; they shall assess the same which shall be payable by each proprietor, and to ascertain the time and mode of payment, in every meeting each proprietor shall vote once for each share owned by him.

Corporate name
and officers.

SEC. 8. The ownership of the shares of stock is indissolubly annexed to the ownership of the pieces of land adjudged to be benefited by the improvement; and such shares, or a part thereof proportionate to the area of such land than may descend or be conveyed, for any longer time than three years, shall, upon such descent or conveyance, descend and pass with the land, even although such shares be not mentioned in the deed of conveyance, and although their transfer be forbidden by such deed so that every owner of said land in possession, except tenant for a term of years, not exceeding three, and every owner in reversion or remainder after a term not exceeding three years, shall, during his ownership, be entitled to all the rights and privileges and be subject to all the obligations and burdens of a corporator. Every attempted sale of shares otherwise than as annexed to the land shall be void.

Owners and
shares.

SEC. 9. Every corporator shall be bound to obey the lawful by-laws of the Company, and pay all dues lawfully assessed on him: *Provided*, He shall in no case pay over his proportion of the expenses as fixed by this act; and such dues may be collected in the corporate name in any Court

Obedience to
laws, &c.

Proviso.

having jurisdiction; and every assessment duly registered in the County where the land to be affected lies, shall be a lien on the lands of the debtor which are connected with the corporation from the date of such registration.

Payment of dues,
&c.

SEC. 10. Every corporator, paying his dues legally assessed without regard to the number of his shares, shall be entitled to the full and free use of said canal for drainage and navigation, and of the road for passage and transportation. By-laws may be made to regulate these rights, but not so as to produce an inequality.

Infants privileges.

SEC. 11. If any proprietor whose lands are adjudged to be benefited by a canal shall be an infant, no process shall be issued against him during his minority, or within twelve months thereafter, to enforce payment of any assessment, and he may, at any time within such twelve months, apply to have any order, judgment or decree made against him, set aside as to him. If the infant or his guardian shall, during his minority, and the twelve months next thereafter, pay the dues assessed on him, he shall have all the rights and privileges of a corporator to be exercised through his guardian. If the infant shall fail to pay, he shall not have any such rights, but if no suit to set aside the judgment of the Court creating the corporation shall have been brought by him as aforesaid, or upon the decision of such suit against him, he shall be entitled to receive his proper share of stock and to possess all the rights and be bound by all the liabilities of a corporator, including a liability for assessments made during his minority, but not for interest on such, nor for any penalty for their prior non-payment.

Damage of lands.

SEC. 12. If any proprietor of lands shall be damaged by any improvement proposed, the Commissioners appointed under section three of this act shall so report, and he shall be entitled to be compensated as may be just by the proprietor whose lands are benefited in proportion to the benefit to them respectively; but, in estimating such damage, the benefit shall be deducted, and such proprietor shall be entitled to all the rights and privileges of a corporation as respects

the use of the improvement, but shall not be entitled to a vote, or be bound for the assessment.

SEC. 13. If, from any cause, the canal or other improvement shall become, or shall prove to be valueless, any coporator may apply as is provided in other cases of special proceedings, and the Court may dissolve the corporation created in connection with it. Court may dissolve corporation.

SEC. 14. In all the proceedings under this act the costs shall be in the discretion of the Court.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXV .

AN ACT TO AMEND AN ACT ENTITLED AN ACT RELATIVE TO THE WESTERN TURNPIKE ROAD, LEADING FROM ASHEVILLE WESTWARD TO MURPHY, AND THENCE BY SEPARATE ROUTES TO THE GEORGIA AND TENNESSEE LINES.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act relative to the Western Turnpike Road, leading from Asheville westward to Murphy; and thence by separate routes to the Georgia and Tennessee lines, ratified March seventeenth, Anno Domini eighteen hundred and sixty-nine, be and the same is hereby amended by being made to read in "June," instead of "April," wherever the word April occurs in the act referred to.

SEC. 3. This act to be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXVI.

AN ACT IN RELATION TO A PLANK ROAD.

Overscers ap-
pointed.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of the Counties of Forsythe, Davidson and Guilford shall appoint overseers on the Plank Road leading from High Point to Salem.

Overscers take
charge of hands.

The Commissioners of each County shall appoint a sufficient number of overseers on the part of the said Road as runs through their County, and such overseers to take all Road hands convenient to work thereon, and keep in repairs said Road until the first day of March, one thousand eight hundred and seventy.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXVII.

AN ACT IN RELATION TO PUNISHMENT.

The General Assembly of North Carolina do enact :

SECTION 1. *Punishment for murder* :

Murder.

Every person, who is convicted in due course of law, of any wilful murder of malice prepense, shall suffer death.

SEC. 2. *Punishment for rape* :

Rape.

Every person who is convicted, in due course of law, of ravishing and carnally knowing any female of the age of ten years or more by force and against her will ; or who is convicted, in like manner, of unlawfully and carnally know-

ing and abusing any female child under the age of ten years, shall suffer death.

SEC. 3. *Punishment for assault with intention to commit a rape :*

Every person convicted by due course of law, of an assault with intent to commit a rape upon the body of any female, shall be imprisoned in the State prison not less than five, nor more than fifteen years.

Assault with intent to commit rape.

SEC. 4. *Punishment for arson of inhabited dwellings :*

Every person convicted, according to due course of law, of any wilful burning of any inhabited dwelling house, or any part thereof, in the night time, shall suffer imprisonment for the term of his natural life in the State's prison.

Arson of dwelling.

SEC. 5. *Arson of gin house or tobacco house :*

Every person convicted of any wilful burning of any gin house or tobacco house, or any part thereof, shall be imprisoned in the State's prison not less than five, nor more than ten years.

Arson of gin or tobacco house.

SEC. 6. *Crimes heretofore punishable with death, how punished now :*

Every person convicted of any crime, whereof the punishment has hitherto been death by the laws of North Carolina existing at the time the present Constitution went into effect, other than the crimes before specified in this act, shall suffer imprisonment in the State's prison for not less than five, nor more than sixty years.

Crimes punishable by imprisonment.

SEC. 7. *Assault with deadly weapon without intent to kill :*

Every person who commits any assault upon the person of another, with any deadly or dangerous weapon, or who unlawfully shoots or attempts to shoot at another with any kind of fire-arms, with intent to injure any person, without

Assault without intent to kill.

intent to kill such person or to commit any felony, shall be punished upon conviction, by imprisonment in the State's prison not exceeding five years.

SEC. 8. *Assault with deadly weapon with intent to kill :*

Assault with intent to kill.

Every person who unlawfully shoots or attempts to shoot at another, with any kind of fire-arms, with intent to kill any person ; or who commits any assault upon another by means of any deadly weapon, or by such other means of force as was likely to produce death, with intent to kill any other person, shall, upon conviction, be punishable by imprisonment in the State's prison not exceeding ten years.

SEC. 9. *What punishment in lieu of corporeal punishment :*

Punishments in lieu of corporeal punishment.

Every crime or offence whatever, heretofore punishable by the laws of North Carolina when the present Constitution went into effect, with public whipping or other corporeal punishment, shall hereafter, in lieu of such corporeal punishment, be punished by imprisonment in the State's prison, (or County jail) for not less than four months nor more than ten years.

SEC. 10. *Where convicts confined till erection of a Penitentiary :*

Confinement of convicts.

Whenever, until the completion of the State's prison, any person is sentenced to confinement therein, such convict may be confined in the County jail or other secure place ; or if such convict be a male, he may be kept at hard labor on the construction of the State prison or other public work, as provided by law, during the whole or any part of his imprisonment, but such term of imprisonment shall begin to run upon and shall include the day of his conviction.

SEC. 11. *Repeal :*

Repeal.

An act entitled "An act in relation to punishments," ratified the twenty-second day of August, Anno Domini,

eighteen hundred and sixty-eight, and all laws and parts of laws in conflict with this act are repealed.

SEC. 12. This act shall be in force from the day of its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXVIII.

PROCEEDINGS OF IMPEACHMENT.

The General Assembly of North Carolina do enact as follows:

SECTION 1. *Trial Court of Impeachment:*

The Court for the trial of Impeachment shall be the Court. Senate.

SEC. 2. *Quorum:*

A majority of the members shall be necessary to a Quorum. quorum.

SEC. 3. *Exhibition of Articles:*

All impeachments must be delivered by the House of Representatives to the presiding officer of the Senate, who shall thereupon cause proclamation to be made in the following words, viz: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of North Carolina articles of impeachment against" After which the articles shall be exhibited, and then the presiding officer of the Senate shall inform the House of Representatives that the Senate will take proper order on the subject of impeachment, of which due notice shall be given to the House of Representatives.

SEC. 4. *Powers of the Court :*

Powers of Court. The Senate, as a Court, shall have power to compel the attendance of parties and witnesses, to enforce obedience to its orders, mandates, writs, precepts and judgments to preserve order, to punish, in a summary way, contempts of its authority, orders, mandates, writs, precepts or judgments, to adjourn from time to time, and to make all lawful rules and regulations which it may deem essential or conducive to the ends of justice.

SEC. 5. *Powers of the presiding officer :*

Powers of presiding officer.

The presiding officer of the Senate shall have power :

1. To direct all necessary preparations in the Senate Chamber ;
2. To make and issue by himself or by the Clerk of the Senate all orders, mandates, writs and precepts authorized by law or by the Senate ;
3. To direct all the forms of procedure during the trial not otherwise specially provided for ;
4. To decide in the first instance, without a division, all questions of evidence and incidental questions, but the same shall, on demand of one-fifth of the members present, be decided by yeas and nays.

SEC. 6. *When Chief Justice to preside :*

Chief Justice to preside.

When the Governor of the State, or Lieutenant-Governor, upon whom the powers and duties of the office of Governor have devolved, is impeached, the Chief Justice of the Supreme Court shall preside ; and in a case requiring the Chief Justice to preside, notice shall be given him, by order of the Senate, of the time and place fixed for the consideration of the articles of impeachment, with a request to attend ; and the Chief Justice shall preside over the Senate during the consideration of said articles, and upon the trial of the person impeached therein. But the Chief Justice shall not vote on any question during the trial, and shall pronounce decision only as the organ of the Senate with its assent.

SEC. 7. *Process against the accused to appear and answer :*

The Senate, upon the presentation of articles of impeachment and its organization as a Court, shall forthwith cause the person impeached to appear and answer the articles exhibited either in person or by attorney ; he shall be entitled to a copy of the impeachment and have a reasonable time to answer the same.

Accused to appear

SEC. 8. *Accused entitled to Counsel :*

The person accused is entitled, on the trial of the impeachment, to the aid of counsel.

Counsel.

SEC. 9. *What done when issue is joined :*

When issue is joined in the trial of an impeachment, the Court shall fix a time and place for the trial thereof.

When issue joined

SEC. 10. *Oath of members :*

At the time and place appointed, and before the commencement of the trial, the presiding officer of the Senate shall administer to each member of the Court then present, and to other members as they appear, an oath or affirmation, truly and impartially to try and determine the charge in question, under the Constitution and laws, according to the evidence. No member of the Court shall sit or give his vote upon the trial until he shall have taken such oath or affirmation.

Oath of members.

SEC. 11. *Two-thirds required to convict :*

No person shall be convicted, on an impeachment, without the concurrence of two-thirds of the Senators present.

Two-thirds required to convict.

SEC. 12. *Judgment upon conviction :*

Upon a conviction of the person impeached judgment may be given that he be removed from office : or that he be disqualified to hold any office of honor, trust or profit, under this State, or both ; but no judgment can be pronounced.

Judgment.

SEC. 13. *Officers suspended by impeachment :*Officers suspended,
&c.

Every officer impeached shall be suspended from the exercise of his office until his acquittal.

SEC. 14. *Impeachment of the President of the Senate :*Impeachment of
President.

If the President of the Senate be impeached, notice thereof shall immediately be given to the Senate by the House of Representatives, in order that another President may be chosen.

SEC. 15. *Indictment after conviction :*

Indictment.

Every person convicted on impeachment shall, nevertheless, be liable to indictment and punishment according to law.

SEC. 16. *For what offences officers liable to be impeached :*Officers liable to
impeachment.

Every officer in this State shall be liable to impeachment for :

1. Corruption or other misconduct in his official capacity.
2. Habitual drunkenness.
3. Intoxication while engaged in the exercise of his office.
4. Drunkenness in any public place.
5. Mental or physical incompetence to discharge the duties of his office.

6. Any criminal matter, the conviction whereof would tend to bring his office into public contempt.

SEC. 17. *When act to have effect :*

This act shall have effect from the date of its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXIX.

AN ACT TO AUTHORIZE THE ERECTION OF A BRIDGE ACROSS
JOHN'S RIVER IN BURKE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. J. Erwin, A. H. Erwin, William Bristol, James M. Kincaid, John R. Sudduth, J. A. Puett, J. C. Halyburton and William S. Sudduth, of Burke County, and Joseph Corpening, A. J. Corpening and Robert G. Tuttle, of Caldwell County, and their heirs and assigns, be and they are hereby authorized and empowered to erect and keep up a toll bridge across John's River, at or near the present ford on the main public road leading from Morganton in Burke County, to Lenoir in Caldwell County, and to demand and receive such tolls for crossing the same as shall be fixed by a majority of the County Commissioners of the County of Burke.

Corporators.

SEC. 2. That it shall be the duty of the persons named in the first section of this act, in the event of obstructing the ford at the place mentioned, to make another ford equally as good, at some convenient point, not more than two hundred yards from the present ford, and open out a good road on either side of said river, leading from said ford into the public road, and in the event of their failure to do so, all persons traveling on said public road shall be allowed to pass over said bridge with their horses, wagons, carriages, buggies and other vehicles, and stock of all kinds, without being required to pay any toll for the same.

To make ford, &c.

SEC. 3. That from and after said bridge shall be opened as a toll bridge, it shall be deemed a public highway, and the owner or owners thereof shall, on failure to keep the same in good and lawful repair so that the public can travel over it with convenience and safety, be liable to indictment and punishment in the same manner that overseers of public highways now are, and shall also be liable in a civil

The bridge a public highway.

action for damages to any person who may suffer injury to their person or property on account of such failure.

Judge to appoint
Assessors.

SEC. 4. That the Judge of the Superior Court of Burke County, upon the petition of said persons named in the first section of this act, shall appoint three disinterested freeholders of said County to view the banks on both sides of said river where the bridge is to be located, and lay off to the use of said petitioners one-half acre of ground on either bank and assess the value thereof, and make a report to the succeeding term of said Court, and upon the petitioners paying to the owner of said land the value so assessed, and all costs incurred by reason of said petition, then the Judge of said Court shall confirm said report, unless good cause shall be shown by the owners of the land why it ought not to be confirmed, and shall condemn the land to the use of the petitioners.

Not necessary to
file petition.

SEC. 5. If the owners of the land on either side shall voluntarily convey the right of way over their land and one-half acre on either bank to the persons named in the first section of this act, then it shall not be necessary to file a petition as hereinbefore prescribed.

In force for fifty
years.

SEC. 6. The privileges herein granted shall be in force for fifty years: *Provided*, The bridge authorized to be erected shall be completed within two years from the passage of this act.

SEC. 7. This act shall be in force from and after the date of its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXX.

AN ACT PROVIDING FOR A BOARD OF PUBLIC CHARITIES, AND
 PRESCRIBING THE DUTIES THEREOF.

SECTION 1. *The General Assembly of North Carolina do enact*, That the General Assembly shall, immediately on the ratification of this act, proceed by concurrent vote to select five electors who shall be styled the Board of Public Charities of the State of North Carolina. One of the persons so elected shall hold office for one year; one for two years, one for three years; one for four years, and one for five years, the term to begin the first of July, eighteen hundred and sixty-nine. Appointments to fill vacancies in this Board, caused by resignation or removal from the State, death, or from any other cause, may be made for the residue of such term by the Governor.

Board elected by
 General Assembly.

SEC. 2. The Board of Public Charities shall hold regular meetings on the first Tuesday in January, April, July and October, and as often besides as they may deem needful. They shall make such rules and orders for the regulations of their own proceedings as they may deem proper; they shall investigate and supervise the whole system of the charitable and penal institutions of the State, and shall recommend such changes and additional provisions as they may deem needful for their economical and efficient administration, and no changes shall be made in the management of any of the institutions without the advice or consent of the Board. They shall receive no compensation for their services except their traveling expenses, which shall be allowed and paid.

Meetings, &c.

Board to supervise
 public institutions.

Compensation.

SEC. 3. The general condition of the State as effected by crimes, vagrancy and pauperism, shall also come under the view of the Board, and it shall be their duty to report to the General Assembly when, in their judgment, it may become needful for the erection of the several reformatory

Duty to report.

institutions, whose organization is provided for in article eleven of the Constitution.

Special attention. SEC. 4. The Board shall also give special attention to the causes of insanity, defect or loss of the several senses, idiocy, and the deformity and infirmity of the physical organization. They shall, beside their own observation, avail themselves of correspondence and exchange of facts of the labors of others in these departments, and thus be able to afford the General Assembly data to guide them in future legislation for the amelioration of the condition of the people, as well as to contribute to enlighten public opinion and direct it to interests so vital to the prosperity of the State.

Visits and reports SEC. 5. Personal visits may be required by the Board, of one or more of its members, or otherwise, to make careful investigation into the condition of the several County jails and alms-houses, and the treatment of their unfortunate inmates, and report on these points, so that the provisions of section six, article eleven, of the Constitution may be enforced.

Insane persons. SEC. 6. Whenever the Board shall have reason to believe that any insane person, not incurable, is deprived of proper remedial treatment, and is confined in any alms-house or other place, whether such insane person in a public charge or otherwise, it shall be the duty of said Board to cause such insane person to be conveyed to the State Asylum, there to receive the best medical attention. So also, it shall be their care that all the unfortunates shall participate in the charities of the State.

May require reports, &c.

SEC. 7. The Board may require the Superintendent, &c., of the several charitable and penal institutions of the State to report to them of any matter relating to its inmates, their manner of instruction and treatment, with structure of their buildings, and to furnish them any desired statistics at their command.

Annual reports.

SEC. 8. The Board of Public Charities shall annually prepare and submit to the General Assembly a complete

and full report of their doings during the preceding year, showing the actual condition of all the State institutions under their control, with such suggestions as they may deem necessary and pertinent, which they shall print.

SEC. 9. This Board shall make a special report to the General Assembly of eighteen hundred and seventy, on the cause of crimes, pauperism, &c. Special report for 1870.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXI.

AN ACT TO AUTHORIZE THE SEVERAL COUNTIES OF THE STATE TO TAKE STOCK IN RAIL ROAD COMPANIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of the several Counties in this State shall have power to subscribe stock to any Rail Road Company or Companies, when necessary to aid in the completion of any Rail Road in which the citizens of the County may have an interest. Subscription to stock.

SEC. 2. That the Commissioners of any County proposing to take stock in any Rail Road Company shall meet and agree upon the amount to be subscribed, and if a majority of the Commissioners shall vote for the proposition, this shall be entered of record, which shall show the amount proposed to be subscribed, to what company, and whether in bonds, money or other property, and thereupon the Commissioners shall order an election, to be held on a notice of not less than thirty days for the purpose of voting for or against the proposition to subscribe the amount of stock agreed on by the County Commissioners. And if a majority of the qualified voters of the County shall vote in

favor of the proposition, the County Commissioners, through their Chairman, shall have power to subscribe the amount of stock proposed by them, and submitted to the people subject to all the rules, regulations and restrictions of other stockholders in such company or companies: *Provided, also,* That the Counties, in the manner aforesaid, shall subscribe from time to time such amounts, either in bonds or money, as they may think proper.

Proviso.

Elections held by Sheriff.

SEC. 3. That all elections ordered under the second section of this act shall be held by the Sheriff under the laws and regulations provided for the election of members of the General Assembly. The votes shall be compared by the County Commissioners, who shall make a record of the same.

Interest on bonds.

SEC. 4. In case the County shall subscribe the amount proposed in bonds, the Commissioners shall have power to fix the rate of interest, not to exceed the rate of eight per cent., when the interest on said bonds shall be payable, and at what place, and shall also fix the time and places of paying the interest, and shall also determine the mode and manner of the same; and also to raise by taxation, from year to year, the amount necessary to meet the interest on said bonds.

How taxes paid.

SEC. 5. The taxes authorized by this act, to be raised for the payment of interest or principal, shall be collected by the Sheriff in like manner as other public taxes, shall be paid into the hands of the County Treasurer, to be used by the Chairman of the County Commissioners as directed by this act.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXII.

AN ACT TO EMPOWER THE COMMISSIONERS OF CUMBERLAND COUNTY TO LAY A SPECIAL TAX.

WHEREAS, The County of Cumberland has for several years failed to pay the interest falling due upon the bonds of said County, given in payment of its subscription to the Western Rail Road Company; and

Preamble.

Whereas, there is now due, and will be due during the current fiscal year, for interest upon said bonds, the sum of forty thousand, three hundred and forty-two dollars; and

Whereas, the ordinary tax which the Commissioners of said County are authorized to levy for the current year, will not pay more than the regular expenses of the County and its other liabilities;

Now, therefore, for the purpose of enabling the Commissioners of Cumberland County to pay off the interest upon the bonds of said County, given in payment of its subscription to the capital stock of the Western Rail Road Company:

SECTION 1. *The General Assembly of North Carolina do enact*, The Commissioners of Cumberland County are authorized to levy and collect for the present year a special tax of not more than two and one-half dollars upon the one hundred dollars' valuation of all moneys, credits, investments in trade, stocks, joint-stock companies or otherwise, and all the real and personal property in said County in addition to the taxes authorized by section seven, article five, of the Constitution.

SEC. 2. The tax authorized by the preceding section shall be laid out and collected in the same manner as the ordinary County taxes, and all laws applicable thereto shall be applicable to such special tax.

Tax, how levied and collected.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXIII.

AN ACT TO BE ENTITLED AN ACT CONCERNING AN ENTRY TAKER.

The General Assembly of North Carolina do enact :

SECTION 1. *Who to be elected an Entry Taker :*

Who to be elected
an Entry Taker.

The Board of Commissioners of the several Counties shall elect one person to receive entries of claims for lands within each County ; and such entry taker shall hold his office for four years.

SEC. 2. *Who may act when a vacancy occurs :*

Who may act when
vacancy occurs.

When a vacancy exists in the office of Entry Taker, the Register of Deeds shall act as Entry Taker, until such vacancy is filled by an election by the Commissioners. The Register of Deeds, in such case, shall take charge of the books belonging to the office, shall discharge all the duties and receive the emoluments, and shall be subject to the rules, regulations and penalties prescribed by law for Entry Takers.

SEC. 3. *Bond :*

Bond.

Every Entry Taker shall enter into bond in the sum of five hundred dollars, payable to the State, with sufficient security to be approved by the County Commissioners, for the faithful discharge of the duties of his office.

SEC. 4. *Where office to be kept :*

Where office to
be kept.

The Entry Taker shall keep his office at the Court House of his County, or within one mile thereof, on pain of forfeiting one hundred dollars to the County, to be sued for by the County Treasurer.

SEC. 5. *Oaths and fees :*

The Entry Taker shall take the oath of office and receive the fees, and no other, prescribed in chapter seventy-six, section six, sub-section sixteen, and in chapter one hundred and two, section thirty-two, of the Revised Code.

Oaths and fees.

SEC. 6. *Validates certain entries :*

And whereas, certain entries of claims for lands have been irregularly made before former Entry Takers or Clerks of the Superior Courts, since the abolition of the late County Courts, and under the provisional government of the State, whereby doubts exist respecting the validity of such entries ; for remedy whereof, *It further enacted*, That all and every entry of land made as declared in the preamble of this section, be and the same are hereby rendered valid in all respects, as if made under the existing government of the State and by authority of this act, and that the time for perfecting entries made prior to this date, shall have to the first day of January, eighteen hundred and seventy, to perfect entries and obtain grants from the State.

Validates entries.

SEC. 7. *When act to have effect :*

This act shall have effect from the date of its ratification, and all laws inconsistent herewith are hereby repealed.

Ratified the 10th day of April, A. D. 1869.

 CHAPTER CLXXIV.

AN ACT TO CEDE TO THE UNITED STATES A CERTAIN TRACT
OF LAND IN WAKE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Governor of this State be and he is hereby authorized and directed to grant or cede, in behalf of the

Governor authorized to grant, &c.

State, to the United States of America, a certain parcel of land, situated in the County of Wake, the same being a rectangular tract of land, five hundred and twenty-four (524) feet in width, and bounded on the north by land owned by B. F. Moore, on the east by land owned by J. P. H. Russ, and on the south and west by land owned by this State.

National Cemetery

SEC. 2. That this grant is made in consideration of the United States occupying this parcel of land herein directed to be granted as a National Cemetery; and whenever it shall cease to be used for such purposes, the title to the same shall revert to this State.

Officers not de-
barred, &c.

SEC. 3. That nothing herein contained shall be so construed as to debar or hinder any of the officers of this State from suing any process or levying executions within the limits of this act, ceded to the United States in same manner and to the same effect as if this act had never been passed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXV.

AN ACT TO PROVIDE A TRIAL JURY FOR THE SECOND WEEK
OF THE TERM OF THE SUPERIOR COURTS.

Jurors to be
drawn.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners in addition to the thirty-six names which they are empowered to draw by the sixth section of an act of the General Assembly, ratified on the fourth day of August, Anno Domini, eighteen hundred and sixty-eight, entitled "An act to empower the County Commissioners to draw jurors for the Superior

Courts," shall at the same time and in the same manner as specified in said act, draw eighteen names, who shall be summoned to appear and serve during the second week of the term of said Courts, unless the Judge thereof shall sooner discharge all jurors from further service.

SEC. 2. That the trial jury which has served during the first week of the term shall be discharged by the Judge at the close of said week. Discharged.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXVI.

AN ACT TO DEFINE AND PUNISH BRIBERY.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person who shall receive, expect, or offer to receive, or pay, offer or promise to pay, contribute, or promise to contribute, to another to be paid or used any money or other valuable thing, or who shall make any promise to influence, or as a compensation or reward for the giving or withholding a vote at an election shall not vote at said election; and upon challenge for such cause, the person so challenged before the judge or other officers authorized for that purpose to receive his vote, shall swear or affirm before said judges or other officers, that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contribute, offered or promised to contribute, to another to be paid or used any money, or other valuable thing, nor made any promise to influence, or as a compensation or reward for the giving or withholding a vote at such election: *Provided*, That any person convicted in any Court of law in this State, of hav- Bribery at elections.

Proviso.

ing falsely sworn in such case, shall be liable to all the pains and penalties inflicted in cases of perjury.

Officers guilty of
a felony.

SEC. 2. That any person holding office under the laws of this State who, except in payment of his legal salary, fees or perquisites, shall receive, or consent to receive, directly or indirectly, anything of value or of personal advantage, or the promise thereof, for performing or omitting to perform, any official act, or with the express or implied understanding that his official action, or omission to act, is to be in any degree influenced thereby, shall be deemed guilty of a felony, and, on conviction shall be punished by imprisonment in the State prison for a term not exceeding five years, or a fine not exceeding five thousand dollars, or both, in the discretion of the Court.

Persons offering
bribe.

SEC. 3. That any person offering a bribe, if it shall be accepted, shall not be liable to civil or criminal prosecution, but any person who offers or promises a bribe, shall be deemed guilty of an attempt to bribe, which is hereby declared to be a felony, and on conviction, shall be punished as provided in section two of this act.

Accused allowed
to testify.

SEC. 4. That any person charged with receiving a bribe, or with offering or promising a bribe that is rejected, shall be permitted to testify in his or her own behalf in any civil or criminal prosecution therefor.

Persons liable to
indictment.

SEC. 5. That any person or persons who shall directly or indirectly promise, offer or give, or cause or procure to be promised, offered or given any money, goods, right in action, bribe, present or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, rights in action, bribe, present or reward, or any other valuable thing whatever, to any member of the Senate or House of Representatives of this State after his election as such member, and either before or after he shall have qualified and taken his seat after the passage of this act, with intent to influence his vote or decision on any question, matter, cause or proceeding which may then be pending before the General Assembly, or which may

come before him for action in his capacity as a member of the General Assembly, and shall be thereof convicted, said person or persons so offering, promising or giving, or causing or procuring to be promised, offered or given any such money, goods, right in action, bribe, present or reward, or any form, contract, undertaking, obligation or security for the payment or delivery of any money, goods, rights in action, bribe, present or reward, or other valuable thing whatever, and the member or members elect who shall in any wise accept or receive the same, or any part thereof, shall be liable to an indictment as for a felony in the Superior Courts of this State, and shall, upon conviction thereof, be fined not exceeding double the amount so offered, promised or given, and imprisoned in the Penitentiary not exceeding five years, and the person convicted of so accepting or receiving the same, or any part thereof, shall forfeit his seat in the General Assembly, and be forever disqualified to hold any office of honor, trust or profit under this State.

Forfeit seat, &c

SEC. 6. That any District Solicitor who shall fail faithfully to prosecute the violation in their jurisdiction, of any provision of this act which may come to his knowledge, shall be removed from office by the Governor after due notice and an opportunity to be heard in his defence. The expenses which shall be incurred by any County in investigating and prosecuting any charge of bribery, or attempt to bribe any State officer or member of the General Assembly within said County, and of receiving bribes by any State officer or member of the General Assembly in said County, shall be a charge against the State, and the properly attested claim of the County Commissioners shall be paid by the Treasurer of the State.

Solicitor to prosecute.

Paid by Public Treasurer.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXVII.

AN ACT IN RELATION TO PROCEEDINGS IN CONTEMPT.

What constitutes
contempt.

SECTION 1. *The General Assembly of North Carolina do enact,* Any person guilty of any of the following acts may be punished for contempt :

1. Disorderly, contemptuous, or insolent behavior committed during the sitting of any Court of Justice, in immediate view and presence of the Court, and directly tending to interrupt its proceedings, or to impair the respect due to its authority.

2. Behavior of the like character committed in the presence of any referee or referees, while actually engaged in any trial or hearing pursuant to the order of any Court, or in the presence of any jury while actually sitting for the trial of a cause, or upon any inquest or other proceedings authorized by law.

3. Any breach of the peace, noise or other disturbance directly tending to interrupt the proceedings of any Court.

4. Wilful disobedience of any process or order lawfully issued by any Court.

5. Resistance wilfully offered by any person to the lawful order or process of any Court.

6. The contumacious and unlawful refusal of any person to be sworn as a witness, or when so sworn, the like refusal to answer any material question.

7. The publication of grossly inaccurate report of the proceedings in any Court ; but no person can be punished as for a contempt in publishing a true, full and fair report of any trial, argument, decision or proceeding had in Court.

8. Misbehavior of any officer of the Court in any official transaction.

Punishment.

SEC. 2. The punishment for contempt shall be by fine or imprisonment, or both, in the discretion of the Court,

the fine not to exceed two hundred and fifty dollars, and the imprisonment not to exceed thirty days.

PROCEEDINGS IN CONTEMPT.

SEC. 3. Contempt committed in the immediate view and presence of the Court may be punished summarily, but the Court shall cause the particulars of the offence to be specified on the record, and a copy of the same to be attached to every committal, attachment or process in the nature of an execution founded on such judgment or order.

Court may punish summarily.

SEC. 4. Every Justice of the Peace, Judge of Probate, Referee, Commissioner, Clerk of the Superior Court, or Judge of the Superior, or Justice of the Supreme Court, shall have power to punish for contempt while sitting for the trial of causes or engaged in official duties.

Who may punish.

SEC. 5. The Board of Commissioners of each County shall have power to punish for contempt for any disorderly conduct or disturbance, tending to interrupt them in the transaction of their official business.

Commissioners may punish.

SEC. 6. Whenever the contempt shall not have been committed in the immediate presence of the Court, or so near as to interrupt its business, proceedings thereupon shall be by an order directing the offender to appear, within reasonable time, and show cause why he should not be attached for contempt. At the time specified in the order, the person charged with the contempt may appear and answer, and, if he fail to appear and show good cause why he should not be attached for the contempt charged, he shall be punished as provided in section second of this act.

Offender to appear and show cause.

PROCEEDINGS AS FOR CONTEMPT TO ENFORCE CIVIL REMEDIES.

SEC. 7. Every Court of Record shall have power to punish as for contempt:

Clerk, Sheriff, Register, &c., may be punished.

1. Any Clerk, Sheriff, Register, Solicitor, Attorney, Counsellor, Coroner, Constable, Referee, or any other person

in any manner selected or appointed to perform any ministerial or judicial service for any neglect or violation of duty or any misconduct, by which the rights or remedies of any party in a cause or matter depending in such Court may be defeated, impaired, delayed or prejudiced for disobedience of any lawful order of any Court or Judge, or any deceit or abuse of any process or order of any such Court or Judge.

Parties to suits,
&c.

2. Parties to suits, attorneys, and all other persons for the non-payment of any sum of money ordered by such Court, in cases where execution cannot be awarded for the collection of the same.

Acting without
authority.

3. All persons for assuming to be officers, attorneys or counsellors of the Court, and acting as such without authority, for receiving any property or person which may be in custody of any officer by virtue of any order or process of the Court, for unlawfully detaining any witness or party to any suit, while going to, remaining at, or returning from the Court where the same may be set for trial, or for the unlawful interference with the proceedings in any action.

Persons refusing
or neglecting.

4. All persons summoned as witnesses in refusing or neglecting to obey such summons to attend, be sworn or answer as such witness.

Jurors conversing

5. Parties summoned as jurors for impropriety, conversing with parties or others in relation to an action to be tried at such Court or receiving communications therefrom.

Inferior officers,
&c.

6. All inferior magistrates, officers and tribunals for disobedience of any lawful order of the Court, or for proceeding in any matter or cause contrary to law, after the same shall have been removed from their jurisdiction.

Other cases heretofore
adopted.

7. All other cases where attachments and proceedings as for contempt have been heretofore adopted and practiced in Courts of Record in this State, to enforce the civil remedies or protect the rights of any party to an action.

Proceedings shall
be prosecuted.

SEC. 8. Proceedings as for contempt shall be prosecuted and carried on, as provided in other special proceedings.

SEC. 9. To sustain an action as for contempt, the act complained of must have been such as tended to defeat, impair, impede, prejudice the rights or remedies of a party to an action then pending in Court. To sustain action.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXVIII.

OF PROCEEDINGS IN CRIMINAL CASES.

CHAPTER I.

WHEN AND BY WHOM ARRESTS MAY BE MADE WITHOUT PROCESS.

The General Assembly of North Carolina do enact as follows:

SECTION 1. *By persons present at riot, &c.:*

Every person present at any riot, rout, affray or other breach of the peace, shall endeavor to suppress and prevent the same, and, if necessary for that purpose, shall arrest the offenders. Persons present at riot, &c.

SEC. 2. *Person summoned by any Judge, &c., to assist:*

Every person summoned by a Judge, Justice, Sheriff, Coroner or Constable, to aid in suppressing any riot, rout, unlawful assembly, affray or other breach of the peace, or to arrest the persons engaged in the commission of such Persons summoned, &c.

offences, or to prevent the commission of any felony or larceny which may be threatened or begun, shall do so.

SEC. 3. *Peace officers in case of a suspected felony or larceny :*

Peace officers in case of suspected felony or larceny.

Every Sheriff, Coroner, Constable, officer of police, or other officer entrusted with the care and preservation of the public peace, who shall know or have reasonable ground to believe that any felony or larceny has been committed, or that any dangerous wound has been given, and shall have reasonable ground to believe that any particular person is guilty, and shall apprehend that such person may escape if not immediately arrested, shall arrest him without warrant, and may summon all bystanders to aid in such arrest.

SEC. 4. *All persons may break open doors to prevent a felony :*

Persons may break open door to arrest.

All persons are authorized to break open and enter a house to prevent a felony about to be committed therein.

SEC. 5. *Who may break open doors to arrest a felon :*

Who may break open door to arrest.

If a felony or larceny has been committed, or a dangerous wound has been given, and there is reasonable ground to believe that the guilty person is concealed in a house, it shall be lawful for any Sheriff, Coroner, Constable or police officer, admittance having been demanded and denied, to break open the door and enter the house and arrest the person against whom there shall be such ground of belief.

SEC. 6. *Persons in whose presence a felony, &c., is committed, may arrest a suspected offender :*

Suspected persons

Every person in whose presence a felony or larceny has been committed may arrest the person whom he knows or has reasonable ground to believe to be guilty of such offence, and it shall be the duty of every Sheriff, Coroner, Constable or officer of police, upon information, to assist in such arrest.

SEC. 7. *What to be done with persons arrested without warrant :*

Every person without warrant shall be either immediately taken before some Magistrate having jurisdiction to issue a warrant in the case ; or else committed to the County prison, and as soon as may be taken before such Magistrate, who, on proper proof, shall issue a warrant and thereon proceed to act as may be required by law.

Arrest without
warrant.

SEC. 8. *Who may be outlawed and how :*

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 the said two Justices, being Justices of the County wherein such person is supposed to lurk or conceal himself, are hereby empowered and required to issue proclamation against him reciting his name, if known, and thereby requiring him forthwith to surrender himself ; and also, when issued by any Judge, empowering and requiring the Sheriff of any County in the State in which such fugitive shall be, and when issued by two Justices empowering and requiring the Sheriff of the County of said Justices, to take such power with him as he shall think fit and necessary for going in search and pursuit of, and effectually apprehending such fugitive from justice, which proclamation shall be published at the door of the Court House of any County in which such fugitive is supposed to lurk or conceal himself ; and at such other places as the Judge or 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 case of flight or resistance by him, after

Outlawed

being called on and warned to surrender, may slay him without accusation or impeachment of any crime. (Act 1866, chapter 62, page 125.)

CHAPTER II.

OF PROCEEDINGS TO PREVENT THE COMMISSION OF CRIMES.

SECTION 1. *Officers who are authorized to keep the Peace :*

Peace officers.

The following Magistrates shall have power to cause to be kept all laws made for the preservation of the public peace ; and in execution of that power, to require persons to give security to keep the peace, in the manner provided in this chapter namely : The Chief Justice and Associate Justices of the Supreme Court, the Judges of the Superior Courts, the Judges of the Special Courts for the Cities of Wilmington and Newbern, and of any other Special Courts which may be hereafter created, the Justices of the Peace, the Mayors, Superintendents of Police or other chief officers of all Cities and Towns in this State.

SEC. 2. *Complaint to Magistrates :*

Chief Justice and Associates, &c.

Whenever complaint shall be made in writing, and upon oath to any such magistrate, that any person has threatened to commit any offence against the person or property of another, it shall be the duty of such magistrate to examine such complainant and any witnesses who may be produced on oath, to reduce such examination to writing, and to cause the same to be subscribed by the parties so examined.

SEC. 3. *When warrant to issue :*

Complaint to Magistrates.

If it shall appear from such examination that there is just reason to fear the commission of any such offence by the person complained of, it shall be the duty of the magistrate to issue a warrant under his hand, with or without a

seal reciting the complaint and commanding the officer to whom it is directed, forthwith to apprehend the person so complained of, and bring him before such Magistrate or some other Magistrates authorized to issue such warrant.

SEC. 4. *To whom the warrant shall be directed :*

The warrant shall be directed to the Sheriff, Coroner, or any Constable, each of whom shall have power to execute the same within his County ; and if no Sheriff, Coroner or Constable can conveniently be found, the warrant may be directed to any person whatever, who shall have power to execute the same within the County in which it is issued. No Justice of the Peace, or Mayor, or Superintendent of Police, or other chief officer of any City or Town, shall direct his warrant to any officer outside of the County of said Justice or chief officer.

To whom directed

SEC. 5. *Duty of Magistrate on return of warrant :*

Upon the person complained of being brought before the Magistrate, he may be required to enter into a recognizance, payable to the State of North Carolina, in such sum not exceeding one thousand dollars, as such Magistrate shall direct, with one or more sufficient sureties, to appear at the next term of the Superior Court of the County in which the offence is charged to have been committed, and not to depart the same without leave, and in the meanwhile to keep the peace and be of good behavior towards all the people of this State, and particularly towards the person requiring such security.

On return of warrant.

SEC. 6. *When party complained of, discharged or imprisoned.*

If such recognizance shall be given, the party complained of shall be discharged : if such person shall fail to find such security, it shall be the duty of the Magistrate to commit him to prison until he shall find the same, specifying in the

Party complained of.

mittimus, the cause of commitment and the sum in which such security was required.

SEC. 7. *How discharged subsequently :*

Discharged.

Any person committed for not finding sureties of the peace as above provided, may be discharged by any Magistrate upon giving such security as was originally required of such person, or by a Justice of the Supreme Court, or Judge of the Superior Court of the district, by giving such other security as may seem sufficient.

SEC. 8. *Recognizance returned to Court :*

Recognizance returned to Court.

Every recognizance taken pursuant to the foregoing provisions shall be transmitted by the Magistrate taking the same to the next term of the Superior Court for the County in which the offence is charged to have been committed.

SEC. 9. *Breach of the peace, &c., in presence of Magistrate or Court :*

Breach of Peace, &c.

Every person who, in the presence of any Magistrate above specified, or in the presence of any Court of Record, shall make any affray, or threaten to kill or beat another, or to commit any offence against his person or property; and all persons who, in the presence of such Magistrate or Court, shall contend with hot and angry words, may be ordered by such Magistrate or Court, without any other proof, to give such security as above specified, and in case of failure so to do, may be committed as above provided.

SEC. 10. *Proceedings on recognizance :*

Proceedings on recognizance.

Every person who shall have entered into a recognizance to keep the peace, shall appear according to the obligation thereof; and if he fail to appear, the Court shall forfeit his recognizance and order it to be prosecuted, unless reasonable excuse for his default be given.

SEC. 11. *If complainant does not appear :*

If the complainant does not appear, the party recognized shall be discharged, unless good cause be shown to the contrary. If the respective parties appear, the Court shall hear their allegations and proofs, and may either discharge the recognizance taken, or they may require a new recognizance, as the circumstances of the case may require, for such time as may appear necessary, not exceeding one year.

If complainant
does not appear.

SEC. 12. *Recognizance when deemed broken :*

No recognizance taken under this chapter shall be deemed to be broken except in the case provided for by the tenth section, unless the principal in such recognizance be convicted of some offence amounting in judgment of law to a breach of such recognizance.

Recognizance,
when deemed
broken.

SEC. 13. *Evidence of breach :*

Whenever evidence of such conviction shall be produced in the Court in which the recognizance is filed, it shall be the duty of such Court to order the recognizance to be prosecuted, and the Solicitor of the District shall cause the proper proceedings to be thereupon taken.

Evidence of
breach.

SEC. 14. *Costs in the discretion of the Court :*

The costs in all cases arising under this chapter, except in those arising under section ten and thirteen, shall be in the discretion of the Court, and, in cases under those sections, shall be paid by the defendants upon a judgment against them.

Costs.

CHAPTER III.

OF THE ARREST AND EXAMINATION OF OFFENDERS ; THEIR
COMMITMENT FOR TRIAL AND LETTING THEM TO BAIL.

SEC. 1. *What officers to act under this chapter :*

What officers to
act.

The following persons respectively shall have power to issue process for the apprehension of persons charged with any offence, and to execute the powers and duties conferred in this chapter, namely: the Chief Justice and the Associate Justices of the Supreme Court of the State, the Judges of the Superior Courts, Judges of Special Criminal Courts, Justices of the Peace, Mayors of Cities, Superintendents of Police or other chief officers of incorporated Towns.

SEC. 2. *Duty of Magistrate on complaint made :*

Duty of Magis-
trate on complaint
made.

Whenever complaint shall be made to any such Magistrate that a criminal offence has been committed ~~within~~ this State or without this State and within the United States, and that a person charged therewith is in this State, it shall be the duty of such Magistrate to examine, on oath, the complainant and any witnesses who may be produced by him.

SEC. 3. *Duty of Magistrate on examination :*

On examination.

If it shall appear from such examination that any criminal offence has been committed, the Magistrate shall issue a proper warrant under his hand, with or without seal, reciting the accusation, and commanding the officer to whom it shall be directed forwith to take the person accused of having committed such offence and to bring him before a Magistrate, to be dealt with according to law.

SEC. 4. *Where warrants to run :*

Where warrants
to run.

Warrants issued by any Justice of the Supreme Court, or by any Judge of the Superior Court, or of a Special Crim-

inal Court, may be executed in any part of the State ; warrants issued by a Justice of the Peace, or by the chief officer of any City or incorporated Town, in any part of the County of such Justice, or in which such City or Town is situated, and on any river, bay or sound forming the boundary between that and some other County, and not elsewhere, unless endorsed as prescribed in the section next following.

SEC. 5. *How warrants may be endorsed :*

If the person against whom any warrant granted by any such Justice or chief officer of a City or Town shall be issued shall escape, or be in any other County, out of the jurisdiction of such Justice or chief officer, it shall be the duty of any Justice of the Peace or other Magistrate named in the first section of this chapter within the County where such offender shall be, or shall be suspected to be, upon proof of the handwriting of the Magistrate issuing the warrant, to endorse his name on the same, and thereupon the person or officer to whom the warrant was directed, or any officer of the County in which it was endorsed, to whom it may be delivered, may arrest the offender in that County.

Warrants endorsed.

SEC. 6. *Magistrate not liable for endorsement :*

No Magistrate shall be liable to any indictment, action for trespass or other action for having endorsed any warrant pursuant to the provisions of the last section, although it should afterward appear that such warrant was illegally or improperly issued.

Magistrate not liable.

SEC. 7. *Duty of person arresting :*

It shall be the duty of the officer arresting to take the person charged with the offence before some Magistrate of the County in which the offence is charged to have been committed, or before any Judge of the Supreme or Superior Court.

Duty of persons arresting.

SEC. 8. *Duty, if offence be not capital, &c.:*

Duty if offence not capital.

If the offence charged in the warrant be not punishable with death or by imprisonment in a State prison, such Magistrate may take from the person so arrested a recognizance with sufficient sureties for his appearance at the next term of the Superior Court, to be held in the County where the offence shall be alleged to have been committed.

SEC. 9. *Duty of Magistrate on bailing :*

Duty of Magistrate on bailing.

Such Magistrate shall certify on the warrant the fact of his having let the defendant to bail, and shall deliver the same, together with the recognizance taken by him, to the officer or other person having charge of the prisoner, who shall deliver the same without unnecessary delay to the Clerk of the Court in which such prisoner shall have been recognized to appear.

SEC. 10. *If Magistrate refuse to bail, duty of officer in charge :*

Refusal to bail.

If such Magistrate refuse to let to bail the person so arrested, or if such person fail to give bail as above provided, the officer or person having him in charge shall take him before a Magistrate of the County in which the warrant was originally issued as hereinafter provided.

SEC. 11. *The same, if offence capital, &c.:*

Capital offence.

If the offence charged in the warrant be punishable with death, or with imprisonment in a State prison, the officer making the arrest shall convey the prisoner to the County where the warrant was originally issued, before some Magistrate thereof, or before a Judge of the Supreme or Superior Court, as in the next section prescribed.

SEC. 12. *Before what Magistrate to be brought :*

Before what Magistrate to be brought

Persons arrested under any warrant issued for any offence shall, where no provision is otherwise made, be brought before the Magistrate who issued the warrant ; or, if he be

absent, or from any cause unable to try the case, before the nearest Magistrate in the same County; and the warrant, by virtue of which the arrest shall have been made, with a proper return endorsed thereon and signed by the officer or person making the arrest, shall be delivered to such Magistrate.

SEC. 13. *Duty of Magistrate :*

The Magistrate, before whom any such person shall be brought, shall proceed, as soon as may be, to examine the complainant, and the witnesses produced in support of the prosecution, on oath, in the presence of the prisoner, in regard to the offence charged, and in regard to any other matters connected with such charge, which such Magistrate may deem pertinent.

Duty of Magistrate.

SEC. 14. *The same :*

The Magistrate shall then proceed to examine the prisoner in relation to the offence charged. Such examination shall not be on oath; and before it is commenced, the prisoner shall be informed of the charge made against him, and shall be allowed a reasonable time to send for and advise with counsel. If desired by the person arrested, his counsel shall be present during the examination of the complainant and the witnesses on the part of the prosecution, and during the examination of the prisoner, and the prisoner, or his counsel, shall be allowed to cross-examine the complainant and the witnesses for the prosecution.

Magistrate to examine prisoners.

SEC. 15. *The same :*

At the commencement of the examination, the prisoner shall be informed by the Magistrate that he is at liberty to refuse to answer any question that may be put to him, and that his refusal to answer shall not be used to his prejudice in any stage of the proceedings.

Prisoner to be informed.

SEC. 16. *Answers of prisoner to be reduced to writing :*

Answer in writing

The answers of the prisoner to the several interrogatories shall be reduced to writing by the Magistrate, or under his direction ; they shall be read to the prisoner who may correct or add to them ; and when made conformable to what he declares is the truth, shall be certified and signed by the Magistrate.

SEC. 17. *Witnesses to be examined :*

Witnesses to be examined.

After the examination of the prisoner is complete, his witnesses, if he have any, shall be sworn and examined, and he may have the assistance of counsel in such examination.

SEC. 18. *Witnesses may be separated :*

Witnesses may be separated.

The witnesses produced on the part either of the prisoner or of the prosecution, shall not be present at the examination of the prisoner ; and while any witness is under examination, the Magistrate may exclude from the place in which such examination is had, all witnesses who have not been examined, and may cause the witnesses to be kept separate and prevented from conversing with each other until they shall have been examined.

SEC. 19. *Testimony to be reduced to writing :*

Testimony reduced to writing.

The evidence given by the several witnesses examined shall be reduced to writing by the Magistrate, or under his direction, and shall be signed by the witnesses respectively.

SEC. 20. *Duty of Magistrate :*

Duty of Magistrate.

If upon examination of the whole matter, it shall appear to the Magistrate either that no offence has been committed by any person, or that there is no probable cause for charging the prisoner therewith, he shall discharge such prisoner.

SEC. 21. *The same :*

If it shall appear that an offence has been committed, and

that there is no probable cause to believe the prisoner to be guilty thereof, the Magistrate shall bind by recognizances the prosecutor, and all the material witnesses against such prisoner to appear and testify at the next term of the Superior Court for the County in which the offence is alleged to have been committed.

SEC. 22. *Magistrate not compelled to examine prisoner for misdemeanor :*

Nothing contained in the preceding section shall be construed to require any Magistrate, before whom a prisoner charged with a misdemeanor shall be brought, to take the examination of such prisoner, except where such Magistrate shall deem it material so to do, or where such examination shall be required by the prisoner.

Misdemeanor.

SEC. 23. *Magistrate may commit witness :*

Whenever such Magistrate shall be satisfied by the proof that there is good reason to believe that any such witness will not fulfill the conditions of such recognizance unless security be required, he may order such witness to enter into a recognizance with such sureties as he shall deem meet for his appearance at such Court.

Magistrate may commit witness.

SEC. 24. *Refusal of witness to give recognizance :*

If any witness so required to enter into a recognizance, either with or without sureties, shall refuse to comply with such order, it shall be the duty of such Magistrate to commit him to prison until he shall comply with such order, or be otherwise discharged according to law.

Refusal of witness to give recognizance.

SEC. 25. *Bail to be allowed, when :*

If the offence with which the prisoner is charged be bailable, and the prisoner offer sufficient bail, such bail shall be taken and the prisoner discharged; if no bail be offered, or the offence be not bailable, the prisoner shall be committed to prison.

Bail allowed, when.

SEC. 26. *Examinations to be certified :*

Examination to
be certified.

All examinations and recognizances taken pursuant to the provisions of this chapter shall be certified by the Magistrate taking the same to the Court at which the witnesses are bound to appear, on the first day of the sitting thereof; and the examinations taken and subscribed as herein prescribed, may be used as evidence before the Grand Jury, and on the trial of the accused, provided he was present at the taking thereof, and had an opportunity to hear the same and to cross-examine the deposing witness, if such witness be dead or so ill as not to be able to travel, or by procurement or connivance of the defendant hath removed from the State or is of unsound mind.

SEC. 27. *Penalty on Magistrate for failure :*

Penalty for failure

If any Magistrate shall refuse or neglect to return to the proper Court, any such examination of recognizance by him taken, he may be compelled by rule of Court forthwith to return the same, and in case of disobedience of such rule, may be proceeded against by attachment as for contempt of Court as provided for by law.

SEC. 28. *Magistrate may associate another :*

Magistrate may
associate, &c.

It shall be lawful for any Magistrate, to whom any complaint may be made, or before whom any prisoner may be brought, as hereinbefore provided, to associate with himself any other Magistrate of the same County, and the powers and duties herein mentioned may be executed by such two Magistrates so associated.

SEC. 29. *Who may be let to bail :*

Who may be let to
bail.

Officers before whom persons charged with crime but who have not been committed to prison by an authorized Magistrate shall be brought, shall have power to let to bail as follows :

1. Any Justice of the Supreme Court, or a Judge of a Superior Court, or of a Special Criminal Court.

2. Any Justice of the Peace or Chief Magistrate of any incorporated City or Town, in all cases of misdemeanor, and in all cases of felony not capital, and where the punishment cannot exceed five years' imprisonment.

SEC. 30. *Who may let to bail persons imprisoned on charge of crime :*

Any Justice of the Supreme Court, or any Judge of a Superior Court or of a Special Criminal Court, shall have power to let to bail persons committed to prison charged with crime in all cases : any Justice of the Peace or Chief Magistrate of any incorporated City or Town, in all cases where the punishment is not capital and where it cannot exceed imprisonment for five years in a State or County prison.

Who may let to bail.

SEC. 31. *Officers letting prisoners to bail to file recognizance :*

Whenever any prisoner shall be let to bail by any officer under the preceding section, such officer shall immediately cause the recognizance taken by him to be filed with the Clerk of the Superior Court of the County in which the party bailed was imprisoned.

Officers letting to bail.

SEC. 32. *What the commitment shall state :*

Every commitment to prison of a person charged with crime shall state :

Commitment to state.

1. The name of the person charged.
2. The character of the offence with which he is charged.
3. The name and office of the Magistrate committing him.

4. The manner in which he may be discharged : if upon giving recognizance of bail, the amount of said recognizance : the conditions on the performance of which it shall be discharged, and the persons or Magistrates before whom the bail may justify.

5. The Court before which the prisoner shall be sent for trial.

SEC. 33. *To what jail prisoners to be committed :*

What jail persons
to be committed.

All persons committed to prison before conviction shall be committed to the jail of the County in which the examination is had, or to that of the County in which the offence is charged to have been committed: *Provided*, If the jails of these Counties are unsafe or injurious to the health of prisoners, the committing Magistrate may commit to the jail of any other convenient County. And every Sheriff or Jailor to whose jail any person shall be committed by any Court or Magistrate of competent jurisdiction, shall receive such prisoner and give a receipt for him, and be bound for his safe keeping as prescribed by law.

SEC. 34. *Of fugitives from justice in other States :*

Fugitives.

Any Justice of the Supreme Court or any Judge of the Superior Court, or of any Special Criminal Court, or any Justice of the Peace, or Mayor of any City, or Chief Magistrate of any incorporated Town, on satisfactory information laid before him that any fugitive in the State has committed, out of the State and within the United States, which, by the law of the State in which the offence was committed, be punishable either capitally or by imprisonment for one year or upwards in any States prison, shall have full power and authority, and are hereby required to issue a warrant for said fugitive and commit him to any jail within the State for the space of six months, unless sooner demanded by the public authorities of the State wherein the offence may have been committed, agreeable to the act of Congress in that case made and provided: if no demand be made within that time the said fugitive shall be liberated, unless sufficient cause be shown to the contrary.

SEC. 35. *Duty of the Magistrate to report to the Governor :*

Magistrate to re-
port.

Every Magistrate committing any person under the next preceding section, shall keep a record of the whole proceedings before him, and immediately transmit a

copy thereof to the Governor of this State, for such action as he may deem fit therein under the law.

SEC. 36. *Duty of the Governor in such case :*

The Governor of this State shall immediately inform the Governor of the State or Territory in which the crime is alleged to have been committed, or the President of the United States, if it be alleged to have been committed within the District of Columbia, of the proceedings had in such case.

Duty of Governor.

SEC. 37. *Duty of Sheriff or Jailor to obey order of Governor :*

Every Sheriff or Jailor, in whose custody any person committed under section thirty-four of this act shall be, upon the order of the Governor of this State shall surrender him to the person named in such order, for that purpose.

Duty of Sheriff.

SEC. 38. *Of search warrants :*

If any credible witness shall prove, upon oath, before any Justice of the Peace, or Mayor of any City, or Chief Magistrate of any incorporated Town, a reasonable cause to suspect that any person has in his possession, or on his premises, any property stolen, or any false or counterfeit coin resembling, or apparently intended to resemble, or pass for, any current coin of the United States, or of any other State, Prince or country, or any instrument, tool or engine whatsoever, adapted or intended for the counterfeiting of any such coin ; or any false and counterfeit notes, bills or bonds of the United States, or of the State of North Carolina, or of any other State or country ; or any instrument, tool or engine whatsoever, adapted or intended for the counterfeiting of such note, bill or bond, it shall be lawful for such Justice, Mayor or Chief Magistrate of any incorporated Town, to grant a warrant, to be executed within the limits of his County or of the County in which such City or incor-

Search warrant.

porated Town is situated, to any proper officer, authorizing him to search for such property and to seize the same, and to arrest the person having in possession, or on whose premises may be found such stolen property, counterfeit coin, counterfeit notes, bills or bonds, or the instruments, tools or engines for making the same, and to bring them before any Magistrate of competent jurisdiction to be dealt with according to law.

SEC. 39. *Form of warrant and proceedings therein :*

Form of warrant,
&c.

Such search warrant shall describe the article to be searched for, with reasonable certainty, and by whom the complaint is made, and in whose possession the article to be searched for is supposed to be ; it shall be made returnable as other criminal process is by law required to be, and the proceedings thereupon shall be as is required in other cases of criminal complaint.

SEC. 40. *Of costs in proceedings before Justice, &c. :*

Costs, &c.

In all cases of criminal complaints before Justices of the Supreme Court, Judges of the Superior Courts, Justices of the Peace and other Magistrates having jurisdiction of such complaints, the officers entitled by law to receive fees for issuing or executing process, shall not be entitled to demand them in advance. Such officers shall endorse the amounts of their respective fees on every process issued or executed by them, and return the same to the Court to which the same is returnable, and the cost of all such preliminary proceedings shall be in the discretion of the Judge before whom the case shall be tried ; and it shall be in his discretion, either not to allow costs or fees to any officer, or to impose them on the prosecutor, except in cases of conviction, when he may impose costs on the defendant, or on the County, or on the State, as to him shall seem just, and in all such cases the costs shall be as prescribed by law.

CHAPTER IV.

OF THE FINAL JURISDICTION OF JUSTICES OF THE PEACE IN
CRIMINAL ACTIONS.SEC. 1. *Jurisdiction given :*

Justices of the Peace shall have power to hear, try and determine, in the manner prescribed in this chapter, criminal actions, for the offences hereinafter enumerated, committed under the circumstances stated. Jurisdiction.

SEC. 2. *Assaults and batteries :*

Assaults, and assaults and batteries where no deadly weapon was used, and no serious damage was done, and where the punishment imposed by law does not exceed fifty dollars' fine or one month's imprisonment. Assaults and batteries.

SEC. 3. *Indictable trespasses on real or personal property :*

Indictable trespasses on real or personal property, when the punishment imposed by law does not exceed fifty dollars' fine or one month's imprisonment. Indictable trespasses.

SEC. 4. *Receiving stolen goods :*

Receiving stolen goods, knowing them to be stolen, when the value of the property received does not exceed five dollars. Stolen goods.

SEC. 5. *Offences punishable by penalty only :*

Offences which are punishable only by a penalty of not over fifty dollars. Offences punishable.

SEC. 6. *What must appear to give jurisdiction :*

But no Justice shall have final jurisdiction to determine any criminal action or proceeding for any offence whatever, unless it shall appear on the complaint, and upon proof before him : What must appear to give jurisdiction.

1. That the offence was committed within his Township.
2. That the complaint is not made by collusion with the accused, and that it is made by the party injured by the offence.
3. That it is made within six months after the commission of the alleged offense. The complaint shall be in writing, and under oath, but need not be in any particular form.

SEC. 7. *In what case Justice shall not have jurisdiction :*

Justice shall not have jurisdiction.

If any one or more of the above requisites to his jurisdiction shall fail to be proved to the satisfaction of the Justice upon any hearing before him, or if it shall appear to the Justice on the hearing of any complaint for an assault, or an assault and battery, that a deadly weapon was used, or that any serious damage was done, or that the offence deserves a more severe or other punishment than it is within his jurisdiction to impose ; or on the hearing of any complaint for an indictable trespass, that the damage by reason thereof, exceeded twenty-five dollars ; or, on hearing of any complaint for larceny, or for receiving stolen goods, that the value of the property stolen or received, exceeded five dollars ; in such cases, the Justice shall desist from any final determination of the action or complaint, and either commit the accused to prison, or require from him a recognizance with sufficient sureties and in a sufficient amount for his appearance at the next term of the Superior Court of his County to answer the charge ; he shall also bind the complainant and the witnesses over to appear in like manner and testify ; and he shall return the papers with a statement of his proceedings to the Clerk of the Superior Court of his County, on or before the first day of the next term of said Court.

SEC. 8. *If no jury be asked for :*

If no jury be asked for.

When the Justice shall be satisfied by proof of all the facts necessary to give him jurisdiction, if no jury shall be

asked for, he shall proceed to determine the case, and shall either acquit the accused or find him guilty, and sentence him to such punishment as the case may require, not to exceed in any case a fine of fifty dollars, or imprisonment in the County jail for one month.

SEC. 9. *Jury to be allowed if asked for :*

If either the complainant or the accused shall ask for it, the Justice, having first found the facts necessary to give him jurisdiction, shall allow a trial by jury, as is provided in civil actions before Justices of the Peace.

Jury allowed if asked for

SEC. 10. *What to be submitted to the jury :*

In case a trial by jury shall be had, the Justice shall submit to the jury in each case simply the question of the guilt or innocence of the accused of the offence charged, and shall enter the verdict on his docket, and adjudge accordingly.

Trial by jury.

SEC. 11. *Either party may appeal ; trial de novo :*

Either the accused or the complainant may appeal from the sentence of the Justice to the Superior Court of the County. On such appeal being prayed, the Justice shall recognize both the prosecutor and the accused, and all the material witnesses, to appear at the next term of the Court, in such sums as he shall think proper, and he may require the accused to give sureties for his appearance as aforesaid. In all cases of appeal, the trial shall be anew, without prejudice from the former proceedings.

Appeal.

SEC. 12. *Justice to send papers to Clerk ; what his return to set forth :*

In every case, whether an appeal shall be prayed or not, the Justice shall forthwith transmit to the Clerk of the Superior Court of the County all the papers in the case, together with a copy of his preliminary finding of the verdict, if any, of his determination of the facts if there shall have been no

Papers sent to Clerk.

trial by jury, and of the sentence, in which shall be set forth all the facts found by him, as well as his finding of those which were alleged in the complaint, and which were found by him not to be proved.

SEC. 13. *Copies to be furnished on request, and payment of fees :*

Copies furnished. He shall give to either party on request, and on payment of his lawful fee, a copy of the complaint and of his finding and sentence.

SEC. 14. *Finding and sentence may be pleaded in bar of indictment :*

Finding and sentence. Such finding and sentence may be pleaded in bar of any indictment subsequently found for the same offence.

SEC. 15. *Justice to imprison if fine and costs not paid :*

Fines and costs. If the Justices shall sentence the party found by him to be guilty to pay a fine and costs, and the same shall not be immediately paid, the Justice shall commit the guilty person to the County prison until the same shall be paid, or until he shall be otherwise discharged according to law.

SEC. 16. *If imprisoned, party to pay costs before discharge:*

Party to pay cost before discharged. If the sentence be that the guilty person be imprisoned for a time certain and that he pay the costs, there shall be added to it that he shall remain in prison after the expiration of the fixed time for his imprisonment until the costs shall be paid, or he shall otherwise be discharged according to law.

SEC. 17. *What commitment to set forth :*

Commitment to set forth. The commitment to the County prison shall set forth :

1. The name of the guilty person.
2. The nature of the offence of which he is convicted, and the date of the trial.
3. The period of his imprisonment.

4. It shall be directed to the Sheriff of the County, or to the keeper of the County jail, and shall direct him to keep the prisoner for the time stated, or until discharged by law.

5. The name of the Constable or other officer required to execute it.

6. It shall be signed by the Justice, and be dated.

SEC. 18. *What fees allowed Justices, &c.:*

Justices of the Peace, Sheriffs, Constables and other officers shall receive the same fees in criminal actions as are allowed in civil actions before Justices, when the amount claimed is less than one hundred dollars.

Fees allowed.

SEC. 19. *Who to pay the costs:*

The party convicted shall be always adjudged to pay the costs, and if the party charged be acquitted, the complainant shall be adjudged to pay the costs, and may be imprisoned for the non-payment thereof; in the case of an appeal the whole costs shall be paid in the discretion of the Judge of the Superior Court.

Who to pay costs.

SEC. 20. *When to take effect:*

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

Ratified the 12th day of April, A. D. 1869.

CHAPTER CLXXIX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF WARREN TO LEVY A SPECIAL TAX FOR THE PURPOSE OF RE-BUILDING A "POOR HOUSE" IN SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the Commissioners of Warren County be author-

Poor house, &c.

ized and required, in addition to the tax which they may have power to assess under the general revenue laws of the State, to levy a special tax of one-tenth of one per cent. on all the taxable property of said County, for the purpose of re-building a house for the poor and infirm of the County.

Sheriff to collect.

SEC. 2. That the Sheriff of the County of Warren be authorized and required to collect said tax and account for the same to the County Treasurer in the same manner and under like penalty as the other County taxes are collected and accounted for by him.

Tax to constitute a fund.

SEC. 3. That the said tax when collected shall constitute a fund to be set apart especially for the purpose hereinbefore set forth.

Commissioners to build

SEC. 4. That the Commissioners of Warren County be required to proceed forthwith to provide or re-build and make suitable accommodation for all the poor of said County.

Repeal.

SEC. 5. All laws and clauses of laws coming in conflict with this be and the same are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXX.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE BURIAL EXPENSES OF THE LATE HON. D. J. RICH, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Public Treasurer, upon the warrant of the Governor, is hereby authorized and directed to pay out of the Treasury the sum of two hundred and forty dollars, to defray the burial expenses of the late Hon. D. J. Rich.

And the Public Treasurer is also directed to pay the actual expenses incurred by the Committee, appointed by the Senate and House of Representatives, in accompanying the remains to its final resting place.

SEC. 2. That the legal representative of the said Hon. D. J. Rich be allowed to draw, upon certificate from the President and Secretary of the Senate, the *per diem* and mileage as allowed by law and due said Hon. D. J. Rich at his decease. Representative to draw.

SEC. 3. That this act shall take effect from and after its passage.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXXI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HALIFAX COUNTY TO LEVY A SPECIAL TAX FOR BUILDING AND REPAIRING PUBLIC BRIDGES AND BUILDINGS IN SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Halifax County be authorized, in addition to the tax which they may have power to assess under the general revenue laws of the State, to levy a tax of one-tenth of one per cent. on all the taxable property of said County for the purpose of building, repairing and keeping up the public bridges and for the maintenance of the poor of the County. To repair public bridges, &c.

SEC. 2. That the Sheriff of said County of Halifax be authorized and requested to collect such tax and account for the same to the County Treasurer in the same manner and under the like penalty as the other County taxes are now collected and accounted by him. Sheriff to collect.

Fund.

SEC. 3. That the said tax when collected shall constitute a fund to be set apart exclusively for the purposes hereinbefore set forth.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXXII.

AN ACT TO ENABLE THE CHATHAM RAIL ROAD COMPANY TO COMPLETE ITS ROAD.

Power to borrow money and issue bonds.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of supplying funds to enable the Chatham Rail Road Company to complete and equip its Road, the said Company shall have power to borrow money, by the issue of bonds or other evidences of debt, authenticated in such manner as the President and Directors of said Company may deem best, in sums not less than five hundred dollars, at a rate of interest not exceeding eight per cent., principal and interest payable at such time and place as said President and Directors may select, the bonds so issued not to exceed two millions of dollars.

Rate of interest.

Execute mortgages.

SEC. 2. To secure the payment of these bonds and other evidences of debt issued as aforesaid, and the interest thereon, the said Chatham Rail Road Company may execute and deliver mortgage deeds or deeds in trust, signed by the President and countersigned by the Secretary of said Company, conveying its franchise and property, including its Road bed, superstructure, choses in action, and real and personal estate of whatever kind, to the holder of said bonds, or to such parties as said President and Directors may select, in trust for them, and the deeds so executed and registered in the County of Wake shall have priority over

any lien or other claim held by this State on the subject matter so conveyed, it being the intent and meaning of this act that the State shall be in the position and have the rights of a second mortgage, subordinate to the liens created by the mortgage or trust deeds aforesaid; that before the said Chatham Rail Road Company shall make or sell any portion of the first mortgage bonds authorized by sections one and two of this act, they shall deliver to the Public Treasurer a second mortgage upon all their estate, both real and personal, which they may now have, or may hereafter acquire, between the City of Raleigh and the terminus of said Rail Road to the South Carolina line, at or near Cheraw, South Carolina, said second mortgage bonds to be in all other respects the same as the first mortgage bonds now held by the State, bearing the same interest and payable in the same manner; and the President of the said Chatham Rail Road Company shall also deposit with the Public Treasurer the sum of one hundred and forty-four thousand dollars of first mortgage bonds, to be applied to the payment of the interest on the second mortgage bonds.

Second mortgage

Treasurer to deposit.

SEC. 3. Any County along the line of the said Chatham Rail Road may subscribe to the capital stock of the Company, to such amount as a majority of the Commissioners of said County may determine, subject to the approval of a majority of the qualified voters of the County; and said Commissioners, in order to pay the said subscription, shall have power to issue bonds or other evidences of debt, at a rate of interest not to exceed eight per cent. per annum; said bonds to be issued in such manner and form, payable at such time and place, and authenticated in such manner as they may determine.

County may subscribe.

SEC. 4. In order to pay the principal and interest of the bonds issued as aforesaid, the Commissioners of the County, subscribing as above mentioned, shall levy and collect annually, in such manner as is directed by law in case of taxes for other County purposes, a tax sufficient to pay the annual interest, and they may levy and collect a further tax

Special County tax to pay interest.

to be used in extinguishment of the principal, or else to be invested as a sinking fund for the ultimate redemption of the principal.

No subscriptions made till question submitted.

SEC. 5. No subscription shall be made by the Commissioners of any County as above mentioned until the question of approval or disapproval of such subscription, the issue of bonds or other evidence of debt, and the authority to levy taxes to pay the interest and provide for payment of the principal of the bonds, shall be submitted to the qualified voters of the County, and shall be approved by a majority of those voting. The election shall be held at the usual places of voting. Thirty days' notice shall be given by advertisement in at least two newspapers published in the County, if there be any, at the Court House door, and at each of said election precincts. If there be no newspapers published in the County, then the advertisement shall be published in some newspaper having, in the opinion of the Commissioners, the widest circulation in the County. The advertisement shall contain a copy of this act, as well as the amount proposed to be subscribed by the Commissioners, and the amount of bonds or other evidences of debt proposed to be issued. Those approving the proposition shall deposit in the ballot box ballots with the printed or written word "approved;" those disapproving the same shall deposit ballots with printed or written words, "not approved;" and if a majority of said voters shall vote "approved," they shall be deemed to ratify and approve the subscription and debt proposed to be made and the tax proposed to be levied.

Publication to be made.

Commissioner to take measures.

SEC. 6. The Commissioners of any County proposing to subscribe for stock as aforesaid, shall have authority to take all measures consistent with this act, and the laws of the State, for registration of voters, holding the election and returns of the result of the same; and if said subscription be approved, they shall have power to take all measures proper for carrying the same into effect.

SEC. 7. The Chatham Rail Road Company shall have power to receive subscriptions to its capital stock, payable in real or personal property at such valuation as may be agreed on between the Company and the subscriber. It shall not be necessary for the wife to join her husband in the conveyance of any right of way or other interest in real estate of the husband, for any purpose to said Company in order to pass her right of dower or other marital right therein.

Receive subscrip
tions.

SEC. 8. The said Company shall have power to take all such securities and mortgages of real and personal estate as it may deem proper to secure the faithful performance of contracts for the construction and repair of said Road, and the buildings and other things incident thereto.

Securities and
mortgages.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXXIII.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO
RAISE REVENUE.

SECTION 1. *The General Assembly of North Carolina do enact,* That whenever the words Clerk of the County Commissioners occurs in section four of Schedule C, the words "Clerk of the Superior Court" be substituted therefor.

SEC. 2. That this act shall go into effect after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CXXXIV.

AN ACT TO PROVIDE FOR A SYSTEM OF PUBLIC INSTRUCTION.

The General Assembly of North Carolina do enact as follows:

BOARD OF EDUCATION.

SECTION 1. That the Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Superintendent of Public Works, do constitute a Board of Education, and shall meet at such times as a majority of the Board shall appoint: *Provided*, That the Governor may assemble the members of said Board any time at his discretion.

SEC. 2. The Board of Education may, from time to time, as the same shall accumulate, securely invest the Public School Fund in bonds and securities of the State or of the United States.

SEC. 3. The Board of Education shall prescribe the course of studies to be pursued, text books and other school teaching material to be used in the public schools of the State: *Provided*, That no sectarian or political text books shall be used. Also, the manner of examining and approbating teachers.

SEC. 4. The State Auditor shall keep a separate and distinct account of the public school fund, and of the interest and income thereof, also of such moneys as may be raised by State, County and capitation tax, or otherwise, for school purposes. He shall draw his warrant on the State Treasurer in favor of any County Treasurer, whenever such County Treasurer shall present an order from the Board of Education.

SEC. 5. The State Treasurer shall be Treasurer of the Board of Education.

Board of Educa-
on.

Public School
Fund.

Sec 2 & 4
1870-71

Studies, text-
books, &c.

Auditor to keep
separate account.

Treasurer.

1870-71 - May 22, 1871

SEC. 6. The State Treasurer shall receive, and hold as a special deposit, all school funds paid into the Treasury, and pay them out only on the warrant of the State Auditor, issued on the order of the Board of Education, attested by the seal of the State Board of Education, in favor of each County Treasurer, which order, duly endorsed by the County Treasurer, shall be only valid vouchers in the hands of the State Treasurer for the disbursement of the aforesaid school money.

SEC. 7. The net annual income of the public school fund shall be distributed among the several Counties of the State, in proportion to the number of children to be instructed, at such time as the Board of Education shall direct.

Fund distributed.

SEC. 8. The share of the public school fund to which each County shall be deemed to be entitled, shall be paid to the County Treasurer, or his lawful attorney, upon the order of the Board of Education and the warrant of the Auditor.

Fund paid to County Treasurer.

SEC. 9. All moneys belonging or owing to the public school fund, or accruing as revenue therefrom, shall be paid to the Treasurer of the Board of Education, and shall not be paid out, except by order of the Board of Education and on the warrant of the Auditor.

Moneys paid to Treasurer.

SEC. 10. The County Commissioners shall, in their respective Counties, order a tax for the purchase of sites for school houses, for building or renting school houses: *Provided*, That such site cannot be obtained by donation or otherwise; which said tax shall be assessed and collected in the same manner as the County taxes, and the Sheriff or collector shall collect and pay over the same to the County Treasurer, in the same way as other taxes, and his bonds shall contain a condition for the faithful collection and payment of the school taxes; and for a breach of the conditions the County Commissioners shall have the same remedies against him and his sureties as are given to the County Commissioners for enforcing the payment of ordinary County funds.

Commissioners to levy tax.

Proviso.

SEC. 11. The County Treasurer of each County shall :

County Treasurer
hold funds and
give bond.

1. Be the Treasurer of all funds for public school purposes belonging to the different Townships, arising from whatever source. Before entering upon the duties of his office he shall give to the County Commissioners a separate bond, with sufficient security, in double the probable amount of school money that shall come into his hands.

Keep account with
Townships.

2. Receive and hold all school moneys as a special deposit, and shall keep a separate account with the several Townships which shall be entitled to receive them.

Fund disbursed.

SEC. 12. The County Treasurer shall disburse the school funds which shall come into his possession only on the orders of the Clerk of the School Committee under the direction of the Committee.

Teacher, how
paid.

SEC. 13. The County Treasurer shall in no case pay any order in favor of a teacher, unless the same shall be accompanied with a report from the School Committee, stating the name of the teacher, the length of time for which the school may have been kept during the current year, nor unless the teacher exhibit a regular certificate of mental and moral qualification from the County Examiner dated within one year of that time.

Teacher

County Treasurer
to report.

SEC. 14. The County Treasurer shall make annually, on or before the first day of September, a financial report for the last preceding school and fiscal year to the Superintendent of Public Instruction, in such form as may be required by said Superintendent.

Report

School Committee
to be elected.

SEC. 15. In each Township there shall be biennially elected, by the qualified voters thereof, a School Committee, to consist of three persons, who shall establish and maintain, for at least four months in every year, a sufficient number of schools at convenient localities, which shall be for the education of all children between the ages of six and twenty-one years residing therein.

✓

Committee to as-
semble.

SEC. 16. The School Committee of each Township, within fifteen days after their election, shall assemble at the most central school house in their jurisdiction for qualification,

and the transaction of business relating to the free public schools. Adjourned or special meetings may be held whenever, in their discretion, they are required.

SEC. 17. At the first session the Committee shall elect a

Chairman.

SEC. 18. The School Committee and their successors in office shall be a body politic and corporate in law, and as such may be contracted with, sue and be sued, plead and be impleaded in any Court of law, and may receive any gift, grant, donation or devise made for the use of any school or schools within their jurisdiction, and moreover, in their corporate capacity, they shall be and are hereby entrusted with the care and custody of all school houses, school house sites, grounds, books, apparatus or other public school property belonging to their respective jurisdictions, with full power to control the same in such manner as they may deem best for the interest of public schools and the cause of education; and when, in the opinion of the Committee, any school house or school house site, or other public school property, has become unnecessary for school purposes, they may sell to the highest bidder and convey the same in the name of the School Committee of the proper Township, after twenty days' notice being given of such sale; such conveyance to be executed by the Chairman and Clerk of said Committee, and the avails of such sale shall be paid to the County Treasurer for the benefit of schools in the Township, and all conveyances in real estate which may be made to said Committee shall be to said Committee in their corporate name and to their successors in office.

Committee a body politic.

SEC. 19. The School Committee shall, as occasion may require, designate and purchase, or lease, or receive by donation, suitable sites for school houses; and whenever they are unable thus to obtain such sites they shall report to the County Commissioners, with the reasons why they have not procured the same; and the County Commissioners thereupon shall appoint three disinterested citizens, who shall lay off not more than two acres, and not less than one-half

School houses and sites, how designated.

*cf
and
next on*

acre, a site for each school house required to be built, and condemn the same for the use aforesaid and assess the value thereof, which assessed value shall be paid by the School Committee out of the Township school fund to the owner of the land so condemned, or into the office of the County Treasurer for the benefit of such owner; and the land condemned and paid for shall be vested in the Committee and their successors; *Provided*, That the County Commissioners shall not condemn any land improved by buildings, culture or otherwise; *And provided further*, That if after the purchase the Committee see fit to remove the school, then the original owner of the land or his vendee shall have the right to take the land at the original price, with the privilege to the Committee of removing the building or other improvements.

Committee to report.

SEC. 20. The School Committee shall, in one month after their term of office commences, report in writing to the County Commissioners the number and condition of school houses in the Township; and on failure so to report, shall each forfeit and pay five dollars, to be recovered by suit before any Justice of the Peace in the name of the County Commissioners.

Committee to prepare maps, &c.

SEC. 21. The said Committee shall prepare a map of their respective Townships as often as they shall deem it necessary, on which shall be designated the location of the several schools of the Township, which location they may change or alter at any regular session of the Committee; and shall regulate the number of scholars assigned to each school; and in the location of schools, the Committee shall have reference to population and neighborhood, having due regard to any school house already built or site procured, and to whatever other circumstances may effect the best interests of the schools.

Duties of Committee.

SEC. 22. The Committee is hereby required:

1. To furnish to each teacher a list of the pupils assigned his or her school.
2. To suspend from the privileges of the schools any

pupils found guilty of disorderly conduct, which suspension shall not extend beyond the current session of the school.

3. To employ and dismiss teachers, attendants, mechanics and laborers; also fix, allow and order paid their salaries and wages.

4. To maintain all the schools established by them for an equal length of time during the year, with equal rights and privileges.

5. To make and enforce rules and regulations not in conflict with the general regulations of the State Board of Education for the government of schools, pupils and teachers.

6. To provide and order paid for out of the Township school moneys, school furniture, apparatus and such other articles, materials or supplies as may be necessary for school use, or for the use of the Committee.

7. To rent, furnish and repair school houses.

8. To build school houses, when directed by a vote of the Town or by an order of the County Commissioners: *Provided*, That the Committee shall not in any case build a stone or brick school house upon any site for which they have not a title in fee, also they shall not in any case build a frame school house on any site for which they have not a title in fee, without securing the privilege of moving said school house when lawfully directed so to do: *Provided further*, That the location, plan and estimate for any proposed school house be approved by the Superintendent of Public Instruction and the Board of Education; and in all plans regard shall be had to taste, convenience, durability and economy.

9. To require the series of text books, adopted by order of the State Board of Education, to be used exclusively in their schools.

10. To require every teacher to keep a State School Register.

11. To enforce in each school the course of study adopted and prescribed by the Board of Education.

Handwritten notes:
- *Committee*
- *1872*
- *Structure*
- *1872*
- *Register*
- *Structure*
- *(9)*
- *1872*
- *Committee*

Committee not to
receive funds.

SEC. 23. The Committee shall not receive into their hands any of the funds set apart for public schools; but whenever it shall become necessary for them to incur any expense in the purchase of land for the erection of any school building, or for other lawful purposes, the Committee shall make an account of the expense and draw on the County Treasurer for the same, which account shall accompany the draft, and when approved by the County Commissioners, shall be paid by the County Treasurer: *Provided*, That the Township shall have in the hands of the County Treasurer a sum sufficient to meet the same.

Committee to
visit school.

SEC. 24. The Committee shall visit each school under their care at least twice each term for examination and thorough inspection.

Failure of Town-
ship to provide, &c.

SEC. 25. In case any Township, at annual meeting, shall fail to provide for schools to be taught at least four months for that year, and to provide for fuel, and to make any other provisions necessary for the efficiency and success of the schools, the School Committee shall immediately forward to the County Commissioners an estimate of the necessary expenses, and a tax equal to the amount of such estimate shall be levied on the Township by the County Commissioners at the same time that the County taxes are levied, and the School Committee, under the direction of the County Commissioners, shall provide whatever shall be necessary for the schools for four months, and pay all expenses for the same out of the funds raised by the tax to be levied or provided in this section.

Committee to hire
teachers.

SEC. 26. The Committee shall hire for, and in the name of, the Township such teachers as may have been approved as qualified according to law, and shall make with such teachers a written contract specifying the time for which the teachers to be employed, the wages paid per month, and other agreement witnessed unto by the contracting parties; and shall furnish the teacher with a duplicate of such contract, and the original shall be kept on file in the office of the Clerk of the Township.

SEC. 27. The Committee shall give orders on the Treasurer for the payment of wages due teachers, and every such order shall state the services or consideration for which the order is drawn, and the name of the person rendering such service.

Payment of wages to teachers.

SEC. 28. The Committee shall annually report to the Township the number of schools within their jurisdiction; the number and condition of school houses; the length of time the schools have been taught during the year; the number of male and female teachers, the names and salary per month; the whole number of youth between six and twenty one years of age actually resident in the Township, according to the latest enumeration made for school purposes; the number of scholars who attend school during the year, and the average daily attendance, distinguishing between males and females; amount paid to teachers, amount paid for the rent, repair and improvement of school houses and the buildings and grounds pertaining thereto, including fixtures and furniture, and the expense of cleaning and taking care of the same; the amount paid for fuel; the amount for other school purpose; total expenditures for the year; titles of text books used; value and kind of apparatus; number of volumes in school libraries and their value; with such explanations, remarks and additional information as the said Committee may deem useful. Said report shall be read in open annual Township or municipal meeting, and within ten days thereafter, the Committee shall forward an attested copy thereof to the County Commissioners, and to the Superintendent of Public Instruction.

Committee to report annually.

Report to be read &c.

SEC. 29. Each School Committee of every County shall annually make an estimate of the amount of money necessary to be expended in their jurisdiction for purchasing school house sites for erecting, renting, repairing and furnishing school houses, for wages of teachers, for fuel or for any other necessary purpose connected with the support of the public schools in said jurisdiction, for a period of not less than four months in each year; and a certified report

Committee to make estimate.

of said estimate shall be made to the Trustees of the Township and to the County Commissioners ten days before the time for holding the annual or Township meeting in each year.

Settlement with
County Treasurer.

SEC. 30. It shall be the duty of each School Committee to make settlement with the County Treasurer at their regular meetings in September annually; but if, for want of time or other reason, a settlement cannot be made at said session, then it shall be the duty of the Committee to appoint a sub-Committee, composed of one or more of their own number, to make such settlement as soon as practicable and report the result to the Clerk of the Committee, who shall enter an abstract thereof in the records of the Committee.

Arrangement with
adjacent Townships.

SEC. 31. The School Committee of any Township are authorized to make arrangements with the Committee of any adjacent Township for the attendance of such children as will be better accommodated in the public schools of such adjacent Township, and to pay such a portion of the expense of said schools as shall be agreed on, or as may be just and proper.

Committee to take
census, &c.

SEC. 32. It shall be the duty of the School Committee to take in the month of June an exact census of all children and youth between the ages of six and twenty-one years. In their returns they shall distinguish between males and females, and between white and colored: they shall take specifically and separately a census of all Indian children between the aforesaid ages, especially of those who live under the guardianship of white persons, with the names of such guardians. All children who may be absent from home attending colleges, boarding schools, and any private or public seminary of learning, shall be included by the Committee in the census list of the Township in which their parents or guardians reside, and shall not be taken by the School Committee of the locality where they may be attending such private institutions of learning. The Committee shall further report such other statistics as may be required

Report.

by the Superintendent of Public Instruction or Township Committees; they shall make a full and sworn return thereof on the blanks furnished for that purpose to the County Examiner, on or before the first day of July next after their appointment, (and deliver a copy to the School Committee of the Township.)

Stricken out
1870-71

SEC. 33. The County Commissioners of each County respectively shall, as soon as practicable after the passage of this act, and biennially thereafter, on or before the fourth day, appoint some person resident of the County, of good moral character and of suitable attainments, to be styled "County Examiner," who shall hold his office for two years and until his successor shall have been duly commissioned and qualified.

County examiner



SEC. 34. In case the County Commissioners of any County shall fail to make the appointment of County Examiner, as provided in section thirty-three, the State Superintendent of Public Instruction shall nominate, and the State Board of Education shall make the appointment for the delinquent County.

Superintendent to nominate.

SEC. 35. The County Commissioners shall allow the County Examiner a sum not to exceed three dollars per day for each day of actual service, to be paid by the County Treasurer, out of the school fund, upon the order of the Commissioners, said service to be determined by the County Commissioners.

Per diem of examiner.

SEC. 36. The County Examiner shall have power, and it shall be his duty:

Power of examiner.

1. To examine all who may apply for employment as teachers in his County: of the place and time of holding such examination he shall give notice by advertising in some newspaper, which is either published or has general circulation in the County, or by written posters; he shall also send such notice to each Township School Committee of the County at least twenty days before the day appointed for examination. The said examination shall be conducted according to rules and regulations prescribed by the Super-

Examine teachers &c.

Examine
teachers

intendent of Public Instruction and the State Board of Education.

To keep record,
&c.

2. To keep a record of the name and residence of every candidate; to revoke the certificate of any incompetent or unworthy teacher, and report forthwith the said action to the County Commissioners and the Superintendent of Public Instruction.

To report to Com-
missioners.

3. To report forthwith to the County Commissioners and School Committees of the County, also to the State Superintendent of Public Instruction the name and residence of every candidate who has received a certificate of approbation.

Report to Super-
intendent.

4. To report to the Superintendent of Public Instruction annually, on or before the first day of October for the school year next preceding, such statistics as may be required by him, or by the State Board of Education.

Enforce course of
study, &c.

5. To enforce the course of study as far as practicable, as provided for in section forty.

6. To enforce the rules and regulations required in the examination of teachers.

7. To provide and keep on file, one copy each of whatever school documents may be forwarded to him from the Department of Public Instruction.

8. To keep a record of his official acts.

Preserve reports,
&c.

9. To carefully preserve all reports of school officers and teachers, and at the close of his official term deliver to his successor all records, books, documents and papers belonging to his office, taking a receipt therefor, which shall be filed in the office of the County Clerk.

May require Com-
mittee to repair, &c.

SEC. 37. The Examiner shall, whenever he deems it necessary for the health or comfort of pupils, require the Committee of the Township concerned, to repair any school buildings or property, or to abate any nuisance in or about any premises. He shall, also, in all cases require the Committee to provide such water closets and out houses as decency and economy require.

SEC. 38. The certificate granted by the County Examiner shall be valid only for the County in which it is granted. Certificate.

SCHOOLS.

SEC. 39. The School Committee of any Township may admit to the public school adults and children not residing therein, whenever good reasons exist for such receptions. Who may be admitted to schools.

SEC. 40. Instructions shall be given in the schools of the several grades as follows, viz: reading, writing, orthography, arithmetic, geography, English grammar, and the Board of Education may require such other studies as may be deemed necessary: *Provided*, That no such studies shall be pursued to the neglect or exclusion of the studies herein specified, and that thorough instruction shall first be given in all the enumerated branches. Course of instruction.

SEC. 41. For the purpose of protecting the health of young children, it is hereby provided that no school shall be continued in session more than six hours a day exclusive of intermission. Any teacher guilty of a violation of the provisions of this section shall be summarily dismissed by the School Committee. School day for young children.

SEC. 42. Minors under guardianship, their father having deceased, may attend the public schools of the Township of which their guardian is an inhabitant. Dismissed for violation

PUPILS.

SEC. 43. Pupils shall be admitted into the schools in the order in which they apply to be registered; and all pupils who may be admitted into public schools shall comply with the regulations established in pursuance of law for the government of such schools, and shall pursue the required course of study, and shall submit to the authority of the teachers of such schools. Continued and wilful disobedience and open defiance of the authority of the teachers shall constitute good cause for expulsion from school, and habitual profanity and vulgarity, good for suspension from Pupils, how admitted.

Repealed - 1870-71

Defacing school
house, &c.

school. Any pupil who shall in any way cut, deface, defile or otherwise injure any school house, fences or out-buildings thereof, shall be liable to suspension and punishment; and the parents or guardian of such pupil shall be liable for damages on complaint of the teacher, or of any school officer.

TEACHERS.

Teachers.

SEC. 44. No person who shall teach in any common school of this State without a prescribed certificate shall be entitled to receive for such services any compensation from revenues raised for the support of public schools: *Provided*, That if his certificate expire by limitation, during the time for which he may be engaged in teaching any school, such expiration shall not have the effect to interrupt his school or to debar his claim against the school revenues for the payment of teacher's wages.

Teacher shall
keep Register.

SEC. 45. The principal teacher of every common school shall keep a daily register of his or her school, in the manner prescribed by the Superintendent of Public Instruction, and indicated by the blank school register, to be furnished each school by the School Committee.

Entitled to salary.

SEC. 46. No teacher shall be entitled to any portion of his or her salary or wages, unless such teacher shall have been employed by a majority of the Committee; nor unless the holder of a legal State or County teacher's certificate in full force and effect.

Teacher to hold
pupil accountable.

SEC. 47. Teachers shall hold each pupil to a strict accountability, in school, for any disorderly conduct on the way to or from school, on the play grounds of the school, or during intermission or recess; and may suspend from school any pupil for good cause: *Provided*, That such suspension shall be reported by the teacher, in writing, to the Committee as soon as practicable; and if such action is not sustained by them, the teacher may appeal to the County Examiner, whose decision shall be final, whether for or against expulsion.

Expulsion.

SEC. 48. In all cases of refusal or revocation of a certificate, the teacher shall have the right of appeal from the County Examiner to the County Committee.

Right of appeal.

SEC. 49. Any teacher dismissed before the expiration of his or her contract made with any school authority, for alleged unfitness or incompetency, or violation of rules or law, shall have the right of appeal to the County Committee, and if such Committee shall decide that the removal was made without sufficient cause, the teacher so removed shall be reinstated and shall continue during the time of contract.

Reinstated.

SEC. 50. The school authorities of each and every Township shall establish a separate school or separate schools for the instruction of children and youth of each race resident therein, and over six and under twenty-one years of age; and such school or schools shall be supported, regulated and instructed in the same manner and to the same extent as any other public school or schools of the same grade.

Separate schools.

SEC. 51. No person shall be employed to teach any such separate schools who shall not, at the time of such employment, be legally certified as qualified.

CAPITATION TAX.

SEC. 52. That the State and County capitation tax shall be collected at the same time and place, and by the same persons that State taxes are collected, and that seventy-five per cent. of said State and County capitation tax shall be paid into the State Treasury, as a revenue for the support of public schools.

How tax collected

SEC. 53. In addition to the proceeds of the capitation tax, in order that the schools may be continued for the term of four months, the General Assembly hereby appropriates one hundred thousand dollars out of any moneys in the Treasury not appropriated otherwise, and authorize the Treasurer of the State to pay that sum to the County School Treasurer in the manner provided for in this act.

Appropriation.

✓
cont. 1868
Treasurer
 ✓
Sec
Amount
 1870-71
 ✓

DISTRIBUTION OF SCHOOL FUNDS.

Distribution of fund.

SEC. 54. All State school funds apportioned by the Superintendent of Public Instruction, and all County school moneys apportioned by County Commissioners, shall be apportioned to the several Townships in proportion to the number of school census children between six and twenty-one years, as shown by the returns of the school census marshals for the next preceding school year: *Provided*, That the first apportionment after the ratification of this act shall be according to the census taken by County Commissioners in eighteen hundred and sixty-eight.

Proviso.

School money, how used.

SEC. 55. The school money raised by the appropriation required by this act shall be used for no other purpose than the payment of teachers legally qualified and employed under the provisions of this act. Township and County school money may be used by the County Commissioners and Township School Committees, for the various purposes which are authorized and provided for in this act.

DUTIES, LIABILITIES AND COMPENSATION OF CLERKS.

Committee to appoint Clerk.

SEC. 56. The School Committee of each Township shall appoint one of their number to be Clerk of the Committee. It shall be his duty:

Duty of Clerk.

1. To attend the meetings of the Committee and to record in a book to be provided for that purpose, all their official proceedings, which shall be a public record, open to any person interested therein; and all such proceedings, when so recorded, shall be signed by the Chairman and Clerk.

2. To sign all orders of the School Committee upon the County Treasurer.

Compensation.

SEC. 57. Township Trustees shall allow the Township Clerk the same compensation out of the Township Treasury for preparing the annual returns of the School Committee to the Board of County Commissioners, and for issuing

orders upon the County Treasurer for the payment of teachers, as is allowed for other services of like nature.

SEC. 58. In case of failure to perform the duties prescribed by this act, the Clerk aforesaid shall be liable in an action for damages on the part of the School Committee of the Township. Liable for damages.

PENALTIES AND DISABILITIES.

SEC. 59. Whenever any school officer is superceded by election or otherwise, he shall immediately deliver to his successor in office all books, papers and school funds pertaining to his office; and every such officer, who shall refuse so to do, or who shall willfully mutilate or destroy any such books or papers, or any part thereof, or shall misapply any funds entrusted to him by virtue of his office, shall be guilty of a misdemeanor, and on conviction, shall be fined at the discretion of the Court, not exceeding one hundred dollars. School officers to deliver, property to successors.

SEC. 60. Every person elected or appointed to any office mentioned in this act shall, before entering upon the discharge of the duties thereof, take the oath of office prescribed by the Constitution, article six, section four. In case such office has a written appointment or commission, his oath shall be endorsed thereon; otherwise it may be taken orally. In either case it may be sworn to before any officer authorized to administer oaths; and school officers are hereby authorized to administer the oath required by their respective officers without charge or fee. Penalty for neglect.

SEC. 61. All fines and penalties, not otherwise provided for in this act, shall be collected by an action in any Court of competent jurisdiction. Persons elected to take oath.

SEC. 62. All cases of disputes in relation to school matters, not properly belonging to Courts of justice, may be referred first to the County Commissioners and appealed to the State Superintendent of Public Instruction. How fines collected.

Disputes.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Office of Superintendent.

SEC. 63. The Superintendent of Public Instruction shall keep his office at the seat of government. He shall provide a seal for his office, and copies of his acts and decisions, and of papers kept in his office, and authenticated by his signature and official seal, shall be of the same force and validity as the original. He shall sign all requisitions on the Auditor for the payment of money out of the State Treasury for public school purposes.

Seal.

Disbursements.

Furniture, fuel and stationery.

SEC. 64. He shall be furnished with such office room, furniture, fuel and stationery as shall be necessary for the efficient discharge of the duties of his office, at the expense of the State.

Enforce regulations.

SEC. 65. He shall direct the operations of the system of public schools and enforce the regulations and laws in relation thereto.

Report to Governor.

SEC. 66. He shall report to the Governor annually on the first of November. The Governor shall transmit such report to the Legislature, and, if ordered to be printed, the Secretary of State shall bind one hundred copies and deliver them to the Superintendent, who shall deposit two copies in the Library of the Department of Public Instruction, and one copy to each University, College and Normal School in the State. The remaining copies shall be distributed, one to the State Library of each State and Territory, and the others to such institutions of learning and persons as he may deem proper. The Legislature shall order at least five thousand pamphlet copies to be furnished the Superintendent, who shall distribute them as he may deem advisable to school officers and other persons in the several Counties.

Reports to counties.

SEC. 67. Said reports shall contain a statement of the condition of the public schools in the State; full statistical tables by Counties, showing among other statistics, the number of school children in the State, the number attending public schools, and the average attendance; the number

attending private schools, and the number not attending any schools; the amount of State School Fund, the sources from which derived and how apportioned, the amount raised by County and Township taxes, and from other sources of revenue for public school purposes; the amount expended for salaries of teachers, for building, improving and preserving school houses; a statement of plans for the management and improvement of schools and school buildings, of the condition of the State Normal Schools, of the State Agricultural College, of all incorporated Literary institutions required to report to him, of the Educational Department of the State Penitentiary, of the Institution for the Deaf and Dumb and the Blind, and of all other Educational Institutions, to which State appropriations may be made.



SEC. 68. He shall apportion to the several Counties the school fund to which each may be entitled, and shall furnish to the State Auditor, to each County Treasurer, and to the Commissioners of each County, an abstract of such apportionment, and shall draw his order on the State Auditor in favor of each County Treasurer for the amount of State School fund to which such County is entitled; and shall take each Treasurer's receipt for the same.

Apportion school fund and furnish abstract.

SEC. 69. He shall prepare and cause to be printed suitable forms for making all reports and conducting all necessary proceedings under this act, and shall transmit them to the local school officers and teachers, who shall be governed in accordance therewith. He shall furnish the County Examiner with suitable certificates, and shall prepare a State school register which shall be furnished to each school in the State. He shall cause all school laws to be printed in a pamphlet form, and shall annex thereto forms for making reports and conducting school business: also the course of study, rules and regulations (and such suggestions on school architecture as he may deem useful, with such wood cuts and plans of school houses as he may be able to obtain)

Prepare and print forms.

Reports

forms

Architecture

Shickler out

*1870-71
P. 388*

He shall furnish each school officer and teacher with at least one copy of said pamphlet.

Deliver on demand.

SEC. 70. The Superintendent of Public Instruction shall at the expiration of his term of office deliver, on demand, to his successor all property, books, documents, maps, records, reports and other things belonging to his office.

MISCELLANEOUS.

No child excluded.

SEC. 71. No child or youth between six and twenty-one years of age shall be excluded from the nearest public school in the Town to which such child or youth belongs, on account of the inability of the parent, guardian or employer of the same, to pay his or her tax, or assessment for any school purpose whatever.

Forfeiture for misappropriations.

SEC. 72. Any money appropriated to the use of public schools, which shall be applied by a Township, or any officer thereof, to any other purpose than that specified by law, shall be forfeited to the State; and any officer or person who shall fraudulently make a false certificate or order, by which any money appropriated to public schools shall be drawn from the Treasury of the State, or the County, shall forfeit and pay the sum of fifty dollars, and it shall be the duty of the Superintendent of Public Instruction to cause a suit to be instituted to recover said forfeitures.

Refusal to be qualified.

SEC. 73. Any citizen legally chosen or appointed who shall refuse to be qualified, or to discharge any duty imposed by this or any other act in relation to public schools shall forfeit the sum of ten dollars, to be collected by the Treasurer of the Township in which such person resides, and paid into the County Treasury.

Penalty for disturbing any school.

SEC. 74. Every person who shall wilfully interrupt or disturb any public or private school, or any meeting lawfully and peaceably held for the purpose of literary or scientific improvement, either within or without the place where such school or meeting is held, or of injuring any school building, or of defacing any school furniture, apparatus or

other property, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding one hundred dollars at the discretion of the Court.

SEC. 75. With the consent of the School Committee first obtained, minors between the ages of six and twenty-one years may attend school in Townships other than those in which their parents or guardians reside.

SEC. 76. The School Committee shall not allow any child to be admitted to, or connected with, the public schools, who is affected by any contagious or loathsome disease.

Diseased children.

SEC. 77. Every member of the School Committee, under whose directions a child is excluded from a public school, and every teacher of the school from which a child is excluded shall, on application by the parent or guardian of such child, state in writing the grounds and reason of such exclusion.

State in writing reason of exclusion.

SEC. 78. A child, unlawfully excluded from any public school, may recover damages therefor in a civil action, to be brought in the name of such child by his guardian or next friend against the Township by which such school is supported.

Child may recover damages.

SEC. 79. A school day shall comprise six hours exclusive of recess; a school month, twenty days, exclusive of the first and last day of each week; a school term, four months.

School day and term.

SEC. 80. The school year shall commence on the first day of October, and close on the thirtieth day of September.

School year.

SEC. 81. All acts and resolutions heretofore enacted relating to common schools and the Literary Fund, and all other acts inconsistent with this act are hereby repealed.

Acts and resolutions repealed.

SEC. 83. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CLXXXV.

AN ACT CONCERNING TOWNSHIPS.

Districts approved

SECTION 1. *The General Assembly of North Carolina do enact*, That the Districts reported by the Commissioners of the following Counties of the State to the present session of the General Assembly, are hereby approved, and said Districts, in obedience to article seven, sections three and four of the Constitution, to-wit: Craven, Granville, Halifax, New Hanover, Chatham, Cumberland, Davidson, Duplin, Edgecombe, Franklin, Guilford, Iredell, Johnston, Mocklenburg, Northampton, Orange, Randolph, Rockingham, Rowan, Warren, Wayne, Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Catawba, Clay, Cleveland, Columbus, Currituck, Davie, Forsyth, Gaston, Greene, Harnett, Henderson, Haywood, Hertford, Hyde, Jones, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Nash, Onslow, Pasquotank, Perquimans, Person, Richmond, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Tyrrell, Umon, Watauga, Wilkes, Wilson, Yadkin, Yancey and Caswell, shall have corporate powers and shall be known as Townships by the boundaries and by the name respectively designated in said reports; but the said districts may be altered or divided, or new Townships may be erected, by the County Commissioners in the manner specified in subdivision fifteen, section eight of an act of the General Assembly entitled "An act concerning the government of Counties," and ratified the fourteenth day of August, Anno Domini, eighteen hundred and sixty-eight.

Counties.

Proceedings in
name of Board.

SEC. 2. All acts or proceedings by or against a Township, in its corporate capacity, shall be in the name of the Board of Trustees of the Township.

SEC. 3. The Board of Trustees of each Township shall consist of a Clerk and two Justices of the Peace, except as otherwise provided for in this act in respect to Justices of the Peace, in those Townships in which Cities and Towns are situated.

Of whom Board of Trustees to consist

SEC. 4. In every Township in which any City or Town is situated, or which may consist of a City or Town, the number of Justices of the Peace to be elected shall be two more than the number of wards in such City or Town, or in case such City or Town is not divided into wards, then one additional Justice for each five hundred inhabitants, or if there are less than five hundred inhabitants, one additional Justice; for the purpose of obtaining the number of inhabitants in any such City or Town, the corporate authorities shall have power to take a census thereof.

Number of Justices in Cities or Towns.

SEC. 5. The first election for Township Boards of Trustees, shall be held on the first Thursday in August, eighteen hundred and sixty-nine.

First election.

SEC. 6. Such election shall be held in all respects under the rules and regulations now prescribed by law, at such place in each Township as the County Commissioners may designate, and the return thereof shall be made to the Board of Commissioners of each County, who shall declare the result of said election, and within five days thereof shall notify the persons receiving the majority of votes in each Township, of their election.

How election held

SEC. 7. The persons who are elected at such election shall appear, within five days after service of notice, before the County Commissioners and qualify by taking and subscribing oath of office, which oath shall be filed with the Clerk of the Board of Commissioners.

Persons elected to qualify.

SEC. 8. The Board of Commissioners is authorized to decide in all cases of contested election, subject to appeal to the Superior Court of the County.

Board to decide contested election.

SEC. 9. The persons chosen at the first election under this act, shall continue in their office till the first Thursday in August, eighteen hundred and seventy-one, and until their

Term of office.

successors shall have qualified, when the regular election for said officers shall be held every two years thereafter.

Election of Con-
stable.

SEC. 10. At the time and in the manner authorized by this act for the election of Township Boards of Trustees, there shall be held an election for one Constable in each Township, who shall give bond and security in such reasonable sum as the Board of Trustees may deem sufficient, to be not less than five hundred dollars, nor more than two thousand dollars, and take the oath of office as now prescribed by law.

Board of Trustees
may purchase Town-
ship house and lay
tax.

SEC. 11. The Board of Trustees shall have power to purchase and to hold for the use of the Township, such real estate as they may deem necessary, not to exceed one acre, and to erect thereon a Township house, which shall be as near central in location as may be; and for the purpose of buying such property and erecting such building, they are authorized, if they deem it expedient, to lay and collect a tax upon all the property in the Township, with the approval of a majority of the qualified voters of the Township, to be given at an election to be held for that purpose, under the direction of such Trustees.

Appoint meetings

SEC. 13. The Board shall have power to appoint its own meetings, and to adjourn from time to time.

Quorum.

SEC. 13. A majority of the Trustee shall constitute a quorum.

Trustees to lay
out highways, &c.

SEC. 14. The Board of Trustees shall have authority, within their respective Townships, to lay out, alter, repair, or discontinue highways; to establish and settle ferries; to build and keep up bridges, subject to sub-division eleven, section eight, of the before recited acts concerning the government of Counties; to lay off or discontinue cartways; to appoint overseers of highways; to allow and contract for the building of toll bridges, and to license the erection of gates across highways. This authority shall be exercised under the rules, regulations, restrictions and penalties, in all respects, prescribed and imposed in chapter one hundred and one of the Revised Code, upon the Justices of the late

Build bridges.

Appoint overseers

County Courts. The Clerk of the Board shall perform the duties therein enjoined upon the Clerk of the late County Court; and the Township Constable shall perform the duties imposed in said chapter on the Sheriff.

Clerk of Board.

SEC. 15. In all cases of the exercise of authority under the preceding section, there may be an appeal made by either party from the decision of the Township Board of Trustees to the Board of Commissioners of the County, whose decision in the case shall be final; and on every appeal the Clerk of the Board of Trustees shall transmit to the Commissioners all the papers in the case, and the parties shall be allowed to be heard before the Commissioners *de novo*.

Appeal.

SEC. 16. The Township Board of Trustees shall assess the taxable property of their Townships, and make return to the County Commissioners for revision, as may be prescribed by law.

Assess property.

SEC. 17. The Board of Trustees of each Township shall make out a written report upon the condition of the roads and bridges in their respective Townships to the County Commissioners, at least ten days before regular terms of the Superior Courts of the County.

Report of Board.

SEC. 18. The Board of Trustees shall audit all accounts against the Township, as directed in section ten of the act concerning the government of Counties; and shall cause semi-annual publications of all accounts so audited to be posted at the Township house, or other place of meeting, if there be no Township house, and three other public places in the Township.

Board to audit and settle.

SEC. 19. The Board of Trustees shall have power to lay and collect all taxes which may be required to defray the necessary expenses of the Township, and the Township Constable shall collect all taxes so laid and assessed.

Power to lay collect taxes.

SEC. 20. The Clerk of the Board of Trustees shall record the proceedings of the Board in a book to be provided for that purpose, and keep all its papers and hold them open to the examination of all persons except on the Sabbath;

Clerk to record proceedings.

disburse all moneys belonging to the Township, under the order of the Board, taking proper vouchers therefor, and making quarterly returns to the Board, if required, of all his receipts and disbursements.

Per diem of Justice and Clerk.

SEC. 21. Each Justice of the Peace, who is a member of the Board, shall receive two dollars *per diem* for each day's attendance upon the meetings of the Board; and the Clerk shall receive the same *per diem*, with such additional compensation for his duties as Clerk as the Board may allow.

County Commissioners to designate Townships.

SEC. 22. The Commissioners of any County not included in this act shall have power to designate their present election precincts as Townships for school and assessment purposes, until a proper survey is made and a report of the same is made to this body.

SEC. 23. All laws in conflict with the provisions of this act are repealed, and this act shall have force from the day of its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CLXXXVI.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WILKES COUNTY TO LEVY AND COLLECT A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Wilkes County be and are hereby authorized to levy and collect, to meet necessary county expenses for the current fiscal year, a tax on all the property in said County, not to exceed two thousand dollars.

SEC. 2. The tax authorized by this act shall be levied, collected and accounted for in the same manner as other taxes. How collected.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CLXXXVII.

AN ACT TO LEGALIZE AND MAKE VALID ALL MUNICIPAL ELECTIONS HELD IN THIS STATE DURING THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact,* That all municipal elections held in this State on the fourth day of January, eighteen hundred and sixty-nine, or on any other day of said year, previous to this date, shall be considered legal and valid to all intents and purposes, and all officers elected at any of said elections are declared perfectly and legally elected by this act. Elections made valid.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CLXXXVIII.

AN ACT TO AUTHORIZE DAVID LOFTIN, EX-SHERIFF OF DAVIDSON COUNTY, TO COLLECT ARREARAGES OF TAXES FOR THE YEARS EIGHTEEN HUNDRED AND SIXTY-SEVEN AND SIXTY-EIGHT.

SECTION 1. *The General Assembly of North Carolina do enact,* That David Loftin, ex-Sheriff of Davidson County, May collect arrears of taxes.

is hereby authorized and empowered to collect arrearages of taxes due for State and County purposes for the year eighteen hundred and sixty-seven and sixty-eight.

Laws applicable.

Proviso.

SEC. 2. That all laws applicable to the collection of taxes in other cases shall apply in this; *Provided*, That no person shall be required to pay any taxes under this act, that will produce a receipt of payment of the taxes for the years above mentioned or make an affidavit that the same has been paid.

SEC. 3. This act shall be in force from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CLXXXIX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF WAYNE TO LEVY A SPECIAL TAX FOR COUNTY PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Wayne be and they are hereby authorized, in addition to the taxes which they may have the power to assess, under the general revenue laws of the State, to levy a special tax to an amount of about three thousand dollars on all the taxable property, privileges and franchises of the County, for the purpose of paying the necessary expenses of said County.

if to collect.

SEC. 2. The Sheriff of the County shall collect said special taxes in like manner, and under the same liabilities and restrictions as are or may be imposed by law for collecting and accounting for other taxes, and shall pay over the same upon the orders of the County Commissioners as they may authorize and direct.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXC.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF DUPLIN COUNTY TO LEVY A SPECIAL TAX FOR BUILDING AND REPAIRING PUBLIC BRIDGES IN SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Duplin County be authorized, in addition to the tax which they may have power to assess under the general revenue law of the State, to levy a special tax of one-tenth of one per cent. on all the taxable property of said County, for the purpose of building, repairing and keeping up the public bridges in the same. ^{§1 Repairing public bridges.}

SEC. 2. That the Sheriff of said County of Duplin be authorized and required to collect said tax, and account for the same to the County Treasurer in the same manner and under the like penalty as the other County taxes are now collected and accounted for by him. ^{Sheriff to collect.}

SEC. 3. That the said tax, when collected, shall constitute a fund to be set apart for the purpose hereinbefore set forth. ^{Tax to constitute fund.}

SEC. 4. That this act shall be in force from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXCI.

AN ACT TO PROVIDE FORMS IN CIVIL PROCEEDINGS BEFORE JUSTICES OF THE PEACE.

CHAPTER —.

The General Assembly of North Carolina do enact, That the following forms, or substantially similar, shall be sufficient in all cases of proceedings provided for in this act: ^{Forms deemed sufficient.}

SECTION 1. *Forms of Summons :*

[No. 1.]

COMMON FORM.—CODE, SECTION, FOUR HUNDRED AND NINETY-SIX.

A..... B..... <i>against</i> C..... D.....	}	Justice's Court.
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State of North Carolina to any Constable or other lawful officer of County, GREETING :

Form of summons

We command you to summon C. D. to appear before G. W. H., Esq., one of the Justices of the Peace for the County of, on the day of, 18.., at his office, (*or elsewhere, as the Justice may appoint the place of trial,*) in said County, to answer A. B. in a civil action for the recovery of dollars; and have you then and there this precept, with the date and manner of its service.

Hereof fail not. Witness our said Justice, this day of, 18..

G. W. H.....,
Justice of the Peace.

[No. 2.]

FORM ON ALLOWING APPLICATION TO REHEAR.—CODE, SECTION FIVE HUNDRED AND EIGHT.

(Title, &c., as in No. 1.)

To release,

Whereas, A. B., plaintiff above named, (*or, C. D., defendant above named*) has applied by affidavit, which is filed, for a rehearing in the above entitled action; wherein judgment was rendered against the said plaintiff, *or, defendant*) in his

absence, at the trial thereof, before the undersigned, on the day of, 18. . . . ; and such application having been allowed, and the cause opened for reconsideration:

Now, therefore, we command you to summon the said plaintiff (*or*, defendant) to appear before G. W. H., Esq., one of the Justices of the Peace for the County of, on the day of, 18. . . ., at, in said County; when and where the complaint will be reheard, and the same proceedings be had as if the case had not been acted on; and have you then and there this precept, with the date and manner of its service.

Hereof fail not. Witness our said Justice, this of, 18. . . .

G. W. H.,
Justice of the Peace.

SECTION 2. *Forms in attachment:*

[No. 3.]

AFFIDAVIT TO OBTAIN ATTACHMENT.—CODE, SECTION TWO HUNDRED AND ONE.

General Form.

A. . . . B. . . . <i>against</i> C. . . . D. . . .	}	County of
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A. B., plaintiff above named, being duly sworn, deposes and says: Affidavit to obtain attachment.

1. That the defendant C. D. is indebted to the plaintiff in the sum of dollars, (*state any cause of action founded on contract, specifying the amount of the claim, and the grounds thereof, §§ 300, 201.*)

2. That the said defendant, (*state any fact or facts, so as to bring the case within one of the classes in which an attachment may issue* §201. *The facts must be stated positively and affirmatively, not merely upon information and belief, except where a fact is alleged with a particular intent. The intent, in such case, may be stated as on information and belief.—See No. 4.*)

A. B.

Sworn to and subscribed before me, this day
of 18. . . .

G. W. H.

Justice of the Peace.

[No. 4.]

ANOTHER FORM OF AFFIDAVIT.

(Title, &c., as in No. 3.)

Another form.

A. B., plaintiff above named, being duly sworn, deposes and says :

1. That the defendant, C. D., is indebted to plaintiff in the sum of dollars, for goods sold and delivered to said defendant by the plaintiff on or about the day of 18. . . .

2. That the said defendant has departed from this State, or keeps himself concealed therein, with intent, as defendant is informed and believes, to avoid the service of a summons, (*or with intent, &c., to defraud defendant's creditors.*)

(Sworn to, &c., as in No. 2.)

A. B.

[No. 5]

AFFIDAVIT AGAINST A FOREIGN CORPORATION.

A. . . . B. . . . <i>against</i> The Highland Mining Co.	}	County of
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A. B., the plaintiff above named, being duly sworn, Affidavit against foreign corporation.
 deposes and says :

1. That the defendant above named is indebted to the plaintiff in the sum of dollars, for the use and occupation of certain premises, by permission of plaintiff, from the day of, 18. . . . , until the day of, 18. . . .

2. That the defendant is a foreign corporation, created under the laws of the State of

3. That the cause of action above stated, arose in this State. (Sworn to, &c., as in No. 3.) A. B.

[No. 6.]

UNDERTAKING UPON ATTACHMENT.—CODE, SECTION TWO HUNDRED AND TWO.

(Title as in No. 3 or 5.)

Whereas, the plaintiff above named is about to apply for a warrant of attachment against the property of the above named defendant: Undertaking upon attachment.

Now, therefore, we, J. W. B. of County, and W. D. M. of County, undertake in the sum of dollars, (*the sum must be at least two hundred ang fifty dollars*) that if the said warrant be granted, and the defendant recover judgment in this action, or the attachment be set aside by order of the Court, the plaintiff shall pay all costs that may be awarded to defendant in the same, and all

damages which he may sustain by reason of such attachment.

J. W. B.....

W. D. M.....

Signed and delivered in the presence of G. W. H., Esq.,
this day of, 18..

G. W. H.....,
Justice of the Peace.

[No. 7.]

WARRANT OF ATTACHMENT.—CODE, SECTION TWO HUNDRED
AND THREE.

A..... B..... <i>against</i> C..... D.....	}	Justice's Court.
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Warrant of attach-
ment.

State of North Carolina to any Constable or any lawful
officer of County, GREETING :

It appearing by affidavit to the undersigned that a cause
of action exists in favor of the plaintiff against the defend-
ant for the sum of dollars, and that the defendant is
not a resident of this State (*or otherwise as the fact may be*)
and the plaintiff having given the undertaking required by
law :

Now, therefore, you are commanded forthwith to attach
and safely keep all the property of the said defendant C.
D. in your County, or so much thereof as may be sufficient
to satisfy the said plaintiff's demand, with costs and expenses;
and have you this warrant before G. W. H., one of the
Justices of the Peace for your County, at his office in said
County, on the day of, 18.., with your pro-
ceedings hereon.

Witness our said Justice this day of, 18..

G. W. H.,.....
Justice of the Peace.

[No. 8.]

OFFICER'S RETURN TO BE ENDORSED ON ATTACHMENT.

I, O. P. M., Constable (*or* Sheriff) of County, do hereby return that, by virtue of the within attachment, I have seized and taken into my possession the tangible personal property (*or*, have levied on the real estate, *as the case may be*,) of the defendant within named, specified in the inventory hereto annexed.

Officers return to be endorsed on attachment.

Dated this day of, 18..

O. P. M.

[No. 9.]

INVENTORY OF PROPERTY ATTACHED TO ABOVE RETURN.—CODE,
SECTION TWO HUNDRED AND FOUR.

A. B.	}	County of
C. D.		

against

I do hereby certify that the following is a true and just inventory of all the property seized or levied on by me under a warrant of attachment, issued in the above entitled action by G. W. H., Esq., with a statement of the books, vouchers, papers, rights and credits taken into my custody by virtue of said warrant. (*Insert a list of property by items.*)

Inventory of property attached.

I do further testify that the following property mentioned in the above inventory is perishable, and that the expense of keeping the same until the termination of the suit would exceed one-fifth of its value; and I do hereby apply to this Court for authority to sell the same. (*Insert a list of perishable property.*)

Dated this day of, 18..

O. P. M.

Constable (*or* Sheriff.)

[No. 10.]

ORDER DIRECTING SALE OF PERISHABLE PROPERTY.—CODE
SECTION TWO HUNDRED AND FIVE.G. W. H.....
Justice of the Peace.

A..... B.....	}	Justice's Court.
C..... D.....		

against

County of

Order directing
sale of perishable
property.

It appearing by the inventory returned by O. P. [M., Constable (or Sheriff,) under the warrant of attachment granted in this action, that the following property mentioned in said inventory is perishable, to-wit: (*Insert here the list of perishable property.*)

It is therefore ordered that the said property be sold by the said officer at public auction, at such time and place as he shall deem advisable, and that the said officer give notice of such sale as the sale of personal property on execution.

It is further ordered that the proceeds of such sale be retained by said officer, and disposed of in the same manner as the property itself, if the same had not been sold.

Dated this day of, 18..

G. W. H.....
Justice of the Peace.

[No. 11.]

NOTICE OF LEVY ON PROPERTY NOT CAPABLE OF MANUAL
DELIVERY.—CODE, SECTION TWO HUNDRED AND SEVEN.

To H. B.....

Notice of levy on
property not capa-
ble of manual deliv-
ery.

Take notice that by warrant of attachment issued in this action, a certified copy of which is herewith served upon

you, I have levied upon and do hereby levy upon your indebtedness, amounting to . . . dollars or thereabouts, to the plaintiff above named. (*Describe as particularly as possible, the shares, debts or property levied upon.*)

Dated this . . . day of 18..

O. P. M. ,
Constable (or Sheriff.)

The officer will endorse on the copy of the attachment served with the above notice, the following certificate :

I do hereby certify that the within is a true copy of the warrant of attachment in my possession, issued in this action and of the whole thereof. Certificate.

Dated this day of 18..

O. P. M. ,
Constable (or, Sheriff.)

[No. 12.]

ORDER DIRECTING THIRD PERSON (H. B.) TO APPEAR AND BE EXAMINED.—CODE, SECTION TWO HUNDRED AND EIGHT.

A. B. against C. D.	}	Justices' Court.
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County of

It appearing to me by the certificate of O. P. M., Constable (or Sheriff,) of said County, that the said officer, with a warrant of attachment against the property of C. D., the defendant in this action, has applied to H. B. for the purpose of levying upon a debt owing to the defendant by said H. B. (*or upon property of said defendant held by said H. B., or otherwise,*) and that the said H. B. refuses to furnish said officer with a certificate designating the amount of the debt owing by said H. B. to the defendant, (*or the amount*

Order directing third person to appear.

and description of the property held by said H. B. for the benefit of the defendant.)

Now, therefore, I do order and require the said H. B. to attend before me at my office, on the day of 18. . ., and be examined on oath concerning the same.

Dated this day of 18. . .

G. W. H. ,
Justice of the Peace.

[No. 13.]

ATTACHMENT TO ENFORCE OBEDIENCE TO ABOVE ORDER.—
CODE, SECTION TWO HUNDRED AND EIGHT.

A. B. <i>against</i> C. D.	}	Justices' Court.
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State of North Carolina to any Constable or other lawful officer of County, GREETING :

Attachment to enforce obedience.

Whereas, it appears that H. B. was duly served on the day of 18. . ., with an order issued by G. W. H., Esq., one of our Justices of the Peace for said County, requiring said H. B. to attend before said Justice at his office, in said County, on the day of 18. . ., and be examined on oath, concerning a certain debt owing to the defendant, named in the above action, by the said H. B., (*or property held by the said H. B. for the benefit of the defendant, or otherwise as the case may be.*)

And whereas the said H. B., in contempt of said order, has refused or neglected, and doth still refuse or neglect to appear and be examined on oath, as in said order he is required to do;

Now, therefore, we command you that you forthwith attach the said H. B., so as to have his body before G. W. H., Esq., one of our Justices of the Peace for your County,

on the . . . day of 18.., at his office in said County ; then and there to answer, touching the contempt which he, as is alleged, hath committed against our authority ; and further, to perform and abide by such order, as our said Justice shall make in his behalf. And have you then and there this writ, with a return, under your hand, of your proceeds thereon.

Hereof, fail not at your peril.

Witness our said Justice, this . . . day of 18..

G. W. H.....,
Justice of the Peace.

[No. 14.]

UNDERTAKING ON DISCHARGE OF ATTACHMENT.—CODE, SECTION TWO HUNDRED AND THIRTEEN.

(Title of the Cause as in No. 3.)

Whereas, the property of the above named C. D. has been attached, and the defendant desires a discharge of said attachment on giving security according to law ;

Undertaking on discharge of attachment.

Now, therefore, we, B. B. of . . . County, and D. D. of County, undertake in the sum of dollars, (*the sum named must be at least double the amount claimed by plaintiff,*) that if the said attachment be discharged, we will pay to the plaintiff, on demand, the amount of the judgment that may be recovered against the defendant in this action.

Dated this . . . day of 18...

(signed,)

B. B.....

D. D.....

ACKNOWLEDGEMENT AND AFFIDAVIT OF SURETIES.

County of

On this day of 18.., before me personally appeared the above named B. B. and D. D.,

Acknowledge-
ment and affidavit
of sureties.

known to me to be the persons described in, and who executed the above undertaking, and severally acknowledged that they executed the same.

And the said B. B. and D. D., being severally sworn, each for himself, says that he is a resident of the State of North Carolina, and a householder, (*or* freeholder therein.

B. B.....

D. D.....

Sworn to and subscribed the day above written before me.

G. W. H.....,

Justice of the Peace.

[No. 15.]

ORDER VACATING ATTACHMENT ON SECURITY BEING GIVEN.—
CODE, SECTION TWO HUNDRED AND TWELVE.

A..... B..... <i>against</i> C..... D.....	}	Justices' Court.
--	---	------------------

County of

Order vacating attachment on security.

The defendant having appeared in this action, and applied to discharge the attachment on giving security; and the said defendant having delivered to the Court an undertaking, in due form of law, which has been duly approved by the Court;

It is ordered that the attachment issued in this action on the day of 18, be and the same is hereby vacated and discharged, and the defendant is released therefrom in all respects. It is further ordered, that any and all proceeds of sales, and money collected by O. P. M., Constable (*or* Sheriff,) and all property attached, now in said officer's possession, be paid and delivered to the said defendant or his agent.

Dated this day of 18..

G. W. H.....

Justice of the Peace

[No. 16.]

FORM OF PUBLICATION TO BE MADE BY PLAINTIFF IN ATTACHMENT. SEE CODE, SECTION ONE HUNDRED AND NINETY-EIGHT.

A.... B.... }
against } Attachment.
C.... D.... }

Seventy-five dollars due by note, (*or otherwise as the fact may be.*) Warrant of attachment returnable before G. W. H., Esq., a Justice of the Peace, for County, at his office (*or otherwise as the place may be,*) on the day of, 18.., when and where the defendant is required to appear and answer the complaint.

Form of publication made by plaintiff in attachment.

Dated day of, 18..

A. B.....,
Plaintiff.

SEC. 3.—Forms on Arrest and Bail:

(Code, Title X, Chapter 1, Title XX, Chapter 3.)

[No. 17.]

AFFIDAVIT FOR ARREST ON DEBT FRAUDULENTLY CONTRACTED. CODE, SECTION FIVE HUNDRED AND TWELVE.

A.... B.... }
against } County of
C.... D.... }

A. B., plaintiff above named, being duly sworn, deposes and says:

1st. That the defendant C. D., is indebted to the plaintiff in the sum of dollars, on an inland bill of exchange drawn on the day of, 18.., by defendant on

Affidavit for arrest on fraudulent debt

the First National Bank of Charlotte, North Carolina, payable at sight to order of plaintiff:

2d. That on the . . . day of . . . , 18. . , the defendant applied to the plaintiff to purchase a bill of goods amounting to dollars, which the plaintiff offered to sell to the defendant for cash; that the defendant contriving to defraud the plaintiff, represented that he had money on deposit at the said National Bank for more than the amount of the proposed purchase and offered to give plaintiff a sight draft on said Bank; that the plaintiff, relying upon the representations of the said defendant and solely induced thereby, sold and delivered a bill of goods amounting to dollars to the defendant, who thereupon drew the sight order on said Bank above referred to; that on the . . . day of . . . , 18. . , the plaintiff presented said draft at said Bank for acceptance, when the same was not accepted for the want of any funds in said Bank to the credit of the defendant; that notice of non-acceptance was given to the defendant, who has wholly refused to pay the draft or any part thereof; that the representations made as aforesaid by the defendant were, and each and every of them, was, as deponent is informed and believes, untrue; and that defendant as deponent is informed and believes, did not have, nor expect to have, any funds on deposit at said Bank, at the making of the representations above mentioned, but said defendant was then and is now wholly insolvent.

A. . . . B. . . .

Sworn to and subscribed before me this day of , 18. .

G. W. H.

Justice of the Peace.

[No. 18.]

LIKE AFFIDAVIT WHEN DEFENDANT IS A NON-RESIDENT, OR ABOUT TO REMOVE FROM THE STATE. CODE, SECTION FIVE HUNDRED AND TWELVE.

(Title as in Preceding Form.)

A. B., the plaintiff above named, being duly sworn, deposes and says :

Affidavit where defendant is non-resident or about to move.

1. That the defendant C. D. is indebted to the plaintiff in the sum of dollars, for board and lodging furnished said defendant by the plaintiff from the day of, 18.., to the day of, 18..

2. That the said defendant is a non-resident of this State (*or, is about to depart from this State.*)

A. B.

Sworn and subscribed before me this day of, 18

G. W. H.

Justice of the Peace.

[No. 19.]

UNDERTAKING ON ARREST.—CODE, SECTION [ONE HUNDRED AND FIFTY-TWO.

A. B.
against
C. D. } County of

Whereas, the plaintiff above named is about to apply (*or* has applied) for an order to arrest the defendant C. D.:

Undertaking on arrest.

Now, therefore, we, J. J. of County, and P. P. of County, undertake in the sum of dollars, (*the sum must be at least one hundred dollars,*) that

if the said defendant recover judgment in this action, the plaintiff will pay all costs that may be awarded to the said defendant, and all damages which he may sustain by reason of his arrest in this action.

J. J.
P. P.

Signed in my presence this day of 18..
G. W. H.
Justice of the Peace.

[No. 20.]

ORDER OF ARREST.—CODE, SECTIONS ONE HUNDRED AND FIFTY-THREE AND ONE HUNDRED AND FIFTY-FOUR, FIVE HUNDRED AND THIRTEEN AND FIVE HUNDRED AND FOURTEEN.

A. B.
against
B. D. } Justices' Court.

County of

Order of arrest. To any Constable or other lawful officer of said County, in the name of the State of North Carolina :

For the causes stated in the annexed affidavit :

You are required forthwith to arrest C. D., the defendant named above, and hold him to bail in the sum of dollars, (*the sum should be the amount of plaintiff's claim,*) and to return this order before the undersigned at his office in said County on the day of, 18.. ; of which return you will serve a notice on plaintiff or his attorney. Dated this day of 18..

G. W. H.,
Justice of the Peace.

[No. 21.]

UNDERTAKING OF BAIL ON ARREST.—CODE, SECTIONS ONE HUNDRED AND FIFTY-SIX AND ONE HUNDRED AND FIFTY-SEVEN.

A..... B.....	}	County of
<i>against</i>		
C..... D.....		

Whereas, the above named defendant, C. D., has been arrested in this action: Undertaking of
bail on arrest.

Now, therefore, we, B. B., of County, (tailor,) and D. D., of County, (merchant,) undertake, in the sum of dollars, (*the sum should be the same as mentioned in the order of arrest,*) that, if the defendant is discharged from arrest, he shall, at all times, render himself amenable to the process of the Court during the pendency of this action, and to such as may be issued to enforce judgment therein.

B. B.....

D. B.....

Signed in my presence, this day of, 18..

G. W. H.....,
Justice of the Peace.

[No. 22.]

NOTICE OF EXCEPTION TO BAIL.—CODE, SECTION ONE HUNDRED AND SIXTY-TWO.

A..... B.....	}
<i>against</i>	
C..... D.....	

To O. P. M., Constable (*or* Sheriff) of the County of Exception to bail.

Take notice that the plaintiff does not accept the bail offered by the defendant in this action, (*and if the under-*

taking is defective in form or otherwise, add also) and further, he excepts to the form and efficiency of the undertaking.

Yours, &c., A. B., *Plaintiff.*
(*or M. W. N., Attorney for Plaintiff.*)

Dated this day of 18..

[No. 23.]

NOTICE OF JUSTIFICATION OF BAIL.—CODE, SECTION ONE HUNDRED AND SIXTY-THREE.

A. B. <i>against</i> C. D.	}	County of
--	---	---------------------

Notice of justification of bail.

To A. B., plaintiff, (*or M. W. N., Attorney for Plaintiff:*)

Take notice that the bail in this action will justify before G. W. H., Esq., a Justice of the Peace for said County, at the office of said Justice, in said County, on the day of, 18..

C. D. ,
(*or Attorney for C. D., Defendant.*)

Dated this day of, 18..

[No. 24.]

NOTICE OF OTHER BAIL.—CODE, SECTION ONE HUNDRED AND SIXTY-THREE.

(Title, &c., as in last form.)

Notice of other bail.

Take notice that R. S., of County, (physician,) and Y. Y., of County, (farmer,) are proposed as bail, in addition to, (*or in place of,*) B. B. and D. D., the bail already put in : and that they will justify, (*conclude as in last form.*) Date, &c.

[No. 25.]

JUSTIFICATION OF BAIL.—CODE, SECTION ONE HUNDRED AND SIXTY-THREE.

A..... B.....	}	Justice's Court.
<i>against</i>		
C..... D.....		

County of

On this . . . day of, 18.., before G. W. H., Esq., ^{Justification of} bail, a Justice of the Peace for said County, personally appeared B. B. and D. D., (*or R. S. and Y. Y., as the case may be,*) the bail given by the defendant C. D., in this action, for the purpose of justifying pursuant to notice; and the said B. B., being duly sworn, says:

1. That he is a resident and householder (*or freeholder*) in this State;
2. That he is worth the sum of dollars, (*the amount specified in the order of arrest*) exclusive of property exempt from execution;

And the said D. D., being duly sworn, says:

(As with the other bail.)

(And so on, with each bail offered.)

(Signatures of bail.)

Examination taken and sworn to before me, this day of, 18..

G. W. H.,
Justice of the Peace.

[No. 26.]

ALLOWANCE OF BAIL.—CODE, SECTION ONE HUNDRED AND SIXTY-SIX.

A..... B.....	}	Justice's Court :
<i>against</i>		
C..... D.....		

County of

Allowance of bail. The bail of the defendant, C. D., within mentioned, having appeared before me and justified, I do find the said bail to be sufficient and allow the same.

Dated this day of, 18..

G. W. H.....

Justice of the Peace.

SEC. 4.—Forms for witnesses :

(Code, section 510.)

[No. 27.]

SUBPENA TO TESTIFY.

STATE OF NORTH CAROLINA, }	}	.
..... County.		

Subpœna to testify. To S. T.—Greeting: (*The Justice may insert any number of names.*)

You (and each of you) are commanded to appear personally before G. W. H., Esq., a Justice of the Peace for said County, at his office in said County, on the day of, 18.., to give evidence in a certain civil action, now depending before said Justice, and then and there to be tried between A. B., plaintiff, and C. D., defendant, on the part of the defendant (*or plaintiff.*)* Hereof fail not,

under the penalty prescribed by law. Witness our said Justice, this day of, 18..

G. W. H.....,
Justice of the Peace.

[No. 28.]

N. B.—The Justice may, instead of a formal subpoena, endorse on the summons or other process an order for witnesses substantially as follows :

“ The officer to whom the within process is directed will summon the following persons as witnesses for the plaintiff,, and the following as witnesses for the defendant,; and will notify all such witnesses to appear and testify at the time and place within named for the return of this process.

Dated day of 18..

G. W. H.....,
Justice of the Peace.

[No. 29.]

SUBPŒNA DUCES TECUM.

If any witness has a paper or document, which a party desires as evidence at the trial, the Justice will pursue the form No. 27 as far down as the asterisk* ; and then add the following clause :

Subpœna duces tecum.

“ And you, S. T., are also commanded to bring with you and there produce as evidence a certain bond (*describe particularly*) which is now in your possession, or under your control, together with all papers, documents, writings or instruments in your custody, or under your control.” (*Conclude as in form No. 27.*)

[No. 30.]

FORM OF OATH TO WITNESS.

Oath of witness. You swear that the evidence you will give to the matters in difference between A. B., plaintiff, and C. D., defendant, shall be the truth, the whole truth, and nothing but the truth. So help you God.

[No. 31.]

PROCEEDINGS AGAINST DEFAULTING WITNESS.—SECTION FIVE HUNDRED AND TEN.

Defaulting witness.

When a witness, under subpoena, fails to attend, the Justice will note the fact in his docket by some such entry as the following :

“ R. P., a witness summoned on the behalf of the plaintiff, called and failed.”

If the party, who suffers by the default of the witness, wishes to move for the penalty against him, he will serve substantially the following notice on the witness :

A..... B..... <i>against</i> C..... D.....	}	County of.....
--	---	----------------

To R. P.

Take notice that on the sixth March, eighteen hundred and sixty-nine, the plaintiff in the above action will move G. W. H., Esq., the Justice before whom the trial of said action was had, on the day of, 18.., for judgment against you for the sum of eight dollars, forfeited by

reason of your failure to appear and give evidence on said trial, as you were summoned to do.

Dated this Feb. 28, 1869.

A. B. ,
Plaintiff.

The Justice will enter the proceedings on the foregoing notice in his docket as follows :

A. B. <i>against</i> C. D.	}	Justice's Court : Motion for penalty against R. P., defaulting witness.
--	---	---

March 6th, 1869 : A. B. above named appears and according to notice filed and duly served on R. P., moved for the penalty of eight dollars, forfeited by the said R. P. by reason of his failure to attend and give evidence on the trial of a cause, wherein A. B. was plaintiff and C. D. was defendant, tried before me at my office on the day of, 18.., as appears by entry duly made in my docket ; when and where the said R. P., a witness summoned on the part of the plaintiff in that action was called and did fail.

R. P. appears and assigns for excuse, "high water," and offers his own affidavit which is filed. He also offers as a witness in his behalf, S. S., who, being duly sworn, testifies that (*state what S. S. says about the condition of the water at the time.*) R. P. having no other evidence, closed the case on his part. Whereupon, A. B. offered M. Y. as a witness who, being duly sworn, testifies, (*state what the witness says.*)

Neither party having any other evidence, and after hearing all the proofs and allegations submitted for and against the motion :

It is adjudged, on motion of A. B., that A. B. do recover of R. P. the sum of eight dollars, penalty forfeited by reason of the premises, and the further sum of dollars, costs of this motion.

Trial by jury. SEC. 5. *Forms on trial by Jury:*

(Code Title XX, Chapter 5.)

[No. 32.]

FORM OF A VENIRE.—CODE, SECTION FIVE HUNDRED AND TWENTY-TWO.

Form of a venire. The Justice will make a list of the persons drawn by him as jurors, and endorse thereon substantially as follows:

“To O. P. M., Constable of County:

You are hereby directed to summon the persons named within to appear as jurors before me at my office, in your County, on the day of, for trial of a civil action now depending between A. B., plaintiff, and C. D., defendant, then and there to be tried. And have you then and there the names of the jurors you shall summon, with this precept.

Dated this day of 18..

G. W. H.

Justice of the Peace.

[No. 33.]

FORM OF JUROR'S OATH.

Form of Juror's oath. You swear well and truly to try the matter in difference between A. B., plaintiff, and C. D., defendant, and a verdict to give thereon according to the evidence in the cause. So help you God.

[No. 34.]

FORM OF OATH TO CONSTABLE IN CHARGE OF THE JURY.

Oath to Constable in charge of jury. You swear that you will, to the utmost of your ability, keep the persons sworn as jurors on this trial together in

some private and convenient place, without any meat or drink, except such as may be ordered by the Court; that you will not suffer any communication, orally or otherwise, to be made to them; and that you will not communicate with them yourself, orally or otherwise, unless by order of the Court. So help you God.

[No. 35.]

SUMMONS AGAINST DEFAULTING JUROR TO SHOW CAUSE.

State of North Carolina to any Constable or other lawful officer of County, greeting: Summons against defaulting juror.

We command you to summon R. S. to appear before G. W. H., Esq., a Justice of the Peace for your County, at his office in said County, on the day of, 18.., to show cause why he, the said R. S., should not be fined according to law, for his non-attendance as a juror before our said Justice, at his office in said County, on the day of, 18.., in a certain cause then and there pending, in which A. B. was plaintiff, and C. D. was defendant; and have you then and there this precept, with the date and manner of your service thereof. Witness our said Justice this day of, 18..

G. W. H.

Justice of the Peace.

Demurrer,

SEC. 6. *Forms in Demurrer and proceedings thereon :*

(Code, Section 504.)

[No. 36.]

DEMURRER TO COMPLAINT.—RULE XI.

A..... B..... <i>against</i> C..... D.....	}	Justice's Court.
--	---	------------------

County of

Demurrer to complaint.

The defendant demurs to the complaint in this action, for that the said complaint does not state facts sufficient to constitute a cause of action, (*or*, for that the said complaint is not sufficiently explicit to enable this defendant to understand it.)

(Signature of Defendant or Defendant's Attorney.)

[No. 37.]

DEMURRER TO ANSWER—RULE TEN.

(Title as above.)

Demurrer to answer.

The plaintiff demurs to the answer of the defendant, for that, the facts stated in the answer are not legally sufficient to constitute a defence to this action, (*or* for that the said answer is not sufficiently explicit to make this plaintiff to understand it.)

(Signature of plaintiff or plaintiff's Attorney.)

[No. 38.]

JUDGMENT UPON DEMURRER.—CODE, SECTION FIVE HUNDRED
AND FOUR. RULE TWELVE.

NOTE.—If the Justice thinks the objection, raised by the demurrer to the pleadings, is well founded, he will make this entry in his docket : Judgment upon demurrer.

“Demurrer to the complaint (*or* to the answer) filed, heard and sustained ; and, whereupon, it is ordered that the said pleading be amended without cost, (*or* upon payment of costs,” *as the case may be.*)

This order to amend the defective pleading is a matter of course, and is the only judgment which the Justice can render upon the demurrer. He cannot give a final judgment in the cause at this stage ; for the party may choose to amend in his pleading and try the case on the facts. If, however, the party refuse to amend the defective pleading, the Justice will disregard the same, and proceed to render final judgment, as follows :

“The plaintiff (*or* defendant) having refused to amend his complaint (*or* his answer) demurred to, it is adjudged, that the defendant go without day and recover of the plaintiff the sum of dollars, costs of this action (*or* that the plaintiff recover of the defendant the sum of dollars, damages, and the further sum of dollars, costs of this action.”)

If the Justice deems the objection, raised by the demurrer, not well founded, he will enter in his docket as follows :

“Demurrer to the complaint (*or* to the answer) filed, heard and overruled ;” and he will then proceed to the evidence in the cause.

SEC. 7.—*Form of Entries in Justice's Docket :*

(Code, section 504. Rule 13.)

[No. 39.]

NOTE.—The following is offered as a general precedent of the manner in which the Justice will make the entries in his docket.

A..... B.....	}	Justice's Court.
<i>against</i>		
C..... D.....		

Form of entries in
Justice's Docket.

APRIL 1ST, 1869. Summons issued ; returnable on the 10th instant, at my office.

APRIL 10TH, 1869. Summons returned, served on defendant by O. P. M., Constable, on the 4th instant ; both parties appear, the plaintiff in person, the defendant by R. H. R., Esq., Attorney.

The plaintiff complains of a promissory note executed by the defendant to him, dated October five, eighteen hundred and sixty-eight, payable one day after date, for \$35, and also for goods, sold and delivered to the defendant, and claims damages for \$47.50.

The defendant answers and denies each an every allegation in the complaint ; and claims a set off of \$18 for wood sold and delivered to the plaintiff, and also of \$10.60 for work and labor performed for the plaintiff.

On joining issue of fact as above, the action is, by consent of parties, adjourned to the 15th instant, at my office.

A venire is also issued at the plaintiff's (*or* defendant's) demand, returnable at the time and place last mentioned.

APRIL 15TH, 1869. The parties appear and proceed to the trial of the cause. The following jurors are returned as summoned upon the venire by O. P. M., Constable. (*Insert the names of all jurors summoned.*) The following jurors,

who are returned as summoned, do not appear, (*Insert their names.*) The following jurors appear according to the summons. (*Insert their names.*) The following jurors are sworn to try the action. (*Insert their names.*)

H. P. and J. M., witnesses for the plaintiff, and W. F., a witness for the defendant, are sworn and testify; J. S., a witness on the part of the defendant, is offered, but objected to by the plaintiff on the ground, (*state the ground*) and rejected.

Having heard the evidence, (and the arguments of counsel, *if any.*) the cause is submitted to the jury, who retire, under charge of O. P. M., a Constable duly sworn for that purpose, and afterwards return into open Court and publicly deliver their verdict, by which they find in favor of the plaintiff for \$41.25 damages; whereupon I adjudge that the plaintiff do recover of the defendant:

Damages,	\$41 25
Costs,	5 20

APRIL 18TH, 1869. Execution issued for above judgment to O. P. M., Constable.

APRIL 20TH, 1869. Notice of appeal served on me by defendant; my fee paid and return to the appeal made by me.

N. B.—If the action is tried by the Justice without a jury, all that relates to the venire and the verdict in the above form, must be left out, and the judgment will be entered as follows:

“After hearing the proofs and allegations of the respective parties, I do adjudge that the plaintiff recover,” &c., (*as above.*)

We can give only a general idea of how these entries should be made in the Justice's Docket. Since each case has features peculiar to itself, so, in each case, the entries must conform to the facts as they actually occur.

SEC. 8. *Forms of appeal.*

(Code, Title XX, Chapter 6.)

Form on appeal.

NOTE.—It will be observed from Art. IV, sec. 33, Constitution, and section 539, Code of Civil Procedure, that, upon an appeal from a Justice's Court, where the judgment exceeds \$25, there may be a new trial of the whole matter in the appellate Court; but if the judgment be for \$25, or less, then the case shall be heard in the appellate Court, only upon matters of law. These provisions render it necessary to note well a difference in practice between the cases, where the judgment is for \$25, and where it exceeds that amount, in the forms of the notice of appeal and the return to the appeal.

When the judgment is for \$25, or less, the notice of appeal should state *particularly* the grounds of appeal; and the Justice, in making his return thereto, should be careful to set forth all the evidence and other facts, which may be necessary to enable the appellate Court to review the matters of law arising thereon.

But where the judgment exceeds \$25, as the appellate Court must proceed to a new trial of the whole matter, both of law and of fact, upon testimony offered in that Court, and not dependent in any way upon the proceedings had before the Justice, it will be sufficient to state the grounds of appeal *generally* in the notice of appeal, and the Justice, in his return, will not set out any evidence offered on questions of law raised by the parties at the trial.

For the sake of illustration, we give the forms of both kinds of notices and returns.

[No. 40.]

FORM OF NOTICE OF APPEAL TO THE SUPERIOR COURT, WHERE
 A NEW TRIAL OF THE WHOLE MATTER IS TO BE HAD.—
 CODE, SECTION SIX HUNDRED AND THIRTY-FIVE, SIX HUN-
 DRED AND THIRTY-SIX, AND SIX HUNDRED AND THIRTY-NINE.

A..... B.....	}	Justices' Court.
<i>against</i>		
C..... D.....		

County of

To G. W. H., Esq., a Justice of the Peace for said County: Form of notice of
appeal, &c.

Take notice, that the defendant in the above action
 appeals to the Superior Court from the judgment rendered
 therein by you on the day of 18...., in
 favor of the plaintiff for the sum of sixty-five dollars dam-
 ages, and the further sum of three dollars and seventy-five
 cents costs, and that this appeal is founded upon the ground
 that the said judgment is contrary to law and evidence.

Dated this day of..... 18..

W. W.....
Attorney for Appellant.

[No. 41.]

RETURN TO NOTICE OF APPEAL LIKE THE FOREGOING.—CODE,
 SECTION FIVE HUNDRED AND THIRTY-SEVEN FIVE HUNDRED
 AND THIRTY-NINE.

A..... B.....	}	County of
<i>against</i>		
C..... D.....		

To the Superior Court of County:

An appeal having been taken in this action by the defen-
 dant, I, G. W. H., the Justice before whom the same was Return to notice,
&c.

tried, in pursuance of the notice of appeal hereto annexed, do hereby certify and return that the following proceedings were had by and before me in said action :

On the first of February, eighteen hundred and sixty-nine, at the request of the plaintiff, I issued a summons in his favor and against the defendant, which is herewith sent. Said summons was, on the return day thereof, returned before me at my office ; and at the same time and place, the parties personally appeared. .

The plaintiff complained for goods sold and delivered to defendant to the amount of \$75. The defendant denied the right of the plaintiff to recover that amount for the goods, on the ground that he had paid, at or shortly after the purchase of said goods, dollars thereon ; and he also claimed to have a set-off against the plaintiff to the amount of \$85 for board and lodging furnished to plaintiff, and work and labor done for him ; and he claimed to be entitled to judgment against the plaintiff for \$.

Both parties introduced evidence upon the claims so made by them, and after hearing their proofs and allegations, I rendered judgment in favor of the plaintiff and against the defendant, on the tenth February, eighteen hundred and sixty-nine, for \$65 damages, and for the further sum of \$3.75 costs of the action.

I also certify that on the eleventh February, eighteen hundred and sixty-nine, the defendant served the annexed notice of appeal on me, and at the same time paid me my fee of \$1 for making my return.

All of which I send, together with the process, pleadings, and other papers in the cause.

Dated this 15th day of February, 1869.

G. W. H.

Justice of the Peace

N. B.—If the cause was tried by a jury, state the fact and set forth the verdict, with the judgment thereon. It is not necessary to set out in the return a copy of any process,

pleading, affidavit or other paper. It is sufficient to refer to such a paper as filed and as herewith sent.

[No. 42.]

NOTICE OF APPEAL, WHERE A NEW TRIAL IS NOT HAD IN THE SUPERIOR COURT.—CODE, SECTION FIVE HUNDRED AND THIRTY-NINE.

A..... B.....	}	Justice's Court.
<i>against</i>		
C..... D.....		

To G. W. H., Esq., a Justice of the Peace for County :

Take notice that the plaintiff in the above action appeals to the Superior Court from the judgment rendered therein by you, on the day of 18.., in favor of the defendant for the sum of \$23.50, and \$5 costs, and that this appeal is founded upon the following grounds :

Notice of appeal where new trial is not had.

1. The Justice erred in excluding I. W. as a witness, when offered by the plaintiff on said trial.

2. The Justice erred in receiving L. M. as a witness on the part of the defendant, and against the objection of the plaintiff.

3. The Justice erred in charging the jury that (*state the matter of law in which the alleged error consists.*)

Dated this day of, 18..

E. P.....,

Attorney for Appellant.

[No. 43.]

RETURN TO ABOVE NOTICE OF APPEAL.

A..... B..... <i>against</i> C. ... D.....	}	Justices' Court.
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To the Superior Court of County:

Return to such
notice of appeal.

In pursuance of the notice of appeal hereto annexed, which was served on me on the sixteenth March, eighteen hundred and sixty-nine, I, G. W. II., the Justice before whom the above entitled action was tried, do hereby certify, and return to the said Court, that the following proceedings were had by and before me on said trial.

At the request of the plaintiff, on the first day of March, eighteen hundred and sixty-nine, I issued a summons against the defendant, returnable before me at my office on the ninth day of March, eighteen hundred and sixty-nine. Said summons, which is herewith sent, was returned, duly served on the defendant before me at the time and place last mentioned, when both parties appeared by attorney.

The plaintiff filed a written complaint, which is herewith sent. The defendant filed a written answer, which is herewith sent.

Issues having been thus joined on the pleadings between the parties, the cause was adjourned, on motion and oath of the defendant, to the fifteenth March, eighteen hundred and sixty-nine, at the Court House, in the town of

At the time and place last mentioned, the parties appeared by attorney, and at the demand of the plaintiff, I issued a venire to O. P. M., Constable, which venire, by consent of both parties, was returnable forthwith, and the said Constable, afterwards and on the same day, returned said venire, with a panel containing the names of twelve jurors, summoned by him for the jury aforesaid. All the

jurors so summoned appeared, and the following were duly drawn and sworn as jurors to try the action, to-wit :

(Here insert the juror's names.)

In the course of the trial, the plaintiff called I. W. as a witness and offered to prove by him, *(state what was offered.)* The defendant objected to the evidence on the ground *(state the ground,)* and I excluded the evidence, to which decision the plaintiff duly excepted.

Afterwards the defendant called L. M. as a witness, and offered to prove by him *(state what was offered.)* The plaintiff objected to receiving the evidence on the ground *(state the ground,)* and I admitted the evidence, to which decision the plaintiff duly excepted.

After all the evidence was submitted to the jury, and the arguments of counsel heard in the cause, I charged the jury as follows : *(state the charge.)* The plaintiff excepted to this charge, or to certain parts of this charge, *(stating them.)*

Thereupon the jury retired for deliberation, under the charge of a Constable, duly sworn for that purpose, and afterwards they returned into Court, and being called by me, and severally answering to their names, they delivered their verdict in open Court, by which they found in favor of the defendant in the sum of \$23.50, the amount of his set-off against the claims of the plaintiff.

Whereupon, I did immediately, and on the same day, render judgment in favor of the defendant, and against the plaintiff, for the said sum of \$23.50, and \$5 costs of this action.

I also certify that, when the notice of appeal above referred to, was served on me, the plaintiff paid me my fee, (1.00,) for costs of this return.

All of which I send, together with the process, pleadings, and all other papers in the cause.

Dated this March 20th, 1869.

G. W. H.,
Justice of the Peace.

Forms of Judg- SEC. 9. *Forms of judgment in certain cases :*
ment.

Code, section 499.

[No. 44.]

WHERE THE SUM DEMANDED EXCEEDS TWO HUNDRED DOLLARS.

Where sum ex-
ceeds \$200.

It appearing that the sum demanded by the plaintiff in this action, exceeds two hundred dollars; it is ordered that the action be dismissed, and judgment is rendered against A. B., plaintiff, for the sum of . . . dollars costs.

[No. 45.]

WHERE THE TITLE TO REAL ESTATE IS IN QUESTION.—CODE,
SECTION FOUR HUNDRED AND NINETY-SIX.

Where real estate
is in question.

N. B.—The defendant, if he wishes to make answer to title, must file a written answer to the complaint, setting forth the facts.

ANSWER OF TITLE.

A. B.	}	Justice's Court.
<i>against</i>		
C. D.		

The defendant answers to the complaint:

1. That no allegation thereof is true.
2. That the plaintiff ought not to have or maintain his action against the defendant, because the premises mentioned and described in the complaint, at the time when the rent and render, for which said action is brought, is alleged to be due, was and is now the land and freehold of one J. D., and not that of the plaintiff; nor was the plaintiff then, nor is he now, entitled to the possession thereof; and the

defendant further answers that the title to said premises was at the time aforesaid, and is now, in said J. D., and will come in question on the trial of this action.

Dated this day of, 18..

C. D.,
Defendant.

It appearing from the answer and proof of the defendant, that the title to real estate is in controversy in this action; it is ordered that the action be dismissed, and judgment is rendered against the plaintiff for dollars costs:

[No. 46.]

OFFER OF JUDGMENT.—CODE SECTION FIVE HUNDRED AND FOUR, RULE SIXTEEN.

A. B. <i>against</i> C. D.	}	Justices' Court.
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To A. B:

Take notice that the defendant hereby offers to allow judgment to be taken against him by the plaintiff in the above action, for the sum of fifty dollars, with costs.

Offer of judgment.

Dated this day of, 18..

C. D.,
Defendant.

[No. 47.]

ACCEPTANCE OF OFFER OF JUDGMENT.

(Title as above.)

To C. D.

Take notice that the plaintiff hereby accepts the offer to allow the plaintiff to take judgment in the above action,

Acceptance of offer of judgment.

for the sum of fifty dollars, with costs, and the Justice will enter up judgment accordingly.

Dated this day of 18. . . .

A. B. ,
Plaintiff.

[No. 48.]

FORM OF JUDGMENT TO OFFER.

(Title as above.)

Judgment on offer N. B.—The Justice will state all the proceedings in the action from the issuing of the summons, down to the appearance of the parties and the complaint of the plaintiff, and then proceed as follows :

Whereupon the said defendant, before answering said complaint, made and served an offer, in writing, to allow the plaintiff to take judgment against him for the sum of fifty dollars with costs ;* and the said plaintiff thereupon accepted such offer, and gave notice thereof to the defendant in writing ; said offer and acceptance thereof being filed :

Now, therefore, judgment is accordingly rendered in favor of the plaintiff and against the defendant, for the sum of fifty dollars damages, and the further sum of one dollar costs.

If notice of acceptance is not given, the entry will be as follows :

Follow the foregoing form down to the asterisk (,) and then add :*

“ And the said plaintiff having refused to accept such offer, the defendant answered the complaint by denying,” &c., *(state the defence of the defendant, down to the judgment, which, in case the plaintiff fails to recover more than the sum mentioned in the offer, will be entered thus :)*

After hearing the proofs and allegations of the respective

parties, I adjudge that the plaintiff do recover the sum of fifty dollars damages, and the further sum of one dollar costs ;

I further adjudge that the defendant do recover of the plaintiff the sum of two dollars and seventy-five cents, costs accruing in the action subsequent to the offer of the defendant referred to.

SEC. 10. *Forms of execution :*

(Code, section —.)

[No. 49.]

GENERAL FORM.

State of North Carolina, to any Constable or other lawful officer of County, GREETING: Execution.

Whereas, judgment has been rendered by G. W. H., Esq., a Justice of the Peace for said County, against C. D., in favor of A. B., for the sum of dollars damages, and the further sum of dollar costs, on the . . . day of 18.. ;

You are therefore commanded, forthwith to levy of the goods and chattels of the said C. D., (excepting such goods and chattels as are by law exempt from execution) the amount of said judgment, with interest from the date thereof, until the money is recovered.

And make due return, according to law, in sixty days from the date hereof.

Dated this . . . day of 18..

G. W. H. ,
Justice of the Peace.

[No. 50.]

EXECUTION IN ATTACHMENT.

Execution in at- State of North Carolina, to any Constable or other lawful
tachment. officer of County, GREETING :

Whereas, in pursuance of a warrant of attachment, dated the day of 18. ., issued by G. W. H., Esq., a Justice of the Peace of said County, in an action wherein A. B. was plaintiff and C. D. was defendant, the following property of the defendant was, on the day of, 18. ., duly levied on and attached :

(here insert a list of property.)

And whereas, judgment was rendered in said action, on the day of 18. ., in favor of said plaintiff, and against said defendant in the sum of dollars.

Therefore we command you that you satisfy the said judgment out of the property so attached as aforesaid, by the sale of the same or so much thereof as shall be sufficient to satisfy the said judgment ; and if a sufficient sum be not realized therefrom, then that you satisfy the said judgment out of any other goods and chattels of the said judgment debtor within your County.

And make due return thereof according to law within sixty days from the date hereof.

Witness our said Justice this day of, 18. .

G. W. H.,

Justice of the Peace.

Proceedings for contempt.

SEC. 11. *Forms of Proceeding for a Contempt :*

[No. 51.]

RECORD OF CONVICTION OF A CONTEMPT.

Record of conviction.

The Justice will make an entry in his docket stating the

particular circumstances of the contempt, of which the following is offered as an example :

Whereas, on the day of, 18. . ., while engaged in the trial of an action (*or other judicial act as the case may be,*) in which A. B was plaintiff and C. D. was defendant, at my office in County, M. B. did wilfully and contemptuously interrupt me, and did then and there conduct himself so disorderly and insolently towards me, and by making a loud noise, did disturb the proceedings on said trial (*or other judicial act*) and impair the respect due to the authority of the law ; and, on being ordered by me to cease making such noise and disturbance, the said M. B. refused so to do, but, on the contrary, did publicly declare and with loud voice, (*state what ever offensive words were used,*) and whereas, when immediately called upon by me to answer for the said contempt, the said M. B. did not make any defense thereto, nor excuse himself therefrom ; the said M. B. is therefore convicted of the contempt aforesaid, and is adjudged to pay a fine of five dollars and be imprisoned in the County jail for the term of two days, and until he pays such fine, or is duly discharged from imprisonment according to law.

G. W. H.,

Justice of the Peace.

[No. 52.]

WARRANT OF COMMITMENT FOR A CONTEMPT.

State of North Carolina to the Keeper of the common jail
of County, GREETING :

Warrant of com-
mitment for con-
tempt.

Whereas, &c., (*recite the record of conviction so as to show the entire matter of contempt, together with the judgment therefor ; and then proceed as follows :*)

Therefore you are hereby commanded to receive the said M. B. into your custody in the said jail, and him there

safely keep during the said term of two days, and until he pays the said fine, or is duly discharged according to law. Hereof fail not.

Dated this day of 18..

G. W. H. ,
Justice of the Peace.

SEC. 12. *Forms of Transcripts :*

[No. 53.]

TRANSCRIPT OF JUDGMENT TO BE DOCKETED IN SUPERIOR COURT CLERK'S OFFICE.—CODE, SECTION FIVE HUNDRED AND THREE.

A. B. <i>against</i> C. D.	}	Justice's Court.
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County of

Transcript.

It is adjudged that the plaintiff do recover of the defendant the sum of seventy-five dollars damages, and the further sum of four dollars costs of the action.

Dated April 10th, 1868.

G. W. H.
Justice of the Peace.

County of: I, G. W. H., the Justice before whom the judgment in the above entitled action was rendered, do hereby certify that the foregoing is a transcript of said judgment, and of the whole thereof, as the same is entered by me in my docket in the proceedings of said action at the date therein stated.

Given under my hand this April 15th, 1868.

G. W. H.
Justice of the Peace.

[No. 54.]

TRANSCRIPT OF JUSTICE'S JUDGMENT TO BE REMOVED TO ANOTHER COUNTY.—CODE, SECTION FIVE HUNDRED AND NINE.

(Make out a certified Transcript of the judgment as given in the preceding, and then attach thereto the following certificate of the Clerk of the Superior Court):

Transcript of Justice's Judgment.

County of; I, S. A. W., Clerk of the Superior Court of said County, do hereby certify that G. W. H., the person who subscribed the foregoing transcript and certificate, was, at the date of the judgment therein mentioned, to wit, on the . . . day of, 18., a Justice of the Peace in said County; and that I am acquainted with the handwriting of the said G. W. H., and believe the name subscribed to said transcript and certificate, is his proper and genuine signature.

In witness whereof, I have hereto set my hand and the [L. S.] seal of my office, on this day of 18.

S. A. W.,
Clerk Superior Court.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXCII.

AN ACT TO ABOLISH AND PREVENT THE ERECTION OF A TOLL GATE ON THE NORTH END OF THE LITTLE RIVER TURNPIKE ROAD, WHICH, BY AN ACT PASSED AND RATIFIED THE FIFTEENTH DAY OF DECEMBER, EIGHTEEN HUNDRED AND SIXTY-FIVE, SURRENDERING THAT PART OF THE ROAD NORTH OF C. C. ORR.

SECTION 1. *The General Assembly of North Carolina do enact*, That the toll gate now established by W. L. Henry,

Toll gate abolished

at the sandy bottoms on the north end of the Little River Turnpike Road, leading from the South Carolina line through the Counties of Transylvania and Henderson, to the Buncombe Turnpike Road, be and the same is hereby abolished, and that hereafter no gate shall be erected on the north end of said road leading from C. C. Orr's to the Buncombe Turnpike Road.

Penalty of violation.

SEC. 2. That any person violating the provisions of this act shall be subject to the same penalties and liabilities to which persons are now liable for the obstructions of public highways.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXCIII.

AN ACT FOR THE RELIEF OF B. WALLACE, SHERIFF OF DUPLIN COUNTY.

To collect arrears of taxes.

SECTION 1. *The General Assembly of North Carolina do enact,* That B. Wallace, Sheriff of Duplin County, is hereby authorized to collect the taxes in said County for the year A. D. eighteen hundred and sixty-eight.

Tax to be paid once only.

SEC. 2. That no tax-payer in said County shall be compelled to pay said taxes who may make affidavit before any Justice of the Peace or Clerk of the Superior Court that he has paid said tax.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXCIV.

AN ACT SUPPLEMENTAL TO AN ACT TO ESTABLISH THE WILMINGTON WATER WORKS COMPANY, RATIFIED MARCH TWENTY-SEVENTH, EIGHTEEN HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled "An act to establish the Wilmington Water Works Company," ratified March twenty-seventh, eighteen hundred and sixty-nine, be amended as hereinafter provided. Act of March 27th 1869, amended.

SEC. 2. That a section be added to read: That this act shall be considered a public act, shall take effect and be in force from and after its ratification, and shall remain in force for the period of ninety years. When act to take effect.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXCV.

AN ACT FOR THE RELIEF OF S. A. KELLY, SHERIFF OF DAVIE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That S. A. Kelly, Sheriff of Davie County, is hereby authorized and empowered to collect arrearages of taxes for the years eighteen hundred and sixty-six and sixty-seven. May collect arrears of taxes.

SEC. 2. That no tax-payer shall be compelled to pay the tax claimed, if he will make oath before some Justice of the Peace for said County that he has paid the tax and lost his receipt for the same.

SEC. 3. This act shall be in force from its ratification to the first day of January, Anno Domini eighteen hundred and seventy.

Ratified the 12th day of April, A. D. 1869.

PUB. 34.]

CHAPTER CXCVI.

AN ACT TO INCORPORATE THE PHOENIX TRANSPORTATION COMPANY.

- Corporators.** SECTION 1. *The General Assembly of North Carolina do enact*, That George W. Swepson, L. G. Estes, Jos. S. Cannon, Ed. L. Hayes, Jr., Thos. D. Hogg, S. L. Fremont, John C. Winder, Plato Durham, William Barrow, W. A. Moore, of Chowan, their associates and successors, are hereby incorporated under the name and style of the Phoenix Transportation Company, and as such may have all the
- Rights and privileges.** rights and privileges of incorporated companies, under the Constitution and laws of this State, for the purpose of conducting the transportation of goods, wares and merchandise, or other things, upon the Rail Roads, Canals, Rivers, or common roads within the State, or elsewhere, and shall have a corporate existence for fifty years.
- Capital stock.** SEC. 2. The capital stock shall be five hundred thousand dollars, in shares of one hundred dollars each, but may be increased to any amount desired by a majority of the stockholders (each share having one vote) not exceeding two millions of dollars.
- Directors and officers.** SEC. 3. This corporation may have a Board of Directors, a President, and such officers and agents as shall be
- By-laws.** prescribed by the by-laws, that the incorporators are hereby empowered to make for the regulation and general management of the business of quick and safe transportation of freight.
- This act is hereby declared to be a public act, and shall be in force from and after its ratification.
- Ratified the 12th day of April, A. D. 1869.

CHAPTER CXCVII.

AN ACT FOR THE RELIEF OF JAMES H. DUNCAN, LATE SHERIFF
OF MCDOWELL COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That James H. Duncan, late Sheriff of McDowell County, be allowed until the first day of January, eighteen hundred and seventy, to collect arrears of taxes for the year eighteen hundred and sixty-seven; *Provided however*, That no person shall be compelled to pay said taxes who will make oath that he has paid said taxes and has lost his receipt. May collect ar-
rears of taxes.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXCVIII.

AN ACT AUTHORIZING JAMES I. MOORE, SHERIFF OF GRANVILLE COUNTY, AND OTHERS, TO COLLECT ARREARAGES OF TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That James I. Moore, Sheriff of Granville County, be and he is hereby authorized and empowered to collect the arrearages of taxes for the year eighteen hundred and sixty-eight. Granville County.

SEC. 2. That E. A. Gupton, Sheriff of Franklin County, be and he is hereby authorized and empowered to collect the arrearages of taxes for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight. Franklin County.

Haywood County. SEC. 3. That Hiram Rogers, late tax collector of Haywood County, be and he is hereby authorized and empowered to collect arrearages of taxes for the year eighteen hundred and sixty-seven.

Alamance County. SEC. 4. That W. J. Murray, late Sheriff of Alamance, be and he is hereby authorized and empowered to collect arrearages of taxes for the years eighteen hundred and sixty-seven and eighteen hundred and sixty eight.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXCIX.

AN ACT TO INCORPORATE THE CAPE FEAR AGRICULTURAL ASSOCIATION.

Corporators. SECTION 1. *The General Assembly of North Carolina do enact*, That Sewell L. Fremont of Wilmington, Alfred Dockery of Richmond, Ed. K. Proctor of Robeson, Thos. G. Sellars of Brunswick, Sol. S. Satchwell of New Hanover, C. T. Murphy of Sampson, Owen R. Keenan of Duplin, E. W. Fonville of Onslow, T. S. Memory of Columbus, F. W. Foster, T. D. McDowell and John Edwards of Bladen, James C. Mann, George Z. French, L. G. Estes, Henry Nutt, H. H. Robinson, G. W. Williams, Jas. S. Cannon, S. D. Wallace, J. W. Atkinson, John E. Lippitt, and Roger Moore, of Wilmington, or any ten of them, and their associates and successors now associated, organized and known as the Cape Fear Agricultural Association, having for its object the promotion of agriculture, commerce and mechanic arts in that section of the country of which Wilmington is

the commercial centre, be and they are hereby created a body politic and corporate, by the name and style of the Cape Fear Agricultural Association, and by that name may sue and be sued, plead and be impleaded, may purchase, acquire, hold and transfer real and personal estate, may use and enforce their present constitution and by-laws, may alter or amend the same as they may deem necessary and proper from time to time for governing the affairs of the corporation, and may do all other acts and things which in law a body politic and corporate may of right do, not inconsistent with the Constitution and laws of the United States or of this State.

Body politic.
Corporate name.
Powers and privileges.

SEC. 2. That the County of New Hanover be and is hereby authorized and empowered to aid said corporation by donating or selling the said corporation lands suitable for a fair ground on such terms as the Commissioners of said County may deem proper.

County of New Hanover may aid. +

SEC. 3. That the City of Wilmington is hereby authorized and empowered to aid the said corporation to an amount not exceeding ten thousand dollars by donation or loan, by endorsing the bonds of the corporation; *Provided however*, That no such donation, loan or endorsement shall be made until the question of making the same shall have been determined affirmatively by a majority of the legal voters of the said City, at an election to be held for that purpose, under such regulations as the Mayor and Aldermen of said City shall prescribe.

City of Wilmington may aid.

Proviso.

SEC. 4. That this act is hereby declared a public act, and shall be in force from and after its ratification, and shall remain in force for the period of ninety years.

Act a public act.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CC.

AN ACT TO CHARTER THE EXPRESS STEAMBOAT COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Thomas S. Lutterloh, and his associates and successors, be and they are hereby constituted a body politic, to navigate the Cape Fear River and its tributary rivers, carrying freights and passengers under the name and style of the Express Steamboat Company, with a capital of twenty-five thousand dollars, which may be increased to fifty thousand dollars, with privilege to buy, build and own steamboats and flats, and the necessary lands, wharves and warehouses at Fayetteville and Wilmington, for the convenient prosecution of the business.

Capital stock.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCI.

AN ACT CONCERNING GUARDIAN AND WARD.

The General Assembly of North Carolina do enact:

SECTION 1. *Father may appoint guardian by deed or will:*

Father may appoint.

Any father, though he be a minor, may, by deed executed in his life time or by his last will and testament in writing, dispose of the custody and tuition of any of his infant children, being unmarried and whether born at his death or in *ventre sa mere*, for such time as the children may remain under twenty-one years of age, or for any less time.

SEC. 2. *Effect of such disposition :*

Every such disposition shall be good and effectual against any person claiming the custody and tuition of such child or children. Effect of such disposition.

SEC. 3. *Guardians by deed or will ; their powers and liabilities :*

Every guardian by deed or will shall have the same powers and rights, and be subject to the same liabilities and regulations as other guardians. Guardians by will, power and liabilities.

SEC. 4. *Powers of Courts of Probate :*

The Courts of Probate, within their respective Counties, shall have full power, from time to time, to take cognizance of all matters concerning orphans and their estates and to appoint guardians in all cases, except where otherwise prescribed by law. Powers of Courts of Probate.

SEC. 5. *Tutor of the person and guardian of the estate :*

Instead of granting general guardianship to one person, the Court of Probate may commit the tuition and custody of the orphan to one and the charge of his estate to another, whenever, and at any time during minority, it appears most conducive to the proper care of the orphan's estate and his suitable nurture and education to do so. Tutor and guardian.

SEC. 6. *Yearly sums for support and education :*

In such cases the Court must order what yearly sums of money or other provisions shall be allowed for the support and education of the orphan, and must prescribe the time and manner of paying the same ; but such allowance may, upon application and satisfactory proof made, be reduced or enlarged, or otherwise modified, as the orphan's condition in life and the kind and value of his estate may require. Yearly sums for support and education.

SEC. 7. *Disbursements and commissions :*

Disbursements
and commissions.

All payments made by the guardian of the estate to the tutor of the person, according to any such order, shall be deemed just disbursements and be allowed in the settlement of his accounts ; but for the payment thereof by the one, and the receipt thereof by the other merely, no commissions shall be allowed to either, though commissions may be allowed to the tutor of the person on his disbursements only.

SEC. 8. *In cases of divorce :*

Divorce.

When parents, divorced from the bonds of matrimony, or from bed and board, have any child under twenty-one years, the Court granting the divorce may commit his custody and tuition to the father or mother as may be thought best ; or the Court may commit the custody and tuition of such infant child, in the first place, to one parent for a limited time, and after the expiration of that time, then to the other parent ; and so alternately.

SEC. 9. *Guardian of the estate in cases of divorce :*

Guardian in case
divorce.

In cases provided for by the last section, where such child is entitled to any estate, the Court granting the divorce must certify that fact to the Court of Probate, to the end that the Judge thereof may appoint a fit and proper person to take the care and management of such estate, whose powers and duties shall be the same in all respects as other guardians, except that a guardian so appointed shall not have any authority over the person of such child, unless the guardian be the father or mother.

SEC. 10. *Guardian of the estate where the father is alive :*

Guardian, when
father living.

The Courts of Probate may appoint a guardian of the estate of any minor, although the father of such minor be living. And the guardian so appointed shall be governed in all respects by the laws relative to guardians of the

estate in other cases, but shall have no authority over the person of such minor.

SEC. 11. *Bond:*

Every guardian of the estate, before letters of appointment are issued to him, must give a bond payable to the State, with two or more sufficient sureties, to be acknowledged before and approved by the Probate Judge, and to be jointly and severally bound. The penalty in such bond must be double, at least, the value of all property, real and personal, of the infant; which value is to be ascertained by the Probate Judge by the examination, on oath of the applicant for guardianship, or of any other person. The bond must be conditioned that such guardian shall faithfully execute the trust reposed in him as such, and obey all lawful orders of the Probate or other Court, touching the guardianship of the estate committed to him.

Bond.

SEC. 12. *Action on bond:*

The bond so taken shall be recorded in the Court of Probate; and any person injured by a breach of the condition thereof, may prosecute a suit thereon, as in other actions under the Code of Civil Procedure.

Action on bond.

SEC. 13. *When wards have property in common; one bond:*

When the same person is appointed guardian to two or more minors, possessed of one estate in common, the Probate Court may take one bond only in such case, upon which each of the minors may have a separate action.

Property in common.

SEC. 14. *Return within three months:*

Every guardian, within three months after his appointment, shall exhibit an account, upon oath, of the estate of his ward, as prescribed in title nineteen, chapter eleven, section four hundred and seventy-seven of the Code of Civil Procedure.

Return.

SEC. 15. *Compelling return :*

Compelling re-
turn.

In cases of default to exhibit the return required by the last section, the Judge of Probate must issue an order requiring the guardian to file such return forthwith, or to show cause why an attachment should not issue against him. If, after due service of the order, the guardian does not, on the return day of the order, file such return, or obtain further time to file the same, the Judge of Probate shall issue an attachment against him, and commit him to the common jail of the County, till he files such return. (Revised Code, section twelve, chapter fifty-four.)

SEC. 16. *New assets :*

New assets.

Whenever further property of any kind, not included in any previous return, comes to the hands or knowledge of any guardian, he must cause the same to be returned as directed in section fourteen, within three months after the possession or discovery thereof; and the making of such return of new assets, from time to time, may be enforced in the same manner as prescribed in the last section.

SEC. 17. *Annual account :*

Annual account.

Every guardian shall annually exhibit his account in the Court of Probate as prescribed in title nineteen, chapter eleven, section four hundred and seventy-eight of the Code of Civil Procedure, under the penalty enjoined in section four hundred and seventy-nine.

SEC. 18. *Renewal of bond :*

Renewal of bond.

Every guardian shall renew his bond in the Court of Probate every three years, during the continuance of the guardianship.

SEC. 19. *Guardian failing to renew :*

Failure to renew.

The Judge of Probate shall issue a citation against every guardian failing to renew his bond, as directed in the last section, requiring such guardian to renew his bond within

twenty days after service of the citation ; and on return of the citation duly served, and failure of the guardian to comply therewith the Court of Probate shall remove him and appoint a successor.

SEC. 20. *Power and duty of Probate Courts over guardians abusing their trusts :*

The Courts of Probate shall have power, on information or complaint made, at all times to remove guardians and appoint successors, to make and establish rules for the better ordering, managing and securing infant's estates, and for the better education and maintenance of wards ; and it shall be their duty to do so in the following cases :

Power and duty of Probate Courts.

1. Where the guardian wastes or converts the money or estate of the ward to his own use.

2. Where the guardian in any manner mismanages the estate.

3. Where the guardian is about or intends to marry any ward in disparagement.

4. Where the guardian neglects to educate or maintain the ward in a manner suitable to his or her degree.

5. Where the guardian is legally disqualified to act under section four hundred and fifty-seven, Code of Civil Procedure.

6. Where the guardian or his sureties are likely to become insolvent or non-residents of the State.

SEC. 21. *Action to be brought by Solicitor, when :*

Whenever any guardian is removed, and no person is appointed to succeed in the guardianship, the Judge of Probate shall certify the name of such guardian and his sureties to the Solicitor of the Judicial District, who shall forthwith institute an action on the bond of the guardian in the Superior Court, for securing the estate of the ward.

Action to be brought by Solicitor

SEC. 22. *Receiver to be appointed :*

The Judge of the Superior Court, before whom such action is brought, shall have power to appoint some discreet

Receiver to be appointed.

person as a receiver to take possession of the ward's estate, to collect all moneys due to him, to secure, loan, invest or apply the same for the benefit and advantage of the ward, under the direction and subject to such rules and orders in every respect as the said Judge may from time to time make in regard thereto; and the accounts of such receiver shall be returned, audited and settled as the Judge may direct. The receiver shall be allowed such amounts for his time, trouble and responsibility as seem to the Judge, reasonable and proper; and such receivership may be continued until a suitable person can be procured to take the guardianship.

SEC. 23. *Compensation for Solicitor :*

Compensation for
Solicitor.

The Solicitor shall prosecute the action directed to be brought in section twenty one (21) and take all necessary orders therein, and for his services shall be allowed such reasonable compensation as may be just.

SEC. 24. *Property, how obtained from receiver :*

How property obtained from
receiver.

When another guardian is appointed, he may apply by motion, on notice, to the Superior Court for an order upon the receiver to pay over all the money, estate and effects of the ward; and if no such guardian is appointed, then the ward, on coming of age, or in case of his death, his executor, administrator or collector shall have the like remedy against the receiver.

SEC. 25. *Guardian to take charge of ward's estate :*

Guardian to take
charge of Ward's
estate.

Every guardian shall take possession, for the use of the ward of all his estate and may bring all necessary actions therefor.

SEC. 26. *Sale of perishable property :*

Sale of perishable
property.

Every guardian shall sell, by order of the Court of Probate, all such goods and chattels of his ward as may be liable to perish or be the worse for keeping. Every such

order shall be entered in the Order Record of the Court of Probate, and must contain a descriptive list of the property to be sold, with the terms of sale.

SEC. 27. *Sales and rentings, how made :*

All sales and rentings shall be made and conducted by guardians in the same manner, upon like terms and notice, and under the same rules and regulations and the same penalties as prescribed for sales made by executors, administrators and collectors.

Sales and rentings,
how made.

SEC. 28. *Guardian may lease, when :*

The guardian may lease the lands of an infant for a term not exceeding the end of the current year in which the infant shall come of age, or die in non-age. But no guardian, without leave of the Court of Probate, shall lease any land of his ward without impeachment of waste, or for a term of more than three years, unless at a rent not less than three *per centum* on assessed taxable value of the land.

Guardian may
lease, &c.

SEC. 29. *Compound interest :*

When the profits of any ward's estate is more than sufficient to maintain and educate him the guardian shall lend the surplus upon bond, with sufficient security, to be repaid with interest annually, and all the bonds, notes or other obligations which he shall take as guardian, shall bear compound interest, for which he must account, and he may assign the same to the ward on settlement with him.

Compound inter-
est.

SEC. 30. *Liability of Guardian for debts :*

Every guardian shall diligently endeavor to collect, by all lawful means, all bonds, notes, obligations or moneys due his ward when any debtor or his sureties are likely to become insolvent, on pain himself of being liable for the same.

Liability of guar-
dian.

SEC. 31. *Guardian may invest in State bonds :*

Guardian may invest in bonds.

Guardians may invest the surplus funds of their wards in bonds or certificates of debt of this State, or in any securities for the payment whereof the State is responsible, now or hereafter to be issued ; and in all settlements they shall be deemed cash, and may be paid as such by transfer thereof to the persons entitled.

SEC. 32. *Guardian liable for lands forfeited for taxes :*

Guardian liable for land forfeited.

If any guardian sufferh is ward's lands to lapse or become forfeited or be sold for non-payment of taxes or other dues he shall be liable to answer for the full value thereof to his ward.

SEC. 33. *When Guardian may sell timber :*

Guardian may sell timber.

In case the land cannot be rented for enough to pay the taxes and other dues thereof, and there is not money sufficient for that purpose, the guardian, with the consent of the Court of Probate, may annually dispose of, or use so much of the light wood, and box or rent so many pine trees, or sell so much of the timber on the same, as may raise enough to pay the taxes and other dues thereon and no more.

SEC. 34. *Plate to be kept :*

Plate to be kept.

All plate shall be preserved and delivered to the ward at age, in kind, according to weight and quantity.

SEC. 35. *Foreign Guardian may have ward's estate removed, how :*

When Ward's estate may be moved

Where any ward residing in another State is entitled to any personal estate in this State, or personal property substituted for realty, by decree of Court, or to any money arising from the sale of real estate, whether the same be in the hands of any guardian residing in this State, or of any executor, administrator or other person holding for the ward, or if the same (not being adversely held and claimed)

be not in the lawful possession or control of any person, the guardian of the ward, duly appointed at the place where such ward resides, may apply to have such estate removed to the residence of the ward by petition filed in the Superior Court of the County in which the property or some portion thereof is situated.

SEC. 36. *What petitioner must show :*

The petitioner must show to the Court a copy of his appointment as guardian and bond duly authenticated, and must prove to the Court that the bond is sufficient as well in the ability of the sureties as in the sum mentioned therein, to secure all the estate of the ward wherever situated.

Petitioner must

SEC. 37. *Who may be defendants :*

Any person may be made a party defendant to the proceeding who is specified in section sixty-one (61) of the Code of Civil Procedure.

Who may be defendants.

SEC. 38. *Power of Court :*

The petition shall be proceeded on as prescribed in other cases of special proceedings, and every necessary decree made, to the end that the guardian may obtain possession of all the estate of the ward in case the judge shall order such removal.

Power of Court.

SEC. 39. *Estates of wards sold ; when :*

On application of the guardian by petition, verified upon oath, to the Superior Court, showing that the interest of the ward would be materially and essentially promoted by the sale of any part of his estate, real or personal, the proceeding shall be conducted as in other cases of special proceedings ; and the truth of the matter alleged in the petition being ascertained by satisfactory proof, a decree may thereupon be made that a sale be had by such person, in such way and on such terms as may be most advantageous to the interest of the ward ; but no sale shall be made

Estates of Ward sold.

until ordered by the Judge of the Court, nor shall the same be valid, nor any conveyance of title made, unless confirmed and directed by the Judge, and the proceeds of the sale shall be exclusively applied and secured to such purposes and on such trusts as the Judge shall specify.

SEC. 40. *Property substituted for that sold, its effect :*

Property substituted,

Whenever, in consequence of any sale under the preceding section, the real or personal property of the ward is saved from demands to which in the first instance it may be liable, the final decree shall declare and set apart a portion of the personal or real estate thus saved, of value equal to the real and personal estate sold, as property exchanged for that sold; and in all such cases of sale, whereby real is substituted by personal, or personal by real property, the beneficial interest in the property acquired shall be enjoyed, alienated, devised or bequeathed, and shall descend and be distributed, as by law the property sold might and would have been, had it not been sold, until it be reconverted from the character thus impressed upon it by some act of the owner, and restored to its character proper.

SEC. 41. *When ward indebted, how property sold :*

Ward indebted,

When a guardian has notice of a debt or demand against the estate of his ward, he may apply by petition, setting forth the facts to the Court of Probate wherein the guardianship was granted, for an order to sell so much of the personal or real estate as may be sufficient to discharge such debt or demand; and the order of the Court shall particularly specify what property is to be sold and the terms of sale; but no real estate shall be sold under this section, in any case, without the revision and confirmation of the order therefor by the Judge of the Superior Court.

SEC. 42. *Proceeds to be applied, how :*

Proceeds applied, how,

The proceeds of sale under the last section shall be considered as assets in the hands of the guardian for the benefit

of the creditors, in like manner as assets in the hands of a personal representative; and the same proceedings may be had against the guardian with respect to such assets as might be taken against an executor, administrator or collector in similar cases.

SEC. 43. *Sureties of guardian in danger of loss, how relieved:*

Any surety of a guardian, who is in danger of sustaining loss by his suretyship, may file his complaint in the Court of Probate where the guardianship was granted, setting forth the circumstances of his case and demanding relief; and thereupon the guardian shall be required to answer the complaint within twenty days after service of the summons. If, upon the hearing, the Judge of Probate deem the surety entitled to relief, the same may be granted by compelling the guardian to give a new bond, or to indemnify the surety against apprehended loss, or by the removal of the guardian from his trust; and in case the guardian fail to give a new bond or security to indemnify, when required to do so within reasonable time, the Judge of Probate must enter a peremptory order for his removal, and his authority as guardian shall thereupon cease.

Sureties and danger of loss.

SEC. 44. *Interlocutory order pending controversy:*

In all cases where the letters of a guardian are revoked, the Judge of Probate may from time to time, pending any controversy in respect to such removal, make such interlocutory orders and decrees as will tend to the better securing the estate of the ward, or other party seeking relief by such revocation.

Interlocutory order.

SEC. 45. *Guardian may resign, when:*

Any guardian, wishing to resign his trust, may apply in writing to the Court of Probate, setting forth the circumstances of his case. If, at the time of making the application, he also exhibits his final account for settlement, and if the

Guardian may resign

Judge of Probate is satisfied that the guardian has been faithful and has truly accounted, and if a competent person can be procured to succeed in the guardianship, the Judge of Probate may accept the resignation of the guardian and discharge him from the trust. But the guardian so discharged and his sureties are still liable in relation to all matters connected with the trust before the resignation.

SEC. 46. *Duty of Grand Jury :*

Duty of Grand
Jury.

The grand jury of every County is charged with, and shall present to the Superior Court the names of all orphan children that have no guardians, or are not bound out to some trade or employment. They shall further enquire of all abuses, mismanagement and neglect of such guardians as are appointed by the Court of Probate. The Judge of Probate shall, at each regular term of the Superior Court, lay before the grand jury a list of all the guardians acting in his County or appointed by him.

SEC. 47. *Estates of orphans without guardians, how secured :*

Orphans estate.

Whenever an orphan, having any estate, is presented by a grand jury, for whom no suitable person will become guardian, the Judge of Probate must give notice thereof forthwith to the Solicitor of the State for the Judicial District, who shall apply in behalf of the orphan to the Judge of the Superior Court of the County where such presentation was made, to the end that the estate of such orphan may be secured and managed as directed in section twenty-two (22) of this chapter.

SEC. 48. *Fees and costs in certain cases by whom paid :*

Cost and fees.

All fees and costs of the Court of Probate for issuing orders, citations, summons or other process against guardians for their supposed defaults, shall be paid by the party found in default.

SEC. 49. *Guardians allowed disbursements :*

Every guardian may charge in his annual account all reasonable disbursements and expenses; and if it appear that he hath really and *bona fide* disbursed more in one year than the profits of the ward's estate, for his education and maintenance, the guardian shall be allowed and paid for the same out of the profits of the estate in any other year; but such disbursements must, in all cases, be suitable to the degree and circumstances of the estate of the ward.

Guardians allowed disbursements.

SEC. 50. *Commissions :*

The Court of Probate shall allow commissions to the guardian for his time and trouble in the management of the ward's estate, in the same manner and under the same rules and restrictions, as allowances are made to executors, administrators and collectors.

Commissions.

SEC. 51. *Liability of Judges of Probate ; security :*

If any Judge of Probate shall commit an infant's estate to the charge or guardianship of any person without taking good and sufficient security for the same as directed by law, such Judge of Probate shall be liable, on his official bond as Clerk of the Superior Court, at the suit of the party aggrieved, for all loss and damages sustained for the want of such security being taken; but if the sureties were good at the time of their being accepted, the Probate Judge shall not be liable.

Liability of Judges

SEC. 52. *Liability for other defaults :*

If any Judge of Probate shall wilfully or negligently, do, or omit to do, any other act prohibited, or other duty imposed on him by law, by which act or omission the estate of any ward suffers damage, he shall be liable therefor as is in the preceding section directed.

Liability for defaults.

SEC. 53. *Punishment on conviction of infamous crime, &c.:*

Upon the conviction of any Judge of Probate of an infam-

Punishment, &c.

mons crime, of corruption and malpractice in office, he shall be removed from office, and he shall be disqualified from holding or enjoying any office of honor, trust or profit under this State.

SEC. 54. *Guardians heretofore appointed :*

Guardians heretofore appointed.

All guardians heretofore appointed by the late County or Superior Courts, or Courts of Equity, and now acting, shall be deemed and taken as fully within the provisions of this chapter, and of chapters ten and eleven, Title nineteen, of the Code of Civil Procedure, as if they were or had been appointed by the Courts of Probate.

SEC. 55. *Repeal and ratification :*

Repeal and when in force.

Chapter fifty-four of the Revised Code is hereby repealed, and this act shall take effect from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCII.

AN ACT TO AUTHORIZE THE DAN RIVER COAL FIELD RAIL ROAD COMPANY TO CONSTRUCT AND EXTEND THEIR ROAD.

Ordinance made valid.

SECTION 1. *The General Assembly of North Carolina do enact,* That an ordinance adopted by the Constitutional Convention, and ratified the fifth day of March, eighteen hundred and sixty-eight, entitled an ordinance to incorporate the Dan River Coal Field Rail Road Company is hereby ratified and confirmed, and rendered in all respects valid.

Power to extend, &c.

SEC. 2. Said Rail Road Company shall have power to extend their Rail Road to the Town of Germanton, in the

County of Stokes, and thence to some point on the Western North Carolina Rail Road, at or near Statesville, and to construct such branches as they may desire, connecting with the Richmond and Danville Rail Road, and the North Carolina Rail Road: *Provided*, That the gauge of said Dan River and Coal Field Rail Road shall be the same as that of the North Carolina Rail Road.

SEC. 3. The capital stock of such Rail Road Company shall be increased to two millions of dollars, and to such larger sum as the stockholders, in a meeting to be held for that purpose, may direct.

Capital stock.

SEC. 4. The following persons are hereby authorized to open books of subscription as stock to said Company, at such places as they may prefer, and to appoint such other Commissioners as they may designate, viz: Thomas Settle, J. M. Lindsay, John F. Poindexter.

Subscription to stock.

SEC. 5. Subscriptions for stock may be taken in lands at such valuation as the general Commissioners may prescribe.

Stock in lands.

SEC. 6. So soon as one hundred thousand of stock may be subscribed, the general Commissioners may order a meeting of the stockholders to be held at such place as they may designate, and on ascertaining that one hundred thousand dollars as subscribed and five per cent. paid in on such subscriptions, the stockholders may proceed to organize said Company by the election of Directors and adopting such by-laws for its government as they may deem proper.

Meeting of stockholders.

SEC. 7. The charter shall be considered forfeited and of no value unless said Company shall be organized within two years from its ratification.

When charter forfeited.

SEC. 8. This act to take effect from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CCIII.

AN ACT TO ADD ANOTHER SECTION, TO BE MARKED SECTION 460a, TO CHAPTER SEVEN, TITLE NINETEEN, OF THE CODE OF CIVIL PROCEDURE.

Sections added. SECTION 1. *The General Assembly of North Carolina do enact*, That the following section, to be marked 460a, be added to chapter seven, title nineteen, of the Code of Civil Procedure, to-wit:

SEC. 460a. *When person entitled to administration deemed to have renounced:*

Judge to issue, &c. If any person, entitled to letters of administration, fails or refuses to apply for such letters within thirty days after the death of the intestate, the Judge of Probate, on application of any party interested, shall issue a citation to such person to show cause, within twenty days after service of the citation, why he should not be deemed to have renounced. If, within the time named in the citation, he neglects to answer or to show cause, he shall be deemed to have renounced his right to administer, and the Judge of Probate must enter an order accordingly, and proceed to grant letters to some other person.

SEC. 2. That this act be in force from its ratification.
Ratified the 10th day of April, A. D. 1869.

CHAPTER CCIV.

AN ACT IN RELATION TO THE EXECUTION OF CERTAIN MORTGAGE
DEEDS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the purchaser of real estate who does not pay the whole of the purchase money at the time when he takes a deed for title, may make a mortgage for securing the payment of such purchase money, or such part thereof as may remain unpaid, which shall be good and effectual against his wife (if he be a married man) as well as himself, without requiring her to join in the execution of such mortgage deed. May mortgage deeds.

SEC. 2. This act shall take effect from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCV.

AN ACT TO MAKE THE NEUSE RIVER A LAWFUL FENCE TO A
CERTAIN EXTENT IN THE COUNTY OF JOHNSTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Neuse River shall be a lawful fence, in the County of Johnston, from the Rail Road bridge between Selma and Wilson's Mill, on the North Carolina Rail Road, down to the County bridge, known as "Turner's Bridge," over the Neuse River; *Provided*, That all parties taking the benefit of this act, shall connect their fences with the river by extending freshet proof hedges or fences into the river at low water mark. Lawful fence.
Proviso.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCVI.

AN ACT TO PREVENT THE FELLING OF TREES IN CONTENTNEA
CREEK.Felling of trees
prohibited.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person or persons to fell any tree or trees in Contentnea Creek, between the mouth of the same where it empties into Neuse River, in the Counties of Pitt and Lenoir, and Barefoot's Mill, in Wilson County, or on the banks of said stream below high water mark, and suffer said tree or trees to remain within said designated limits for the space of twenty-four hours.

Penalty.

SEC. 2. If any person or persons shall violate the first section of this act, or procure any one to do so, he, she, or they so offending, or procuring others to offend, shall forfeit and pay for each tree felled, within the prohibited limits, the sum of five dollars, to be recovered in an action of debt before any Justice of the Peace within the Township where the offence is committed, or if the stream in which the trees are felled, be a boundary line between two or more Townships, then before a Justice of the Peace of either Township, the action to be brought in the name of the State by the party suing therefor, and one half of the recovery to belong to the prosecutor and the other half to the County in which the offence is committed to be appropriated to the support of the poor.

Liable to indictment.

SEC. 3. In addition to the penalty prescribed in the second section of this act, any person or persons violating the provisions of the first section shall be liable to indictment, as for a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned at hard labor for such time as the presiding Judge, in his discretion, may deem proper.

Duty of Judge.

SEC. 4. It shall be the duty of the presiding Judge hold-

ing the Superior Court in the County of Lenoir, Pitt, Greene and Wilson, to give this act in charge to the grand juries of these respective Counties, at each term of the Superior Court held therein.

SEC. 5. This act shall be in force from and after thirty days from its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CCVII.

AN ACT IN RELATION TO THE ASSESSMENT OF PROPERTY FOR TAXATION IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the year eighteen hundred and sixty-nine, the time designated in the "Act to provide for the collection of taxes by the State, and the several Counties of the State, on property, polls and incomes," ratified March sixteenth, eighteen hundred and sixty-nine, for the appointment of Assessors, and all duties relating to the valuation and return thereof of the taxable property of the State, shall be extended thirty days.

Time extended.

SEC. 2. If in any County the duties required of Assessors and Clerks cannot, for want of time, with reasonable diligence be performed at the dates in said act prescribed, as extended by this act, the County Commissioners shall have power for the present year, to give further time, not to exceed thirty days; *Provided*, That nothing herein contained shall be construed to extend the time for the payment of taxes.

Commissioners power to give further time.

Proviso.

SEC. 3. The County Commissioners of the several Counties in this State shall require the several Sheriffs of this State, on the expiration of the first year of their respective

Sheriff required to renew bonds.

terms, to renew their official bonds for the collection and disbursement of the public revenue, and said bonds, with sufficient security, shall be taken in such penal sum as in the judgment of such Commissioners will be equal to the amount of the State and County taxes which may come into their hands.

SEC. 4. This act shall be in force from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCVIII.

AN ACT ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF COMMISSIONERS OF NAVIGATION AND PILOTAGE FOR THE PORT OF BEAUFORT, NORTH CAROLINA.

Commissioners of navigation.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be annually elected, by the qualified voters of the Town of Beaufort, North Carolina, at the same time and in the same manner as Commissioners of the Town are elected, five electors, who shall act as Commissioners of Navigation and Pilotage for the port of Beaufort, North Carolina, and old Topsail Inlet for the term of one year, or until their successors are qualified.

Powers, &c., of Board.

SEC. 2. That the Commissioners aforesaid shall be styled the Board of Commissioners of Navigation and Pilotage for the port of Beaufort, and a majority of them may act in all cases. Said Board shall have power to fill all vacancies as they occur in the Board during their terms to appoint a Clerk to record in a book the rules, orders and proceedings of the Board, to establish, from time to time, all such rules, regulations and orders for the port as they may deem necessary, and to establish, and as often as need may be, to alter and regulate the fees and charges of the Pilots or

Harbor Master of the port for services required of them by virtue of such rules, regulations and orders.

SEC. 3. They shall have authority in all matters that may concern the navigation of the harbor, old Topsail Inlet and all the waters of the sounds and rivers within ten miles of the Town of Beaufort, and in the construction of wharves, and when there is no Harbor Master, the Commissioners aforesaid shall decide all disputes about the moving of vessels and other matters which properly fall within the department of Harbor Master.

Authority, &c.

SEC. 4. The said Commissioners immediately after their election shall appoint a Harbor Master for the port of Beaufort, who shall hold his office for the term of one year, unless sooner removed by the Commissioners for neglect of duty; he shall be entitled to receive of the master of each vessel that shall enter said port, and for other services, such fees as the Commissioners may prescribe.

Harbor Master.

SEC. 5. The branch Pilots of old Topsail Inlet shall be entitled to receive of the commander of such vessel as they may have in charge, such rates of pilotage as the Commissioners aforesaid may deem just and adequate, not to exceed twenty-five per cent. higher than that allowed by section thirty-six, chapter eighty-five, Revised Code of North Carolina, and the Commissioners aforesaid shall revoke all branches now in force, and grant commissions or branches to such persons only as remain present at the port to discharge their duties, and shall charge for such commissions or branches such fees as they think just and reasonable.

Charges, &c.

SEC. 6. That when the Commissioners aforesaid shall alter the rates of pilotage, they shall cause the new rates to be set up in the office of the Collector of the port, and shall also cause them to be annexed to the several pilot branches certified under their hand.

Rates set up.

SEC. 7. The Commissioners aforesaid shall have all the powers conferred on Commissioners of Navigation and Pilotage, by chapter eighty-five of Revised Code of North Carolina.

Commissioners,
&c.

To take oath.

SEC. 8. That before the Commissioners aforesaid shall enter upon the duties of their office, they shall take oath before the Clerk of the Superior Court, or a Justice of the Peace, to faithfully discharge the duties of Commissioners of Navigation and Pilotage for the Port of Beaufort, North Carolina.

Governor to appoint.

SEC. 9. That the Governor shall appoint five electors of the Town of Beaufort, who shall act as Commissioners of Navigation and Pilotage until their successors are elected and qualified.

Repealed.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCIX.

AN ACT TO PROTECT MARRIED WOMEN FROM THE WILFUL ABANDONMENT OR NEGLECT OF THEIR HUSBANDS.

Husband guilty of misdemeanor.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any husband shall wilfully abandon his wife without providing adequate support for such wife, and the child and children which he has begotten upon her, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed the sum of fifty dollars, or imprisoned not to exceed one month, or both, in the discretion of the Judge of the Superior Court, or Justice of the Peace, before whom the case shall be tried.

Fined or imprisoned.

SEC. 2. That if any husband, while living with his wife, shall wilfully neglect to provide adequate support for such wife and the child or children which he has begotten upon her, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed the sum of fifty

dollars, or imprisoned not to exceed one month, or both, in the discretion of the Judge of the Superior Court, or Justice of the Peace before whom the case shall be tried.

SEC. 3. That in the case provided for in sections one and two of this act, if the fact of abandonment and failure to provide adequate support of wife and child or children shall be proved, or while being with such wife, neglect to provide for the adequate support of such wife and child or children, shall be proved, then the fact that such husband neglects applying himself to some honest calling for the support of himself and family, but is found sauntering about, endeavoring to maintain himself by gaming or other undue means, or is a common frequenter of drinking houses, or is a known common drunkard, shall be presumptive evidence that such abandonment and neglect is wilful.

Presumptive evidence.

SEC. 4. That in all such cases as is provided for in this act, the wife shall be a competent witness as to the fact of abandonment, or neglect to provide adequate support by such husband for his wife and child or children.

Wife a competent witness.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCX.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE ACROSS THE CATAWBA RIVER AT OR NEAR ROZZELL'S FERRY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Richard A. Rozzell, and such persons as he may associate with him, shall have power to construct a bridge across the Catawba River at or near Rozzell's ferry on said river, and so soon as said bridge shall be completed, shall have power to establish a toll gate thereon, and from all persons who may cross said bridge may require the following tolls, viz: For every pleasure carriage, fifty cents; for every two-horse buggy, forty cents; for every one-horse

Bridge and toll gate authorized.

buggy, twenty-five cents; for every four-horse wagon, fifty cents; for every two-horse wagon, twenty-five cents; for every cart, twenty cents; for every one-horse wagon, twenty cents; for every man and horse, ten cents; for every person on foot, five cents; for every loose horse and mule five cents; for every cow, hog or sheep, three cents; and for every animal on foot, intended for exhibition, twenty-five cents.

Bridge and approaches to be kept in good order.

SEC. 2. It shall be the duty of the said Richard A. Rozzell and his associates, successors and assigns, at all times to keep the said bridge in good order and passable condition, and likewise to keep the approaches within fifty yards on each side of said bridge in good order and passable condition, and failing to do so, shall be liable to be prosecuted as for a misdemeanor, and shall be liable to an action at law for all damages which any citizen may sustain, by reason of the state of the said bridge or the approaches thereto.

Property.

SEC. 3. The property in said bridge may pass by mesne conveyance as real estate or by will, and the interest of the said Rozzell and his associates therein shall be in perpetuity to their heirs and assigns.

SEC. 4. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXI.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF LENOIR COUNTY TO LEVY A SPECIAL TAX.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Lenoir County are hereby authorized to levy a special tax to support the poor and pay the indebtedness of said County, or to build and repair such bridges as may be deemed necessary: *Pro-*

vided, That said special tax shall not exceed the sum of ten thousand dollars.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXII.

AN ACT SUPPLEMENTAL TO AN ACT TO RAISE REVENUE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the thirty-fifth section of "An act to raise revenue," ratified the first day of April, eighteen hundred and sixty-nine, shall not be construed to impose a tax upon "Insurance Companies" whose incomes are applied exclusively to charitable purposes; but all such insurance companies and the incomes of such are hereby declared to be exempt from all State and County taxes. Charitable insurance Companies exempt.

SEC. 2. This act shall be in force from and after its ratification, and all acts and parts of acts inconsistent herewith are hereby repealed. When in force.
Repealed.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXIII.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS WITHIN THREE MILES OF THAT PART OF THE WESTERN NORTH CAROLINA RAIL ROAD FROM MORGANTON TO THE WESTERN TERMINUS OF THE ROAD AT DUCKTOWN AND PAINT ROCK.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons Sale of liquor prohibited.

to sell, give away, or dispose of any kind of intoxicating liquors within three miles of the Western North Carolina Rail Road, from Morganton to the Western terminus of the Road at Ducktown and Paint Rock during the construction of said Road, unless licensed by the State.

Fined and imprisoned.

SEC. 2. That any person or persons violating the provisions of this act shall, on conviction thereof, be fined fifty dollars, or imprisoned six months, or both, at the discretion of the Court.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXIV.

AN ACT AUTHORIZING JOSEPH COBB, LATE SHERIFF OF EDGE-COMBE COUNTY, TO COLLECT ARREARS OF TAXES.

Jos. Cobb authorized to collect taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That Joseph Cobb, late Sheriff of Edgecombe County be and he is hereby authorized and empowered to collect the arrears of taxes due by the citizens of said County for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, subject to all the rules and regulations of the revenue laws in force at that time, and to the provisions hereinafter contained.

Proviso.

SEC. 2. *Provided*, That any person, of whom taxes may be claimed under this act, shall be exempt from the same by making oath before some Justice of the Peace or other officer authorized to administer an oath, that he has paid the same and lost the receipt, and that all real estate that has been sold since said taxes became due, shall be exempt from the said arrears of taxes, but said taxes may be col-

lected from the owners of said real estate at the time said taxes became due.

SEC. 3. This act shall be in force from its ratification, until the first day of January, eighteen hundred and seventy.

Ratified the 12th day of April, 1869.

CHAPTER CCXV.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO LEVY A TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, The County Commissioners of Brunswick County are hereby authorized to levy and collect a special tax, in the same manner as other taxes are levied and collected, not to exceed twenty cents on the hundred dollars, for the purpose of repairing of roads and bridges.

Special tax.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXVI.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CHEOH TURNPIKE COMPANY," PASSED AT SESSION OF EIGHTEEN HUNDRED AND FIFTY-FOUR AND EIGHTEEN HUNDRED AND FIFTY-FIVE, AND AMENDED IN EIGHTEEN HUNDRED AND FIFTY-SIX AND EIGHTEEN HUNDRED AND FIFTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Clay County shall have
 PUB. 36.]

Toll gate.

the right to erect a Toll Gate on the branch of said road, extending from the Nantahala Bridge to the Georgia line.

SEC. 2. The rates of toll shall be the same as those heretofore collected on the Cheoih Turnpike Road.

How toll disposed
of.

SEC. 3. All the toll received, except one-tenth, which may be retained by the Gate-Keeper, shall be used for no other purpose than that of keeping up the road across the Tusquittee Mountain and the bridges on said road.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXVII.

AN ACT TO INCORPORATE THE CENTRAL NORTH CAROLINA RAIL ROAD COMPANY.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing a Rail Road of one or more tracks, from some point at or near the Town of Greensboro, in the County of Guilford, to some point on the northern boundary of the State, to the Virginia line, to be hereafter determined on, or the most advantageous route, in the opinion of the Company hereinafter named, or their legal representatives, or the nature of the route will permit, Geo. W. Welker, J. H. Davis, Louis Zimmer, Thos. B. Keogh, Hon. O. H. Dockery, Hon. Henry J. Menninger, General Byron Laffin, O. S. Hayes, and their associates, successors and assigns, are constituted a Company, and are hereby incorporated under the name and style of the "Central North Carolina Rail Road Company," with a capital stock of five hundred thousand dollars, with the privilege of increasing the same to five million of dollars, which shall have a corporate existence as a body politic for

the space of nine-nine years, and by that name may sue and be sued, plead and be impleaded in every Court in the State of North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing, and conveying estate, real and personal, and mixed, and acquiring the same by gift or devise, so far as may be necessary for the purpose herein contemplated. And the said Company may enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government, not inconsistent with the Constitution and laws of the State of North Carolina and of the United States.

Make by-laws, &c.

SEC. 2. That the capital stock of said Company may be created by subscriptions on the part of individuals, municipal and other corporations, in shares of the value of one hundred dollars each, which may be made in lands, timber, work or money, as may be stipulated.

Capital stock.

SEC. 3. That books of subscription to the capital stock of said Company may be opened by the following Commissioners, to wit: at Greensboro by George W. Welker, Thomas B. Keogh, Louis Zimmer and J. H. Davis; in Raleigh, by Hon. Henry J. Menninger and General Byron Laffin and O. S. Hayes, and by such other persons and such places as they or a majority of them may direct, and that twenty days' notice of the opening of said books shall be given in one or more newspapers of the State, and furthermore, that the said Commissioners or any five of them, may at any time after said books have been kept open for the space of thirty days, and the sum of twenty thousand dollars has been subscribed to the capital stock of said Company, and five per cent. paid thereon, have power to call together the subscribers to said stock for the purpose of completing the organization of said Company, and the said subscribers shall be and are hereby declared incorporated into a Company by the said name and style of the Central North Carolina Rail Road.

Books opened.

Meetings of stock-
holders.

SEC. 4. That said Company may hold annual meetings of the stockholders, and oftener if necessary, and at its organization, and the annual meetings subsequent thereto, twelve Directors shall be elected by the stockholders, to hold office for one year or until their successors shall be elected, and any of said meetings shall have power to make or alter the by-laws of the Company: *Provided*, That in all such meetings of the stockholders a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the Company, and each share thus represented shall be entitled to one vote on all questions. That it shall be the duty of the Directors to elect one of their number as President of said Company, and to fill all vacancies in the Board.

Board to locate
Road.

SEC. 5. That after the Company shall be organized as aforesaid the Board of Directors shall proceed to locate and have constructed as speedily as possible on the route they may find most practicable, a Rail Road, to a point on the northern boundary of the State of North Carolina, to the Virginia State line, to be fixed by them, that the said Company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce on the said Rail Road, to be by them constructed at such charges as may be fixed by a majority of its Directors, that said Company may assign or lease their franchise or their rights of transportation on said Road to any person, persons or corporations.

Power to force
payment.

SEC. 6. That said Company shall have the power to use and enforce the payment of stock subscribed as was heretofore granted to the North Carolina Rail Road Company by the charter of incorporation, and shall have power to condemn lands for the use of the Company when a contract of purchase cannot be made with the owner thereof, to the same extent and in the same manner and under the same rules, regulations and restrictions as the said North Carolina Rail Road Company was authorized to do by the act of incorporation.

SEC. 7. That all contracts made and entered into by the President or Superintendent of the Company, whether with or without seal, shall be binding upon said Company, and the President shall, under the instruction of the Board of Directors, issue certificates of stock to stockholders, which shall be transferable by the by-laws of the Company; *Provided*, That the guage of said Road shall be four feet eight inches and a half, the same as the North Carolina Rail Road.

President to issue certificate of stock.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXVIII.

AN ACT TO ALTER THE BOUNDARY BETWEEN THE COUNTIES OF WILKES AND WATAUGA.

SECTION 1. *The General Assembly of North Carolina do enact*, That all that portion of Wilkes County comprised within the following boundary, viz: Beginning at the County line in a low gap on the dividing ridge with the main top of the said ridge to the top of the Round Knob, thence down a small branch to the lower end of Micajah Hendrick's apple orchard, thence west up the Swift Ford Branch, to the County lines again, be and the same is hereby annexed to and shall form a part of Watauga County.

Boundaries established.

SEC. 2. That all laws and clauses of laws coming in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXIX.

AN ACT TO AMEND THE FIRST SECTION OF THE NINETY-THIRD
CHAPTER OF THE REVISED CODE.

Governor to ap-
point State Printer.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Governor shall appoint a State Printer, who shall hold his office for the term of four years from such appointment, and all public printing shall be done by the State Printer, except notices in judicial proceedings.

Binding by Public
Printer.

SEC. 2. The binding of the laws of the State, and all public documents and papers required to be bound shall be bound by the State Printer.

Repealed.

SEC. 2. That so much of the first section of the ninety-third chapter of the Revised Code as comes in conflict with this act, be and the same is hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MADISON COUNTY TO LEVY A SPECIAL TAX.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Madison County be and they hereby are authorized to levy a special tax for the payment of the County indebtedness, and other purposes; said tax to be levied, collected and accounted for as other taxes are, and to be paid over to the County Treas-

urer, to be disposed of as the Commissioners may direct, said tax to be collected and accounted for under the same penalties as taxes for State and County purposes. Said taxes not exceed the sum of one thousand dollars, and may be levied at such time as the said Commissioners may deem proper.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXI.

AN ACT TO AUTHORIZE THE SUPERINTENDENT OF PUBLIC WORKS TO SELECT TWO LABORERS TO ASSIST IN LOCATING A TURNPIKE ROAD IN CARTERET COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Superintendent of Public Works, be and he is hereby authorized to select two laborers to assist in locating a Turnpike Road from North River, Carteret County, to Adams' Creek, Craven County, North Carolina; said laborers shall be entitled to receive one dollar and fifty cents per day, while actually employed in locating said Road, to be paid out of the money appropriated to build said Road.

Select laborers.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXII.

AN ACT TO EXEMPT FROM TAXATION PROPERTY HELD FOR EDUCATIONAL PURPOSES.

Exempt from taxation.

SECTION 1. *The General Assembly of North Carolina do enact*, That all property owned by individuals or corporations, and used for educational purposes without charge to pupils for tuition, may be exempted from all and every species of taxation in the manner hereinafter prescribed.

Trustees to transmit affidavit.

SEC. 2. That the Trustees having charge of property used for educational purposes, or in the absence of such Trustees, the principal of the school shall transmit to the Superintendent of Public Instruction, after the close of the fiscal year during which exemption from taxation is desired, and before the first day of the ensuing January, the following affidavit, viz:

Affidavit.

We (or I), Trustees (or Principal) of school of the County of, being duly sworn, do depose that during the fiscal year ending September thirtieth, Anno Domini,, tuition has been furnished gratuitously, in said school, to every pupil thereof.

We (or I,) do further depose that the following described property belongs to said school, and during said year has been used exclusively for educational purposes in connection with the school aforesaid.

(Signed)

Sworn and subscribed to before me this day of

.....

Superintendent.

SEC. 3. That upon the receipt of the affidavit aforesaid, the Superintendent of Public Instruction is hereby author-

ized and directed to prepare and sign, in triplicate, the following certificate, viz:

....., Superintendent of Public Instruction, do hereby certify that, Trustees (or Principal) of the school, have (or has) filed in the Department of Public Instruction the affidavit required by the act entitled "An act to exempt from taxation property held for educational purposes," ratified the twelfth day of April, Anno Domini, eighteen hundred and sixty-nine, and I do, therefore, hereby certify that in pursuance of said act the following property held by said school for educational purposes, and described in the affidavit aforesaid, is exempt from every species of taxation for the fiscal year ending September thirtieth, Anno Domini,, viz:

Certificate.

One of these certificates shall be transmitted to the Treasurer of the State, one shall be transmitted to the person or persons making the affidavit, and the third certificate shall be filed, together with the affidavit required by section two of this act in the office of the Superintendent of Public Instruction, in a book to be known as the "record of property exempt from taxation."

Transmitted.

SEC. 4. That the aforesaid certificate shall entitle the person or persons, to whom it may be given, to exemption from the payment of taxes, upon the property therein described for the fiscal year to which such certificate relates: *Provided*, Such certificate is surrendered to the officers whose duty is to collect taxes.

Exemption.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXIII.

AN ACT TO BE ENTITLED AN ACT FOR THE PRESERVATION OF THE PUBLIC HEALTH BY ESTABLISHING SUITABLE QUARANTINE REGULATIONS FOR BEAUFORT HARBOR, NORTH CAROLINA.

Quarantine station established.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the preservation of the public health, there shall be established on the point near Fort Macon, North Carolina, a quarantine station, where all vessels subject to quarantine regulations shall be brought to anchor, and await the inspection of the medical officer, and be subject to such rules and regulations as he may prescribe.

Governor to designate medical officer.

SEC. 2. It shall be the duty of the Governor to designate some physician of experience, who shall act as medical quarantine officer for the above station, and who shall prescribe such rules and regulations as may be necessary for the protection of the inhabitants from infectious diseases, and all persons shall be bound by such regulations under penalties to be hereafter designated. The quarantine officer shall duly advertise all quarantine regulations, and cause the pilots to be especially notified of them. He shall make a monthly report of all receipts and disbursements, and shall pay over all money to the Treasurer of the State and shall be removable at the pleasure of the Governor.

Officer to advertise.

Officer to make report.

Boat furnished, and crew employed.

SEC. 3. There shall be provided for the use of the quarantine officer, a suitable boat furnished with all necessary materials, and he shall employ a crew of two men, at such seasons as quarantine regulations are in force, or when the public health may require it. He shall cause the boat to be kept in repair and always ready for service; which shall be paid out of the Public Treasury, on the certificate of the medical officer that the services were necessary and that the charges were just and reasonable.

Hospital.

SEC. 4. There shall be established at the nearest convenient station on the shore, a hospital sufficient for the

accommodation of such sick persons as the quarantine medical officer may direct to be removed from vessels for better nursing and attendance, and the medical officer shall employ such attendance as may be necessary to take care of the sick, and may purchase such article of food as they may require.

SEC. 5. Every vessel subject to visit and inspection shall pay a fee of five dollars, which shall be collected and accounted for by the medical officer, and every sick person taken to the hospital shall pay a fee not exceeding three dollars per day until discharged by the medical officer, for the payment of which the vessel shall be responsible, and only such vessels shall be subject to visit and inspection as may be from parts designated from time to time by the medical officer, except that all vessels having sickness on board shall be brought to the visiting station for examination.

Vessel to pay fee.

Fee of patient.

SEC. 6. It shall be the duty of all pilots to bring vessels to the visiting station, as they may be required from time to time by the quarantine officer, and they shall not take any vessel subject to quarantine or visitations past the station until released by the quarantine officer, and any pilot who shall wilfully violate any quarantine regulations, shall forfeit this branch or commission, and from thence be deemed incapable to act as a pilot in any part in the State.

Pilots to bring vessels, &c.

Penalty.

SEC. 7. Any master of a vessel, who shall refuse to obey the quarantine regulations, shall forfeit and pay a fine of two hundred dollars for each day he shall refuse to obey the same, for which forfeiture the property of the Captain, together with the vessel and cargo, shall be held responsible.

Captain liable.

SEC. 8. Any person who shall violate the quarantine regulations, as prescribed from time to time by the medical officer, shall forfeit and pay the sum of two hundred dollars for each and every offence, and all penalties and forfeitures imposed by any of the provisions of this act, may be recovered before any jurisdiction having cognizance of the sum,

Further penalties.

due and applied, one-half to the informer, the other half to the payment of the expenses of the quarantine establishment.

Quarantine officer
may issue warrant,
&c.

SEC. 9. The quarantine medical officer may issue a warrant to any Sheriff or other officer, commanding him to arrest the body of any person violating the quarantine, and have him without delay before some competent jurisdiction for trial.

Compensation.

Proviso.

SEC. 10. The compensation of the quarantine medical officer shall be three hundred dollars per year, and the compensation of the boat's crew shall be twenty dollars per month each while regularly employed: *Provided*, That one of the crew may be designated by the quarantine officer to take care of the buildings, boats and materials, at an extra compensation of five dollars per month while so employed.

Appropriated.

SEC. 11. For the purchase of a site and the erection of a suitable hospital building, and for a boat and necessary material, and expenses for quarantine service, the sum of two thousand dollars is, and the same is hereby appropriated from any moneys in the Public Treasury, not otherwise appropriated, to be expended under the direction of the quarantine officer and one of the Commissioners of Navigation for Beaufort Harbor: *Provided*, That said Commissioner shall receive no compensation for his services.

Proviso.

Repealed.

SEC. 12. All acts and parts of acts, inconsistent with the foregoing, are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified the 12th day of April, 1869.

CHAPTER CCXXIV.

AN ACT AUTHORIZING THE COMMISSIONERS OF POLK COUNTY
TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Polk County be authorized to levy a special tax of twelve hundred dollars, annually, for three years, to defray the expenses of said County, by submitting it to the qualified voters of said County. Special tax authorized.

SEC. 2. This act to take effect from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXV.

AN ACT TO ENABLE WILLIAM FIELDS, LATE SHERIFF OF THE
COUNTY OF LENOIR, TO COLLECT ARREARS OF TAXES DUE
HIM.

SECTION 1. *The General Assembly of North Carolina do enact*, That William Fields, late Sheriff of Lenoir County, be authorized to collect the arrears of taxes due to him on the lists of the year eighteen hundred and sixty-seven: *Provided*, That the tax shall in no case be collected where the tax-payer makes oath before any Justice of the Peace for the County of Lenoir, that the tax claimed to be due has been paid. Wm. Fields authorized to collect arrears of taxes.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXVI.

AN ACT TO CHARTER THE SCOTLAND NECK AND WELDON RAIL ROAD AND STEAMBOAT COMPANY.

Formation of company.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of establishing a communication by train or Rail Road and Steamboat from Weldon to Portsmouth through Scotland Neck in Halifax County, the formation of a joint-stock Company, with a capital of fifty thousand dollars, is hereby authorized to be entitled "The Scotland Neck and Weldon Rail Road and Transportation Company, and when formed in compliance with the conditions hereinafter prescribed, to be a body politic for the term of ninety years.

Authorized to construct Road.

SEC. 2. That the said Company be and the same is authorized to construct a Railway or Train Road from Edward's Ferry to Roseneath through the Town of Scotland Neck, and by steam from the Ferry to Weldon, and for the purpose of raising the requisite capital, books may be opened at Scotland Neck under the direction of Richard H. Smith, Jr., M. T. Savage, W. H. Smith; at Weldon, under the direction of Simon Stone, Erasmus Patterson; at Halifax, under the direction of M. McMahon and E. T. Price, or any one or more of them, or such others as they may select for the purpose, and the said Commissioners, or a majority of them herein named, at the places above named, shall have power to receive payment for subscriptions to stock of said Company.

Books opened.

SEC. That the books aforesaid may be opened at any time after the ratification of this act, due notice of the same being first given in one newspaper published in Weldon, and three public places in the County of Halifax twenty days at least beforehand, and the said books shall be kept open sixty days, and as long and as often as the Commissioners shall think fit until the whole sum is subscribed.

SEC. 4. That whenever the sum of five thousand dollars in money shall be subscribed in manner and form as aforesaid, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated by the name and style of the Scotland Neck and Weldon Rail Road and Transportation Company, and by that name may sue and be sued, plead and be impleaded at law or in equity, may take, hold and convey real and personal estate in fee simple or otherwise as may be necessary, may have and use a common seal, and renew and alter; make all such by-laws, rules and regulations for the government of the officers and servants of the Company, the fixtures, machinery and property of the Company, the rates of transportation, and the passage and the regulations of trains and boats as shall be necessary, and not inconsistent with the laws of the land, and shall have succession.

Incorporated.

SEC. 5. That a general meeting of the stockholders shall be convened as soon as the sum of one thousand dollars in money shall have been subscribed. Public notice of this meeting shall be given at least thirty days beforehand in a Weldon newspaper, and at each of the place named in the second section. At this meeting a majority of the subscribers and stockholders, being present in person or by proxy, they shall elect a President, Treasurer and five Directors being stockholders of the Company. These officers shall thereupon be invested with all the powers of the corporation for one year, and until their successors are regularly and duly elected, and enter upon the duties of their respective appointment.

Meetings.

SEC. 6. That the Directors shall fill any vacancies that may occur during their term of office: they may demand and collect the sums subscribed to the capital stock: on the failure of any subscriber to comply, the Directors of the Road may, after thirty days' notice of said call, publish in some newspaper at Weldon and at the Court House door in Halifax, authorize their Treasurer to sell the stock subscribed for at auction in Scotland Neck or Weldon as they

Treasurer may
sell stock.

may deem best, for cash or otherwise as they think fit, and in case the stock does not sell for enough to pay the subscription and all expenses, the remainder may be recovered by the name of the Company from such subscriber in any Court of competent jurisdiction.

Power to borrow money.

SEC. 7. That the stock subject to the above exception shall and may be transferred as the Company shall direct; the Company shall have power to borrow money, and to secure the loan thereof, or purchasers authorized by the Road may mortgage or convey its charter, real estate, property and works, but all such loans, mortgages and sales, shall be expressly authorized by a vote of the Directors.

Company may use Road, &c.

SEC. 8. That the Company may use any portion of said Road constructed before its final completion, and charge for transportation and passage thereon; they may construct said railway across or along any public road: *Provided*, That if they obstruct any such public road they provide another way for public use as good as that obstructed, and as near as practicable.

How lands required shall be taken

SEC. 9. That when any land shall be required for the construction of the Road, or for warehouses, water stations, workshops or depositories, or other buildings and offices, and from any cause the same cannot be purchased from the owner, the same may be taken by the Company at the valuation to be ascertained as follows, viz: The Sheriff of the County in which such land may lie shall, at the request of the President of the Company, summon twelve freeholders of the same County, who shall ascertain the value, under oath to be administered to them and the witnesses by the Sheriff, they first deducting the enhanced value of the land caused by the Road from such valuation, and adding any particular loss or damage, and upon the payment or tender by the Company of the amount so ascertained, the title of the property so seized and so appraised shall immediately vest in the Company: *Provided*, That either party may appeal to the Superior Court upon the question of the amount assessed: *And provided further*, The Company

Proviso.

shall be entitled to condemn in this manner for the purpose of constructing their road-bed not more than one hundred feet from the center thereof.

SEC. 10. That the said Company shall have the exclusive right to the use of the road and boats authorized by this charter, and the Board of Directors the exclusive privilege of establishing the rates of freight and transportation. Company to have right and use of Road.

SEC. 11. That whenever the sum of one thousand dollars in money shall have been subscribed and paid in, the Company shall have power to begin the construction of the Road at such places on the line of said Road as may be thought advisable by the Directors of the same. Power to begin Road.

SEC. 12. That this act shall be in force from and after its ratification, and shall be deemed a public act.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXVII.

AN ACT TO LAY OFF AND ESTABLISH A PUBLIC ROAD IN THE COUNTIES OF DAVIE AND DAVIDSON, AND TO ESTABLISH A PUBLIC FERRY ACROSS THE YADKIN RIVER.

SECTION 1. *The General Assembly of North Carolina do enact*, That P. R. Martin and G. W. Sheetz, their heirs and assigns, are hereby authorized to establish a Ferry across the Yadkin River at or near the Robert Foster fishing bar, in the County of Davie, on the lands of the said P. R. Martin and G. W. Sheetz. Ferry authorized.

SEC. 2. That the right to establish and keep up said Ferry shall be and is hereby vested in the said P. R. Martin and G. W. Sheetz, their heirs and assigns during the full end and time of fifty years. Right to keep up.

SEC. 3. That it shall be lawful for the said P. R. Martin and G. W. Sheetz, their heirs and assigns, to receive such Tolls.

PUB. 37.]

tolls and rates of ferriage at said Ferry, as shall be prescribed and regulated by the Commissioners of the County of Davie.

Public Road.

SEC. 4. That the Commissioners of the Counties of Davie and Davidson are authorized and required to appoint the Commissioners in each of said Counties to lay off a Public Road from Fork Church in the County of Davie to Holtsburg on the North Carolina Rail Road in the County of Davidson, crossing the Yadkin River at said Ferry.

How assessed.

damage as-

SEC. 5. That the said Commissioners, or a majority of them, after having been first sworn before some Justice of the Peace of one of said Counties, shall assess the damage that ought to be paid any person or persons over whose land said Road may pass, and shall make due return of their proceedings to the Commissioners of the Counties of Davie and Davidson, at their first meeting after the ratification of this act, and upon return of said Road Commissioners, it shall be the duty of the County Commissioners of each of said Counties, to cause to be paid to owners of lands so condemned, in their respective Counties, such sum or sums as may be assessed by the Commissioners aforesaid.

Overseers appointed.

SEC. 6. That after said Road shall have been laid off and established as hereinbefore provided, it shall be the duty of the Commissioners of the Counties of Davie and Davidson to appoint overseers and hands for the working and keeping up of said Road as other public roads are required by law to be kept up.

SEC. 7. This act shall take effect and be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXVIII.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HENDERSON COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Henderson County are authorized (by first submitting it to the qualified voters of said County,) to levy a special tax for the County not to exceed one thousand dollars, and such tax shall be levied and collected as other public taxes are. Special tax.

SEC. 2. That this act shall be force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXIX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DUPLIN TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact* That for the purpose of discharging the ascertained unpaid balance of the debt of the County of Duplin the Commissioners of said County are hereby authorized to levy a special tax not exceeding one-tenth of one per cent. on the taxable property of the County; said tax to be collected by the Sheriff of Duplin County conformably to the laws regulating the collection of other taxes. Special tax.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXX.

AN ACT DECLARING THE REEDY FORK OF HAW RIVER A
LAWFUL FENCE.

Lawful fence.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Reedy Fork of Haw River, from its junction with that River, in the County of Alamance, to the public bridge at the mills of L. W. Somers, in the County of Guilford, being the distance of about five miles, be and is hereby declared a lawful fence, and shall be held as such for all purposes.

Repealed.

SEC. 2. All laws or parts of laws are, so far only as they are in conflict with the special provisions of this act, hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXXI.

AN ACT TO INCORPORATE THE ASHBORO' AND ALBEMARLE
RAIL ROAD COMPANY.

Corporation.

SECTION 1. *The General Assembly of North Carolina do enact*, That Byron Laffin, Ed. L. Hayes, Jr., J. H. Davis, William Sloan, S. C. Barnett, W. A. Moore, of Chowan, and Jo. W. Holden, their associates, successors and assigns, be and they are hereby created a body corporate and politic by the name and style of the Ashboro' and Albemarle Rail Road Company. Said Company shall have the corporate powers conferred by law on other Rail Road Companies, and shall make such by-laws, rules and regulations for its

government as may not be inconsistent with the Constitution and laws of the United States and this State: *Provided*, That the guage shall be the same as that of the North Carolina Rail Road.

SEC. 2. That the capital stock of said Company, shall be two millions of dollars, and may be increased to five millions, in shares of one hundred, (100) five hundred, (500) and one thousand (1,000) dollars. Capital stock.

SEC. 3. This act shall go into effect from its ratification. Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXXII.

AN ACT FOR THE BENEFIT OF SECURITIES AND ENDORSERS.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases where any security or endorsers on any note, bill, bond, or other written obligation, shall consider himself in danger of loss in consequence of his contingent liability, either from the insolvency or misconduct of the principal, in said note, bill, bond, or other written obligation, or from the negligence of the payee or holder of any such instrument, it shall be lawful for such security or endorser at any time after such note, bill, bond, or other written obligation shall have become due and payable, to cause written notice to be given to the payee or holder of any such paper or obligation, requiring him to bring suit on said obligation, and to use all reasonable diligence to save harmless such security or endorser: *Provided*, Nothing herein contained shall apply to official bonds, or bonds given by any person acting in a fiduciary capacity. Security may cause written notice, &c.

Proviso.

SEC. 2. Should the payee or holder of any such note, bond, bill, or other written obligation, refuse or fail, within thirty days from the service of said notice, to bring suit in the appropriate Court in an effort to save harmless such Negligence to operate as a discharge.

Proviso. security or endorser, such failure to sue, or negligence shall operate as a discharge of such security or endorser, from all liability whatever, on any such note, bond, bill, or other written obligation; *Provided*, That this notice shall not have the effect to discharge from liability any co-security who does not join in such notice, or who has not given a separate notice as required by this act: *Provided further*, That this act shall not apply to holders of such note, bill, bond, or obligation, who hold the same as collateral security or in trust.

Notice to be in writing.

SEC. 3. And such notice shall be in writing and served by the Sheriff or his Deputy, who shall return it to the party for whose benefit the notice was issued, which shall be evidence of the fact in all the Courts of this State: *Provided*, That the provisions of this act shall not apply to any notes, bills, bonds, or other obligations affected by the present stay law of the State.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXXIII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MITCHELL AND YANCEY COUNTIES TO LEVY A SPECIAL TAX.

Special tax authorized in Mitchell County.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of the County of Mitchell are hereby authorized to levy a special tax for the purpose of completing the Court House in said County: *Provided*, That said special tax shall not exceed the sum of two thousand dollars.

Special tax authorized in Yancey County.

SEC. 2. That the County Commissioners of the County of Yancey be authorized to levy a special tax for the purpose

of completing the jail of said County ; said tax not to exceed two thousand dollars.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXXIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ONSLOW COUNTY TO LEVY A SPECIAL TAX FOR BUILDING A "POOR HOUSE," ALSO FOR BUILDING AND REPAIRING PUBLIC BRIDGES IN SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Onslow County be authorized, in addition to the tax which they may have power to assess under the general revenue laws of the State, to levy a special tax of one-tenth of one per cent. on all the taxable property of said County for the purpose of building a house for the poor and infirm of the County, and building, repairing and keeping up the public bridges in the same.

Special tax.

SEC. 2. That the Sheriff of said County of Onslow be authorized and required to collect said tax and account for the same to the County Treasurer in the same manner and under the like penalty as the other County taxes are now collected and accounted for by him.

Sheriff to collect.

SEC. 3. That the said tax, when collected, shall constitute a fund to be set apart exclusively for the purposes hereinafter set forth.

Fund.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXXV.

AN ACT CONCERNING FISHERIES IN CARTERET COUNTY.

Person to be protected.

SECTION 1. *The General Assembly of North Carolina do enact*, That persons who own lands, or who have leased the same in Carteret County, fronting to or bounded by any creek, river, sound or other water course, shall be protected in every right and franchise incident to the same.

Other persons not to interfere.

SEC. 2. That whenever any such person as mentioned in section one, shall have any fishery or place prepared for catching fish, or who have planted oysters, it shall not be lawful for any other person to interfere with such fishery or oyster bed, or to catch fish with nets within the channel and high water mark, without consent of such owner.

Penalty.

SEC. 3. That if any person does so interfere, he shall be subject to a penalty as high as one hundred dollars, and may be indicted in the Superior Court for a misdemeanor.

Repealed.

SEC. 4. That all acts and clauses of acts inconsistent with this act are hereby repealed.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXXVI.

AN ACT TO CONFER POWER UPON COMMISSIONERS OF COU

Commissioners to exercise power.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases where the presence of a majority of the Justices of the County Court, or where seven Justices is necessary to exercise a power under the laws of North Carolina heretofore existing in such cases, the County Commissioners, or a majority of them, shall exercise the

same power, and their acts shall be in all such cases valid and binding.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXXVII.

AN ACT TO ESTABLISH THE DAYS AND PLACES FOR SELLING REAL PROPERTY UNDER EXECUTION.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of section fourteen of chapter forty-five of the Revised Code as relates to sale of slaves, and so much as relates to the days of sale of real property, be hereby repealed. Repealed.

SEC. 2. So much of section sixteen of chapter forty-five of the Revised Code, as prescribes the time of advertising the sale of land and slaves under execution, is hereby repealed. Sec. 16, chap. 45, R. C., repealed.

SEC. 3. So much of section two hundred and sixty-three of the Code of Civil Procedure, as relates to the days of sale is hereby repealed. Sec. 263 of Code of C. P., repealed.

SEC. 4. Section two of an act entitled "An act for regulating the selling of land under execution," ratified the twenty-fourth day of August, eighteen hundred and sixty-six, is hereby repealed. Sec. 2 of act of Aug. 24, 1866, repealed.

SEC. 5. All private acts by which lands in particular Counties are required or allowed to be sold at places or at times, other than those hereinafter prescribed, are hereby repealed. All private acts allowing land to be sold, repealed.

SEC. 6. The repeal of the above mentioned acts and parts of acts shall not invalidate any proceedings had under them before this act goes into effect, and no sale heretofore made under any of said acts shall be invalid merely because of an irregularity or mistake in the day of sale. Acts shall not invalidate proceeding, had before this act goes into effect.

Shall be sold at
Court House door.

SEC. 7. All real property sold under execution or by virtue of an order or judgment of a Court in this State shall be sold at the Court House of the County in which the property, or some part thereof, is situate.

When sale to be.

SEC. 8. The sale shall be during the first three days of the term of the Superior Court of the County, or on the first Monday in a month, or on the Monday and Tuesday next succeeding such Saturday.

Sheriff may post-
pone.

SEC. 9. The Sheriff, for the absence of bidders or other just cause, may postpone a sale from day to day, but not more than six days; upon such postponement he shall post a notice thereof at the Court House door.

To be advertised
before sale.

SEC. 10. No real property shall be sold until the same shall have been advertised for thirty days at the door of the Court House of the County in which the sale is to take place, and at three other public places in the County. In lieu of advertisement in three other public places in the County, advertisement once a week for four weeks, in some newspaper published in the County, will suffice.

Sheriff to serve
copy, &c.

SEC. 11. In addition to the advertisements above required, the Sheriff shall in every case, at least ten days before a sale of real property under execution, serve a copy of so much of the advertisement as relates to the real property of any defendant on him personally, if to be found in the County, or on his agent, if he have a known agent within the County, or if he be not to be found within the County, and have no known agent therein, but his address be known, by mail to such address; and the date of service shall be ascertained by the usual course of the mail from the place where sent to the place of its redress.

Repealed.

SEC. 12. An act entitled "An act to protect property sold under execution from sacrifice," ratified the twenty-sixth day of February, eighteen hundred and sixty-seven, is hereby repealed.

SEC. 13. This act shall go into effect at the end of thirty days from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXXVIII.

AN ACT TO PROVIDE FOR THE ERECTION OF A PENITENTIARY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Penitentiary required to be built by Article eleven, section three, of the Constitution be erected at or near Raleigh, Wake County, on a site selected by the Commissioners. Penitentiary near Raleigh.

SEC. 2. That a stockade including not less than four, nor more than six acres of land, shall be immediately erected inclosing said site, and that within this stockade shall be built five hundred cells for convicts, to be constructed in the most approved manner, after the most recent plans, to be sanctioned by the Commissioners hereafter to be appointed, embracing all improvements and necessary accommodations, and security for safe keeping and health, required in institutions of this kind, and to construct it on a plan that will hereafter admit of having added thereto other cells as may be required by the necessities of the State, without destroying the symmetry of the building, but as completing the original design; and to be enclosed by a wall of such dimensions and solidity as is usual in the best constructed institutions of this kind in our country; Stockade and cells for convicts.
Provided, That the outer wall of the Penitentiary be constructed of granite rock or ground sand stone, and that the exterior wall of the cells be of the same durable and solid material, but that the walls in the interior, dividing the cells or forming corridors, may be of brick, if approved by aforesaid Commissioners, and that the building be well ventilated and capable of being warmed as may be desired, in the use of the most recent and approved means. Walls, &c.

SEC. 3. That when any lands, right of way, quarry or quarries of rock, may be required for the construction of the Penitentiary, or to make access to, or egress from it convenient, and if for want of agreement as to the value Lands, &c. may be taken.

of such property, the same cannot be purchased from the owner or owners, the same may be taken by the Commissioners at a valuation made by five disinterested persons, or a majority of them, to be appointed by the Commissioners of the County in which the property is held. Said persons shall make a proper return to the Clerk of the Superior Court of the award, which shall be placed on file in that office; *Provided, however,* That either party to this proceeding may have an appeal to the Superior Court. The award shall, on its final settlement, be paid by the Commissioners.

Commissioners.

SEC. 4. That C. L. Harris, Alfred Dockery, S. F. Patterson, Alfred Howe and G. Wm. Welker, be and are hereby appointed Commissioners, who shall purchase the site selected, to consist of not less than twelve, nor more than twenty-five acres, if purchased, and have the conveyance of the same property made to the State and recorded in the office of the Register of Deeds for the County in which the Penitentiary shall be erected; *Provided,* That if any person or persons shall make a free gift of the tract of land selected as the site for the Penitentiary, they are authorized to have the same conveyed to the State for the use and benefit of the Penitentiary, and to have the deed recorded as aforesaid.

Proviso.

Treasurer to pay
Commissioners.

SEC. 5. That the Treasurer be authorized to pay to said Commissioners, from any moneys in the Treasury not otherwise appropriated, such sums as may be needed for actual expenses in the erection of the said Penitentiary, together with the necessary implements and machinery for the profitable employment of the convicts therein, not to exceed the sum of fifty thousand dollars (\$50,000) in any one year, from the taxes collected by the revenue bill ratified on the day of eighteen hundred and sixty-nine, and that act is so much amended as to embrace this appropriation. All requisitions shall be signed by the Commissioners and approved by the Governor; that said sums are appropriated.

Requisitions signed
by Commissioners.

SEC. 6. That said Commissioners shall, in every instance possible, make use of the labor of the convicts in the preparation of the material and the erection of the cells and wall, in order to lessen the public expense, and that they be allowed to use all proper and humane means to prevent their escape.

Labor of convicts

SEC. 7. Said Commissioners shall give bond and approved security to the State, in a sum approved by the Governor, for the faithful application of the money drawn by them from the Treasury: *Provided*, That the Commissioners shall not pay over any portion of the sum authorized by section five, until all the proposals for the location of the Penitentiary shall be fully complied with and shall report a full and correct account of the receipts and disbursements to the General Assembly every year until the building, as provided for in this act, is completed. They shall contract for the performance of the work provided for in this act, and the material used in the same by first rate workmen, on such terms as are just and prudent: *Provided*, That in any contract so made, it shall be required that as much of the labor of the convicts as can be made available shall be used in the erection of the Penitentiary, and in the quarrying and preparation of the stone, and on such terms as are equitable and just to the State and the contractor. The contractor shall be required to give bond and sufficient security for the proper fulfillment of the contract, and he shall not be released from its terms or the sum contracted for be paid him, until the General Assembly is satisfied that, in all respects, the contract has been complied with; and all contracts made by the Commissioners shall be in writing, and shall be recorded in the office of the Register of Deeds for the County aforesaid.

Bond of Commissioners.

SEC. 8. The Commissioners shall be authorized to appoint an Architect, Superintendent, assistants, and guard for the management and safe keeping of the prison, and fix their salaries until the meeting of the General Assembly. They shall also approve of the design of the building, and they

Architect and other officers.

may appoint one of their number, under instructions, to visit one or more of the largest and best managed State prisons or Penitentiaries in this country, and to obtain information that will aid them in the prosecution of their work: *Provided*, That none of the aforesaid Commissioners shall hold any position as Superintendent or any other office of the institution, nor be interested, directly or indirectly, in any contract made for the construction of the Penitentiary or any part relating thereto.

Governor to fill vacancies.

SEC. 9. That any vacancy occurring in the Board of Commissioners by death, resignation or otherwise, shall be filled by the Governor. Said Commissioners shall receive no compensation for their services over and above all the necessary and actual expenses incurred in the prosecution of the business intrusted to them by the General Assembly.

Governor to order convicts.

SEC. 10. That so soon as provision is made for their safe keeping and support, the Commissioners shall apply to the Governor, who shall order to be placed under their charge as many of the convicts, whose term of punishment is longest, as may be needed in the quarrying of stone, the preparation of the site and grounds, and in the erection of the cells: *Provided*, That, until permanent cells are erected, the convicts shall be kept in temporary cells provided within the stockade, on the site and the quarry.

Proviso.

SEC. 11. This act shall be in force from its ratification. Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXXXIX.

AN ACT AUTHORIZING THE COMMISSIONERS OF JACKSON COUNTY TO ISSUE BONDS.

Bonds.

SECTION 1. *The General Assembly of North Carolina do enact*, That in order to liquidate the liabilities of the County

of Jackson the Commissioners of said County are hereby authorized to issue coupon bonds, not exceeding in amount the sum of five thousand dollars, in denominations not less than one hundred dollars.

SEC. 2. The said bonds shall bear date from the first of July, eighteen hundred and sixty-nine, and shall run for ten years, with interest from date, with the privilege to redeem said bonds at the expiration of five years, and shall bear interest at the rate of six per cent. per annum, payable semi-annually: *Provided*, That no bonds authorized by this act shall be issued until after an election to be held in said County, under the direction of the County Commissioners, in which election a majority of the votes cast by the qualified voters of said County, shall be in favor of the issuing of such bonds for the purpose herein specified.

Date and interest.

Proviso.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXL.

AN ACT AUTHORIZING THE COMMISSIONERS OF CHATHAM COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of Chatham County are hereby authorized to levy a special tax, not exceeding one-fifth of one per cent. on all taxable property of the County for the purpose of paying the present indebtedness of said County, and for other purposes, said taxes to be levied and collected as other taxes.

Special tax.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXLI

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF COLUMBUS COUNTY TO LEVY A SPECIAL TAX.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Columbus County are authorized to levy a special tax upon all property of the County, taxable under the general revenue laws of the State, to a sum sufficient to pay the outstanding accounts and expenses of this County.

SEC. 2. This act shall be in force from and after ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXLII.

AN ACT TO CHARTER THE LOUISBURG BRANCH OF THE WILMINGTON AND WELDON RAIL ROAD.

Board of Canvassers.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of establishing a communication by Rail Road at or near Henderson on the Raleigh and Gaston road, at or near Rocky Mount, on the Wilmington and Weldon road, *via* Louisburg, the following named persons be constituted a Board of Canvassers, and empowered to solicit subscriptions in money or land for the stock of the Road, viz: W. J. B. Harper, L. N. B. Battle, and Owen Cobb, Nashville; Major John Thomas, W. D. Copledge, and Jefferson Stokes, Cedar Rock; Joseph J. Davis, B. T. Ballard, D. S. Hill, W. F. Green and J. C. Wynne, Louisburg; Captain Isaac I. Young, W. J. Hawkins,

Captain A. B. Andrews, S. J. Parham, J. W. Ragland, Henderson.

SEC. 2. It shall be the duty of the said Board of Canvassers to open books of subscription at the various places of public resort in the Counties of Nash and Franklin, as well as in Edgecombe, Wake and Granville, at such places as may be deemed expedient, and for this purpose the Board is hereby authorized to appoint as many intelligent and responsible agents or assistants as they may deem necessary, fully to canvass the Counties, and make known to the people the advantages of the Road and the expediency of subscribing for its stock.

Duty of Board.

SEC. 3. That the additional capital of the Company to be expended in the construction of the Louisburg branch shall not exceed one million dollars, divided into shares of one hundred dollars each, and it is expressly provided that the money and property of the Louisburg Branch Road shall in no wise be held liable for the debts and engagements of the main stem of the Wilmington and Weldon Road, nor shall the property of the said main stem Road be liable for the debts of the Louisburg Branch Road.

Additional capital

SEC. 4. That when lands instead of money shall be subscribed and taken by the Company for stock or shares in the Branch Road, they shall not be valued at more than the State assessment for taxes.

Lands subscribed.

SEC. 5. The President and Directors of the Wilmington and Weldon Rail Road, in the management of the Louisburg Branch Road, are hereby invested with all rights, privileges and immunities, and are made subject to all the restrictions which appertain to the main road under its charter and the general laws of the State: *Provided*, That additional Directors and officers to represent the stock in the Branch Road shall be elected in conformity with the charter and regulations of the Wilmington and Weldon Road.

Rights privileges, &c.

SEC. 6. The Directors of the Road are hereby required, after survey, to begin the work of construction simulta-

Directors required

neously at the two ends, and to prosecute the same with equal diligence, in order that the Road may be made useful to the whole people interested at the earliest date.

SEC. 7. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXLIII.

AN ACT IN RELATION TO TAKING SHAD AND HERRING IN THE WATERS OF NEUSE RIVER AND CONTENTNEA CREEK.

Certain days for setting nets.

SECTION 1. *The General Assembly of North Carolina do enact*, That from and after the tenth day of April, Anno Domini, eighteen hundred and sixty-nine, there shall be no seine, drift net, set net, pod net, or any other net or snare set or placed in the waters of Neuse river from its mouth to where Contentnea Creek empties into said river, nor in the waters of Contentnea Creek from where it empties into Neuse River, to Bell's Ferry on said Creek, for the purpose of taking shad or herring in said waters on the following days, to-wit: From Tuesday morning sun rise, to Wednesday morning sun rise, and from Friday morning sun rise, to Saturday morning sun rise, in each week.

Violations.

SEC. 2. Any person violating the provisions of this act, shall be considered guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars for each offence, and imprisoned not less than three months.

How fines appropriated.

SEC. 3. Any person informing of parties violating this act, shall, on conviction of the party, receive one-half of the fine, the other half to go to the support of the poor of the County.

SEC. 4. This act shall be in force from and after the tenth day of April, Anno Domini, eighteen hundred and sixty-nine.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXLIV.

AN ACT TO AUTHORIZE AND EMPOWER J. W. C. PIERCY,
LATE TAX COLLECTOR OF CHEROKEE, TO COLLECT ARREARS
OF TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. W. C. Piercy, late Tax Collector of the County of Cherokee, be and is hereby authorized and empowered to collect all arrears of taxes due him for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, which collections shall be made under the same rules, regulations and restrictions as other collections of taxes are, by virtue of the laws of the State; *Provided*, That the authority by this act granted shall not extend to executors or administrators, nor to any person who will voluntarily swear before any Justice of the Peace for said County, that he or she verily believes that the arrears of taxes claimed from him or her has been paid.

Piercy authorized
to collect taxes due
him.

Proviso.

SEC. 2. That the power and authority hereby granted shall cease and determine with the year eighteen hundred and sixty-nine.

Power cease.

SEC. 3. This act shall have force and effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXLV.

AN ACT REQUIRING SHERIFFS TO GIVE SUFFICIENT BONDS.

Commissioners to
examine bonds.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of the County Commissioners, in each and every County of the State, to make immediate examination of the bonds of Sheriffs in their several Counties, and if, on such examination, it shall be found, in the opinion of said Commissioners, that such bond is insufficient to secure the faithful accounting of the revenue of the County and State. for the current year, the Chairman shall forthwith notify said Sheriff, in writing, to appear within ten days, and give other and better security, or justify his present security on his bond.

New bond or old
bond justified.

SEC. 2. On the appearance of said Sheriff, the County Commissioners shall have power to take new bond, with sufficient security, in double the amount of the taxes to be placed in his hands for the current year, or to justify by proof or otherwise, his present bond; and in case such Sheriff shall fail to appear on notice, or fail to give sufficient bond, or to justify his present bond, it shall be the duty of the County Commissioners to elect forthwith, some suitable person in the County to collect the taxes for the ensuing year, who shall give like bond, and be subject to like obligations and penalties.

Commissioners
liable for loss.

SEC. 3. That if any County Commissioners shall fail to comply in good faith with the provisions of this act, they shall be liable for all losses sustained in the collection of taxes, on motion to be made by the Solicitor of the District, and also be guilty of a misdemeanor in office, and on conviction, shall be fined not less than five hundred dollars, nor more than one thousand dollars.

Commissioners to
call meeting.

SEC. 4. The County Commissioners shall call a meeting forthwith, after the ratification of this act, to comply with the provisions of the same.

SEC. 5. The Secretary of State is required, immediately on the ratification of this act, to send a certified copy to each Chairman of the County Commissioners of each County. Secretary of State
to send copies.

SEC. 3. This act to take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLVI.

AN ACT TO AUTHORIZE AND EMPOWER RUFUS GALLOWAY,
LATE SHERIFF OF BRUNSWICK COUNTY, TO COLLECT ARREARS
OF TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That Rufus Galloway, late Sheriff of Brunswick County, be and is hereby authorized and empowered to collect all arrears of taxes due him for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, which collection shall be made under the same rules, regulations and restrictions as other collection of taxes are, by virtue of the laws of the State; *Provided*, That the provisions of this act shall not extend beyond the first day of January, eighteen hundred and seventy. Galloway author-
ized to collect taxes.

SEC. 2. That this act shall be in force from and after its ratification. Proviso.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXLVII.

AN ACT TO ENABLE JOHN L. BANKS, LATE TAX COLLECTOR OF JOHNSTON, TO COLLECT ARREARS OF TAXES DUE HIM.

7 Banks authorized to collect taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That John L. Banks, late Tax Collector of the County of Johnston, be authorized to collect the arrears of taxes due to him on the lists of the year eighteen hundred and sixty-seven; *Provided*, That the tax shall be collected in no case, where the tax payer makes oath before any Justice of the Peace for the County of Johnston, that the tax claimed to be due has been paid.

Proviso.

Ratified the 12th day of April, A. D., 1869.

CHAPTER CCXLVIII.

AN ACT TO AUTHORIZE THE CONSOLIDATION OF THE CHARLOTTE AND SOUTH CAROLINA RAIL ROAD COMPANY AND THE COLUMBIA AND AUGUSTA RAIL ROAD COMPANY, AND AMENDING THE CHARTERS THEREOF.

Consolidated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Charlotte and South Carolina Rail Road Company shall, upon the consent of the stockholders of each Company be consolidated and form one and the same body corporate, under the name of the Charlotte, Columbia and Augusta Rail Road Company, possessing all the rights, powers, privileges, immunities and franchises conferred upon said Companies by the several acts heretofore passed, and now in force, incorporating said Companies, and amending the charter thereof.

Affairs, how directed.

SEC. 2. That the affairs of the consolidated Companies shall be managed and directed by a general Board to con-

sist of eighteen Directors to be elected by the stockholders from among their number: *Provided*, That four of the Directors shall be elected from amongst the stockholders residing in the State of North Carolina, and four amongst the stockholders residing in the State of Georgia.

Proviso.

SEC. 3. That the question of approving of the consolidation of Companies herein authorized, shall be submitted to meetings of the stockholders of each of the said Companies, to be called by the President thereof within six months from the passage of this act, of which one month's public notice shall have been given in the newspapers in the cities of Charlotte, Columbia and Augusta, at which meetings the question shall be submitted to the decision of the respective Companies, and determined in the manner provided in their respective charters now in force for the decision of matters "upon which it is necessary for the stockholders to act as a Company."

Question of approval to be submitted.

SEC. 4. That all questions of property, debts, credits, equalization of stock, and other matters of detail may arise upon the consolidation of Companies herein authorized, shall be determined by the respective Companies at the meetings hereinbefore provided for, or at adjourned meetings held subsequent thereto.

Property, debts, &c.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCXLIX.

AN ACT TO INCORPORATE THE NORFOLK AND CURRITUCK RAIL ROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Hodge Gallop, Alexander Owens, James M.

Corporated.

Woodhouse, N. L. Walker, Thomas L. Sanderson, E. H. Walker, L. M. Bell, W. Griggs, John Bernard, William C. Mercer, Joseph W. Etheridge, W. D. Chadwick, H. G. Laud, W. C. Stone, N. Hampton, W. Balance, John Simmons, J. R. Lee, E. Simmons, G. Halstead, Col. W. Stockton, their associates and successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name and style of Norfolk and Currituck Rail Road Company, with corporate powers and franchises to the same extent as are possessed by the North Carolina Rail Road Company.

Where road may
be built.

SEC. 2. The said Rail Road Company may build a Rail Road from Powell's Point, in Currituck County, to the Virginia line, at a point near Shingle Landing in said County.

Affairs managed
by Board.

SEC. 3. That the affairs of said Rail Road Company shall be managed by a Board of seven Directors, to be elected by the stockholders, and the said Directors shall choose one of their number as President, and another as Treasurer and Secretary, who shall serve twelve months, and until their successors are qualified.

Quorum.

SEC. 4. That at a meeting of stockholders a majority of stock issued shall constitute a quorum, and a majority of stock represented at such meeting, together with a majority in number of the stockholders represented, shall be competent to elect officers: *Provided*, That no Director shall be declared elected unless he receive a majority vote of the stockholders represented.

Proviso.

Board to fix sala-
ries.

SEC. 5. That the Board of Directors shall have power to fix the salaries of the President and other officers of said Company.

Road let to con-
tractors.

SEC. 6. That said Rail Road shall be let to contract on such terms as the Directors shall deem best, and they may make contracts with any other Rail Road Company for the use of its track, rolling stock and appurtenances.

SEC. 7. That this act shall go into effect after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCL.

AN ACT TO PREVENT THE HUNTING OF WILD FOWL WITH FIRE
IN CARTERET AND OTHER COUNTIES.

WHEREAS, Much evil exists in the Counties of Carteret, Craven, Hyde, Currituck, Tyrrell and Robeson, from the practice of hunting wild fowl with fire in said Counties; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person whatsoever shall hunt wild fowl in the Counties of Carteret, Craven, Hyde, Currituck, Tyrrell and Onslow with fire, from and after the passage of this act, such person shall be guilty of a misdemeanor, and upon conviction for the same, shall be fined not less than twenty nor more than fifty dollars, and shall be imprisoned not less than ten nor more than thirty days.

SEC. 2. That any person who shall inform the Court or Solicitor of the district, or any Justice of the Peace, of the name of any person guilty of such violation of this act, shall be entitled to receive one-half of said fine.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act shall be and are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLI.

AN ACT TO AMEND THE TWENTY-FIRST SECTION OF THE
THIRTY-FOURTH CHAPTER OF THE REVISED CODE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the twenty-first section of the thirty-fourth

chapter of the Revised Code, be amended to read as follows :
 Guilty of larceny. If any person shall steal, or feloniously take and carry away, any Indian corn, wheat, rice, or other grain, or any cotton, tobacco, potatoes, pea-nuts, pulse or any fruit, vegetable or other product cultivated for food or market, growing, standing or remaining ungathered, in any field or ground, he shall be deemed guilty of larceny and punished accordingly.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CLII.

AN ACT TO EXTEND THE TIME FOR REGISTERING CERTAIN DEEDS.

Registration of deeds.

SECTION 1. *The General Assembly of North Carolina do enact*, That all grants of land in this State, all deeds of mesne conveyances, deeds of roll, deeds of gift, powers of attorney, and other conveyances, which are allowed or required by law to be proved and registered, shall, within two years after the passage of this act, be admitted to proof and registration under the same rules, regulations and restrictions as heretofore or hereafter may be provided by law ; and when so proved and registered shall be as good and valid as if they had been proved and registered within the time heretofore allowed: *Provided*, That nothing herein contained shall be construed to extend to mortgages and conveyances in trust, or to marriage settlements.

Proviso.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLIII.

AN ACT TO PUNISH PERSONS INJURING OR KILLING LIVE
STOCK.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person shall kill or abuse any horse, mule, cattle, hog, sheep or neat cattle, the property of another, in any inclosure not surrounded by a lawful fence, such person shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined or imprisoned at the discretion of the Court.

Guilty of a misdemeanor.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CCLIV.

AN ACT TO EMPOWER ARTHUR GASKINS TO RE-OPEN HIS
FERRY FROM WIGGINS' CREEK TO NEWBERN.

SECTION 1. *The General Assembly of North Carolina do enact*, That Arthur Gaskins, of Craven County, his heirs and assigns, shall have the power to run ferry boats, from any point on Wiggins' Creek across Neuse River to any public point in or above Newbern, for the space of twenty years.

Power to run Ferry boats.

SEC. 2. The County Commissioners of Craven County are hereby empowered, when they shall deem it necessary for the interest of the people of Craven County, to condemn land from any point or points on Wiggins' Creek to the public road, and to construct said road forever to be a public

Power to condemn land, &c.

road to the ferry landing ; said public landing shall be free to all owners of boats.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLV.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH SPECIAL COURTS IN THE CITIES OF WILMINGTON AND NEWBERN."

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled "An act to establish Special Courts in the Cities of Wilmington and Newbern, ratified the eleventh day of August, Anno Domini, eighteen hundred and sixty-eight, be and the same is hereby amended by repealing each and every provision of said act establishing a Special Court in the City of Newbern, or relating to said Special Court.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLVI.

AN ACT TO ESTABLISH A PUBLIC FERRY ACROSS THE NORTH-EAST BRANCH OF THE CAPE FEAR RIVER.

Establish and keep up Ferry.

SECTION 1. *The General Assembly of North Carolina do enact*, That William H. French and Charles E. Taylor, their heirs and assigns, are hereby authorized and required to establish and keep up a public ferry on the north-east

branch of the Cape Fear River at the point and place where the public road from Wilmington to Rocky Point crosses said branch, one mile more or less, above the place where the Wilmington and Weldon Rail Road crosses said branch.

SEC. 2. That the right to keep up and establish said ferry shall be and is hereby vested in the said William H. French and Charles E. Taylor, their heirs and assigns, for and during the full end and term of ninety years.

Right vested in French & Taylor.

SEC. 3. That it shall be lawful for the said William H. French and Charles E. Taylor, their heirs and assigns, to receive such tolls and rates of ferriage at the said ferry as shall be prescribed or regulated by the Commissioners of New Hanover County, and it shall be the duty of Commissioners to prescribe and regulate such tolls at their first meeting after the ratification of this act.

Tolls and ferriage.

SEC. 4. That it shall not be lawful for any person or persons or corporation to erect any other ferry across said branch within three miles of said ferry.

No other persons to erect ferry.

SEC. 5. This act to take effect and be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLVII.

AN ACT TO PROVIDE THE MANNER OF BRINGING SUIT AGAINST RAILROAD COMPANIES.

SECTION 1. *The General Assembly of North Carolina do enact,* That the "venire in actions" against Rail Road Corporations shall be laid in some County wherein the track of said Company, or some of it, is situated.

Venire in actions, where laid.

SEC. 2. Service of summons upon a Rail Road Corporation shall be made by leaving a copy of such summons with the President, Secretary or Treasurer of said Company; or in

Where summons may be left.

case such officers are not to be found at their usual place of office, then by leaving a copy thereof with some person of competent age in the office of the President of such Company.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLVIII.

AN ACT REQUIRING SUITS ON OFFICIAL BONDS TO BE BROUGHT IN THE COUNTY WHERE THE BONDS WERE GIVEN.

Suits against
bonds.

SECTION 1. *The General Assembly of North Carolina do enact*, That all suits upon official bonds or against executors and administrators in their fiduciary capacity, shall be instituted in the County where the bonds were or shall be given, if the principal or any of the sureties on the bond is in the County, if not then in the plaintiff's County.

Repeated.

SEC. 2. That all laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLIX.

AN ACT TO AMEND CHAPTER TWO, SECTION FIVE, OF AN ACT ENTITLED "AN ACT CONCERNING THE GOVERNMENT OF COUNTIES," RATIFIED FOURTEENTH OF AUGUST, EIGHTEEN HUNDRED AND SIXTY-EIGHT.

Chapter 2 of act of
August 14th, 1868,
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, Strike out all in said section and insert: "They may

hold special meetings on the first Monday in every month, and no special meeting shall be holden for more than two days. Every meeting shall be open to all persons. They may adjourn their regular meetings in February and September, from day to day, until the business before them is disposed of.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLX.

AN ACT TO DECLARE IT A MISDEMEANOR FOR ANY COUNTY OFFICER TO SPECULATE IN COUNTY CLAIMS.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any Clerk, Sheriff, Register of Deeds, County Treasurer or other County or State officer shall engage in the purchasing of any County or State claim at a less price than its full and true value, or at any rate of discount thereon, or be interested in any speculation in such claims, he shall be guilty of a misdemeanor, and subject to indictment in the Superior Court of the County in which the offence is committed; and, on conviction thereof, he shall be liable to removal from office at the discretion of the Court. -

Misdemeanor to speculate in County Claims.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXI.

AN ACT TO PROTECT SHERIFFS IN THE SALE OF LANDS FOR TAXES.

Return of levy.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases of a levy made on land for the taxes, which may be due from the owner thereof, the Sheriff shall make return of said levy to the Superior Court of the County in which the levy is made, for the purpose of a judgment of condemnation, and all other proceedings now required by law.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXII.

AN ACT AUTHORIZING THE SECRETARY OF STATE TO FURNISH A COPY OF THE CODE OF CIVIL PROCEDURE AS AMENDED IN EIGHTEEN HUNDRED AND SIXTY-EIGHT AND EIGHTEEN HUNDRED AND SIXTY-NINE, TO EACH BOARD OF COUNTY COMMISSIONERS.

Arrears.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Secretary of State shall furnish each Board of County Commissioners of the several Counties with a copy of the Code of Civil Procedure, as amended by session of eighteen hundred and sixty-eight and eighteen hundred and sixty nine.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER COLXIII.

AN ACT TO AUTHORIZE THE SHERIFF OF BEAUFORT COUNTY TO
COLLECT ARREARS OF TAXES.

SECTION 1. *The General Assembly of North Carolina do* Arrears.
enact, That Samuel T. Carrow, Sheriff of Beaufort County,
be hereby empowered to collect arrears of taxes due for
State and County purposes for the year eighteen hundred
and sixty-eight, and the said Sheriff shall have power to
enforce the same that is given to Sheriffs for the collection
of taxes in other cases.

SEC. 2. This act be in force from its ratification,
Ratified the 12th day of April, A. D. 1869.

CHAPTER COLXIV.

AN ACT TO MAKE VALID ALL JUDGMENTS IN ATTACHMENT CASES
SINCE THE ADOPTION OF THE CODE OF CIVIL PROCEDURE.

SECTION 1. *The General Assembly of North Carolina do* Judgments made
valid.
enact, That no irregularity in the issuance of the summons,
leading process or otherwise, shall render invalid any pro-
ceedings by attachment since the adoption of the Code of
Civil Procedure, and prior to the adoption of this act; and
all judgments rendered in any of the Courts of this State,
in cases of attachment since the ratification of the Code of
Civil Procedure, are hereby declared valid to all intents
and purposes, any irregularity in the issuance of the sum-
mons, or other proceedings, to the contrary notwithstanding.

SEC. 2. This act shall take effect from and after its
ratification.

Ratified the 12th day of April, A. D. 1869.

Pub. 39.]

CHAPTER CCLXV.

AN ACT TO REQUIRE THE REGISTRATION OF DEEDS.

Preamble.

WHEREAS, Creditors and purchasers are often hindered and defrauded of their lawful actions, debts and purchases, by reason of the failure of the grantee or bargainee of lands to register their deeds of conveyance, powers of attorney, &c. ; therefore,

Grants, deeds, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That all grants of lands in the 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 or registered on or before the first day of October, eighteen hundred and sixty-nine, 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.

Proviso.

SEC. 2. That after the first day of October, in the year eighteen hundred and sixty-nine, no deed of conveyance, deed of trust or mortgage for real or personal estate shall be valid at law to pass any property as against creditors or purchasers for a valuable consideration from the donor, bargainor or mortgagor, but from the registration of such deed of conveyance, deed of trust or mortgage, in the County where the land lieth ; or in case of personal estate where the donor, bargainor or mortgagor resides ; or in case the donor, bargainor or mortgagor shall reside out of the State, then in the County where the said personal estate or some part of the same is situate, or in case of choses in action where the donee, bargainee or mortgagor resides.

Deeds, &c., not valid at law.

SEC. 3. That within thirty days after the ratification of this act it shall be the duty of the Secretary of State to send by mail ten printed copies of the same to the Chairman of the County Commissioners of each County in the State; and the said Chairman shall, within ten days after he receives the same, cause them to be posted at the Court House door and nine other public places in his County.

Secretary of State
to send copies in 30
days.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXVI.

AN ACT TO FACILITATE THE TRANSFER OF UNFINISHED BUSINESS FROM THE MILITARY TRIBUNALS TO THE CIVIL COURTS OF THIS STATE.

WHEREAS, Major General D. E. Sickles, while commanding the Second Military District, in pursuance of a petition filed with him, in behalf of the Directors and other parties in the Lexington Bank, by Special Order number one hundred and twenty-one, dated August the ninth, eighteen hundred and sixty-seven, ordered that the said Bank of Lexington should go into immediate liquidation, and appointed Jesse H. Lindsay, of Greensboro', Guilford County, in this State, a receiver of its assets, with instructions and powers to possess himself of the same; and whereas, Major General E. R. S. Canby, who succeeded to the command of said Military District, when the said command was about to expire, by Special Order number one hundred and sixty-six, second series, dated July twenty-two, eighteen hundred and sixty eight, ordered that "the unfinished business of the Bank of Lexington, North Carolina, be remitted to the Civil Courts of North Carolina, the said Jesse H. Lindsay continuing to act as receiver thereof until

Preamble.

otherwise ordered by proper civil authority ;” and whereas, the said Jesse H. Lindsay has the assets of the said Bank now in his hands, and being the appointee of no civil tribunal of this State, is subject to the orders and control of no one, and is without the power or authority to proceed with the unfinished business of said Bank ; therefore,

Transfer of papers authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said Jesse H. Lindsay be authorized and required to transfer to, and file in the office of the Clerk of the Superior Court of Guilford County, all the original papers presented to the said military commands, by any of the parties interested, and all orders and directions which were at any time issued, or transmitted to him by the said commanders.

Clerk to receive papers and file same

SEC. 2. That it shall be the duty of the said Superior Court Clerk to receive the papers so transferred to him, and to file the same as records in his office, and to docket the cause with its proper title, in his docket of civil issues ; and after the same is done, the said cause shall be conducted and provided in all respects, as are actions pending in the Superior Court of said County of Guilford.

Lindsay to act as receiver.

SEC. 3. That the said Jesse H. Lindsay, until otherwise ordered by said Court, shall continue to act as the receiver of said Bank of Lexington, with all the powers and all the duties appertaining to such office, including the right to sue, in his name as receiver of the Bank of Lexington, for the assets thereof ; and in all and every particular, the said receiver shall be subject to the control and direction of the Superior Court of Guilford County, the same as if he had been originally appointed thereby.

Acts of Lindsay ratified.

SEC. 4. That all the acts of the said Jesse H. Lindsay, as receiver in the premises, heretofore done in obedience to or compliance with any order or direction of either of the said military commanders, be and the same is hereby ratified.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXVII.

AN ACT MAKING THE ACT OF GOING MASKED, DISGUISED OR
PAINTED A FELONY.

SECTION 1. *The General Assembly of North Carolina do enact*, Any person who shall disguise himself by painting his face, or by wearing any mask or any other device for the concealment of the face or person with intent to terrify or frighten any citizen or the community, or part thereof, shall be guilty of a misdemeanor, and be punished by fine or imprisonment in the County jail, at the discretion of the Court.

Disguised by
painting or wearing
masks.

SEC. 2. Any person or persons, either singly or in association with each other, who, being disguised or masked, or otherwise concealed in the manner described in the preceding section, shall commit any trespass or act by force or violence, which is now a misdemeanor by any statute of this State, or at common law, shall be deemed guilty of felony, and shall be imprisoned at hard labor in the Penitentiary for a term of not less than one year, or more than ten years.

Penalty for tres-
pass, or acts of vio-
lence.

SEC. 3. This act shall go into effect on its ratification and the Governor shall cause the same to be published immediately.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXVIII.

AN ACT TO AMEND AN ACT TO PROVIDE FOR FUNDING THE
MATURED INTEREST ON THE PUBLIC DEBT, RATIFIED, AUGUST
TWENTIETH, EIGHTEEN HUNDRED AND SIXTY-EIGHT.

SECTION 1. *The General Assembly of North Carolina do enact*, That section five of the act to provide for funding

Section 5 amended

the matured interest on the public debt be amended to read as follows :

“Past-due bonds shall bear interest at the rate of six per cent. per annum, until October first, eighteen hundred and sixty-eight.”

Public Treasurer
to allow interest
only.

SEC. 2. The Public Treasurer is directed to allow interest on such past due bonds only, until October first, eighteen hundred and sixty-eight, and his action heretofore in allowing interest only to that date, is hereby confirmed.

SEC. 3. This act shall be in force from its ratification.
Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXIX.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS TO PURCHASE THE BONDS OF THEIR COUNTIES.

Preamble.

WHEREAS, The County Commissioners of Union County have purchased certain bonds of their County at a discount ; and whereas, doubts have been expressed of the right of the Commissioners of Counties to make such purchases ; therefore,

Confirmed.

SECTION 1. *The General Assembly of North Carolina do enact*, That all purchases of County bonds heretofore made by County Commissioners, are hereby confirmed.

Lawful to purchase
liabilities.

SEC. 2. It shall be lawful for County Commissioners to purchase, at any price not more than their par value and accumulated interest, any of the outstanding liabilities for their Counties.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER - CCLXX.

AN ACT CONCERNING THE POWERS AND DUTIES OF STATE OFFICERS.

The General Assembly of North Carolina do enact as follows :

SECTION 1. The public officers of the State are :

Public officers.

1. Legislative.
2. Executive.
3. Judicial.

SEC. 2. But this classification shall not be construed as defining the legal powers of either class.

Legal powers not defined.

SEC. 3. The Legislative officers are :

Executive officers

1. Fifty Senators.

Senators.

2. One hundred and twenty members of the House of Representatives.

Representatives.

3. A Speaker of the House of Representatives.

Speaker.

4. A Clerk and Assistants in each House.

Clerks.

5. A Doorkeeper and Assistants in each House.

Door keepers.

6. As many subordinates in each House as may be deemed necessary.

Subordinates.

SEC. 4. The time and manner of electing Senators, and their term of office are prescribed by the Constitution. (Art. II, sections 3, 4, 27 and 29,) and in Chap. of this Code.

Elections and term of office of Senators.

SEC. 5. The time and manner of election, and the term of office of the members of the House of Representatives, are prescribed by the Constitution. (Art. II, sections 6, 7, 8, 27 and 29,) and in Chap. of this Code.

Elections and term of office of Representatives.

SEC. 6. The other Legislative officers are chosen by their respective Houses, voting *viva voce*. (Con., Art. II, sections 20 and 22.)

How other officers chosen.

SEC. 7. The term of office of the Clerk and Doorkeeper of each House shall be two years, and until their successors are appointed.

Term of office of Clerks and Doorkeepers.

Duty of Lieutenant Governor.

SEC. 8. When the Lieutenant Governor acts as Governor, is sick or absent, the Senate must choose one of their own number as his successor. In other cases his duties are simply those of presiding officer of the Senate, without the right of voting except in case of a tie.

Committees may take testimony.

SEC. 9. Every legislative committee, whether it be a committee of either house, or a joint committee of the two Houses, may take the testimony of any witness voluntarily appearing before it for examination; and when authorized to send for persons or papers, may issue subpoenas to compel the attendance of witnesses who are out of this State, or unable to attend the committee, or excused from attendance; such subpoenas and commissions to be in the form used by the Courts, and to be served and executed in like manner; but the testimony shall be private, unless otherwise ordered by the Legislature or the house appointing the committee.

How persons may make application.

SEC. 10. Every person desiring to appear either in person or by attorney to introduce testimony, or to offer argument for or against the passage of an act or resolution, before any committee of either House of the General Assembly, shall first make application to said committee, stating in writing his object, the number and names of his witnesses, and the nature of their testimony. If the committee consider the information likely to be important, or the interest of the applicant to be great, they shall appoint a time and place for hearing the same, with such limitations as may be deemed necessary.

Party may appeal.

SEC. 11. If any committee shall refuse to grant the request of any citizen to be heard before them in a manner touching his interests, he may appeal to the House of which the committee is a part; and if he show good reason for his request the House shall order it to be granted.

Testimony in contested elections.

SEC. 12. Upon the application of any person desirous to obtain testimony respecting the election of any member of either House, for the purpose of contesting an election, or resisting a contest thereof, any Clerk of the Superior Court

or Justice of the Peace shall issue a subpoena directed to the witnesses named by the applicant, requiring their attendance before him at a specified time and place within the County where the said witness resides, to be examined respecting such election; and he shall also, at the same time, deliver to the applicant a notice to the opposite party, stating the name and purpose of the applicant, and the time and place fixed for the examination, and the names of the witnesses to be examined.

SEC. 13. The subpoena and notice shall be served in the manner required for subpoenas in civil actions; the witnesses shall be entitled to the like fees; the examination shall be conducted in the like manner as the examination of witnesses, conditionally in civil actions; and the testimony, together with the subpoena notice, and proof of service, shall be certified by the officer, and inclosed under seal to the Clerk of House to which the election pertains.

How subpoena and notice served.

SEC. 14. The Secretary of State, within thirty days after each session of the General Assembly, shall cause to be published by the State Printer, all the laws and joint resolutions passed at such session; and each volume shall contain his certificate that it was printed under his direction from enrolled copies on file in his office. In the printing he shall omit the certificate required by section twenty-two to be endorsed upon the original bills; but he shall insert immediately after the title of each law, the word "passed," adding the day, month and year.

Secretary to have laws printed.

SEC. 15. There shall be prefixed to the statutes published each year the names and residences of Governor, Lieutenant Governor, Senators and members of the House of Representatives and of the Justices of the Supreme, and Judges of the Superior Courts.

Names to be prefixed.

SEC. 16. The statutes so published shall be distributed as prescribed in Article . . . , Chapter . . . , of this Code, entitled "General provisions respecting the Secretary of State."

Distribution of statutes.

Secretary to transmit to publishers, &c.

SEC. 17. The Secretary of State shall transmit to the publishers of the journals which may be selected in the State, not to exceed one in each County, copies of all the general statutes and of such local statutes as relate to the affairs of such County, for the expense of which he shall be paid, not to exceed twenty cents per folio.

When publication to be completed.

SEC. 18. The publication of all such statutes must be completed within four months after the final adjournment of the General Assembly in each year; and the whole of every statute which, in the ordinary type of the paper would not occupy more than two columns, must be published in one issue, and otherwise as rapidly as possible, in each succeeding issue occupying that space.

Paper to be filed.

SEC. 19. The Secretary of State shall preserve each year a complete file of every such paper which shall be selected to print the laws of the State, which copy of the journal shall be furnished him by the publisher free of charge, and shall be bound and placed in the Library of the State at the close of the year.

Statutes in pamphlet form.

SEC. 20. The Secretary of State shall also publish, as soon after the adjournment of the General Assembly as may be, all the general statutes, in a cheap pamphlet form, and send them to the Register of Deeds for distribution in the proportion of four to every hundred voters.

When statutes to take effect.

SEC. 21. Every statute shall take effect on the twentieth day after its final passage, unless a different time be prescribed therein.

How parts of acts amended to be considered.

SEC. 21. Where a part of a statute is amended, it is not to be considered as having been repealed and re-enacted in the amended form; but the portions which are not altered are to be considered as having been the law since their enactment, and the new provisions as having been enacted at the time of the amendment.

Statute may be repealed.

SEC. 23. Any statute may be repealed at any time, except when it is otherwise provided therein. Parties acting under any statute, shall be deemed to have done so in contemplation of this power of repeal.

SEC. 24. Executive officers are either :

1. Civil.
2. Military.

Executive officers
civil and military.

SEC. 25. Civil Executive officers are :

1. General, or for the whole State.
2. Special, or for special duties in different parts of the State.
3. Local, or for a particular part of the State.

Civil.
General.
Special.

Local.

SEC. 26. The General Civil Executive officers of this State are as follows :

1. A Governor.
2. A Lieutenant Governor.
3. A Private Secretary for the Governor.
4. A Secretary of State.
5. An Auditor.
6. A Treasurer.
7. An Attorney-General.
8. A Superintendent of Public Instruction.
9. A Superintendent of Public Works.
10. The members of the Governor's Council.

Governor.
Lieutenant Gov-
ernor.
Private Secretary.
Secretary of State
Auditor.
Treasurer.
Attorney General.
Superintendent of
Public Instruction.
Superintendent of
Public Works.
Governor's Coun-
cil.
Powers and duties
of Governor.

SEC. 27. In addition to those prescribed by the Constitu-
tion, the Governor has powers and duties prescribed in this
and the following sections :

1. He has to supervise the official conduct of all execu-
tive and ministerial officers.
2. He is to see that all offices are filled, and the duties
thereof performed, or in default thereof, apply such remedy
as the law allows, and if the remedy is imperfect acquaint
the General therewith.
3. He is to make the appointments and supply the vacan-
cies not otherwise provided for by law in all departments.
4. He is the sole official organ between the government
of this State and other States, or the government of the
United States.
5. He has the custody of the seal of the State, a descrip-
tion whereof must be deposited with the Secretary of State.

Supervise con-
duct, &c.

See offices filled,
&c.

Make appoint-
ments.

Official organ.

Custody of seal

May direct Attorney General.

6. Whenever any suit or legal proceeding is pending against the State, or which may result in any claim against the State, or affect the title of this State to any property, he may direct the Attorney General to appear on behalf of the State, and may employ such additional counsel as he may judge expedient.

Clerks and messengers.

7. He may employ, for the executive duties, three clerks and two messengers, at a salary of not more than six hundred dollars for each, and may dismiss them at pleasure.

Other powers and duties.

8. He shall have such other powers and duties as may devolve on him by law.

Copies of statutes

SEC. 28. The Governor, each year, as soon as published shall transmit to the Executive of every State in the Union, three copies of the statutes of each year, and of the report of the Supreme Court, and request a similar transmission to be made to him of the statutes and reports of the higher courts of the several States. When the statutes of any State are received, he shall deposit one copy in the Executive Library, but in case only one copy is received it shall be deposited in the State Library.

Records.

SEC. 29. The Governor shall cause to be kept the following records ;

Register for pardons.

1. A register of all applications for pardon, or for commutation of any sentence, with a list of the official signatures and recommendations in favor of such application.

Register of Judges reports.

2. A separate register of the judges' reports of the testimony in capital cases, and of any action he may take thereon.

Register of other applications.

3. A separate register of all other applications made to him for any official action.

Accounts approved by Auditor.

4. An account of all his official expenses and disbursements, including the incidental expenses of his departments, and the rewards offered by him for the apprehension of criminals, which shall be paid upon his warrant, approved by the Auditor.

Records, &c., to be preserved.

SEC. 30. These records and the originals of all applications, petitions and recommendations, and reports therein

mentioned, shall be preserved in the office of the Governor, but when applications for offices are refused, he may, in his discretion, return the papers referring to the application.

SEC. 31. Every provision in the Constitution and statutes, in relation to the powers and duties of the Governor, and in relation to the acts and duties to be performed by others towards him, extends to others performing for the time being the duties of Governor.

Others performing duties of Governor.

SEC. 32. The Governor shall reside permanently at the City of Raleigh, during his continuance in office.

Residence of Governor.

SEC. 33. A convenient and commodious dwelling-house, together with such out-houses as shall be necessary, shall be provided for his accommodation. He shall appoint a Private Secretary, who shall enter in books kept for that purpose, all such letters, written by and to the Governor, as are official and important; and such other letters as the Governor shall think necessary.

Dwelling of Governor.

Private Secretary.

SEC. 34. The letter book shall be deposited in the office of the Executive by the Private Secretary, and there carefully preserved; and the Governor shall produce his letter books before the General Assembly, whenever requested.

Letter books deposited.

SEC. 35. The Governor shall procure for the State a seal, which shall be called the great seal of the State of North Carolina, to be used for attesting and authenticating grants, proclamations, commissions and other public acts, in such manner as may be directed by law, and the usage established in the public offices; also a seal for every Court of Record of the State, for the purpose of authenticating the papers and records of such Court.

Seal.

SEC. 36. Whenever the great seal of the State, or any seal of a Court of Record shall be lost, or so worn or defaced as to render it unfit for use, the Governor shall provide a new one, and when new seals are provided, the former ones shall not be used.

When new seal procured.

SEC. 37. The Treasurer shall pay the expense of procuring said seals upon warrant of the Governor countersigned by the Auditor; and the same shall be delivered to the proper

Treasurer to pay expenses.

officers, who shall give a receipt therefor and be accountable for their safe keeping.

Putting seal for papers.

SEC. 38. In all cases where any person may find it necessary to have the seal of the State put again to any public paper, other than a grant for lands, he may prefer his petition to the Governor and Council, who shall, if they deem the same proper, direct the Secretary to put the seal thereto.

Day of thanksgiving.

SEC. 39. The Governor is directed to set apart a day in every year, and by proclamation give notice thereof, as a day of solemn and public thanksgiving to Almighty God for past blessings, and of supplication for his continued kindness and care over us, as a State and a nation.

Council.

SEC. 40. The Governor may convene his Council for consultation therewith, whenever he may deem it proper.

Secretary of State charged with custody of statutes, &c.

SEC. 41. The Secretary of State is charged with the custody of all statutes and joint resolutions of the Legislature, all documents which pass under the great seal, and of all the books, records, deeds, parchments, maps and papers now deposited in his office, or which may hereafter be there deposited pursuant to law, and he shall from time to time make all necessary provisions for their arrangement and preservation.

Bond.

SEC. 42. The Secretary of State shall give bond with sufficient security, approved by the Governor and Auditor, for the sum of twenty thousand dollars, payable to the State, and conditioned for the faithful performance of his duties.

Bond deposited.

SEC. 43. The bond of the Secretary of State shall be deposited in the Treasurer's office for safe keeping; and he shall take the oath prescribed for public officers.

Office hours.

SEC. 44. The Secretary shall attend at his office, in the City of Raleigh, between the hours of nine o'clock, A. M., and two o'clock, P. M., on every day of the year, Sundays and legal holidays excepted. He shall be furnished with the necessary furniture and Clerk hire to carry on the business of his office.

SEC. 45. It is the duty of the Secretary of State :

1. To attend at every session of the Legislature, for the purpose of receiving bills which shall have become laws, and to perform such other duties as may then be devolved upon him by resolution of the two Houses, or either of them.

To attend Legislature, &c.

2. To attend the Governor, whenever required by him, for the purpose of receiving documents which have passed the great seal.

Attend the Governor.

3. To receive and keep all conveyances and mortgages belonging to the State.

Receive mortgages, &c.,

4. To receive and record, in proper books, the depositions made or furnished him, or required by law, by resident aliens desirous to take and hold real property.

Receive depositions, &c.

5. To distribute annually the statutes, the Legislative Journals and Documents, and the Reports of the Supreme Court.

To distribute.

6. To distribute the Acts of Congress received at his office in the same manner as the statutes of the State.

Acts of Congress.

7. To keep a receipt book, in which he shall take from every person to whom a grant shall be delivered, a receipt for the same; but he may inclose grants by mail to any person requesting him to do so, first entering the same on the receipt book.

Receipt book for grants,

SEC. 46. The original statutes and joint resolutions passed at each session, the Secretary of State shall immediately thereafter cause to be bound in volumes of convenient size. He shall compare with this original, a copy of the printed statutes; and having noted therein at the end of each statute or resolution any error in the printed copy, deposit the same with the original volume in his office. Each such volume shall be lettered on the back with its title and the date of its session. He shall also cause indexes to the statutes to be prepared as soon as practicable after each session of the Legislature, and deliver them to the printer of the statutes.

Statutes bound, &c.

SEC. 47. Immediately after the bills, statutes, journals and documents of any session are bound, the Secretary shall distribute the same as follows:

Statutes and Journals distributed, to whom.

1. To the Clerk of the Senate for the use of the Senate, four copies of the bills, and to the Clerk of the House for the use of the House, eight copies.

2. To the Clerk of the Senate, for the use of the Senate, sixteen copies of the statutes, journals and documents, and to the Clerk of the House, for the use of the House, eighteen copies.

3. To the Governor, for the use of the Executive Chamber, to the Lieutenant Governor, to each member of the Legislature, to each of the Clerks of the two Houses, to each Judge of the Superior Court, to each Justice of the Supreme Court; and to the following for their respective offices; the Secretary of State, the Auditor, the Treasurer, the Attorney-General, the State Superintendent of Public Instruction, to each Clerk of the Superior Court, the Inspectors of State Prisons, for their office, to the Librarian of the State Library, and to each member of the Code Commission, each one copy of the statutes, journals and documents.

4. To each of the incorporated Colleges of the State, one copy of the statutes and documents.

Advice of Board
of Education.

5. And with the advice of the Board of Education, to such literary and scientific institutions and societies, not exceeding twenty in number, as in their judgment will preserve the same, and make most accessible and useful to the public, one copy of the statutes, journals and documents.

6. Register of Deeds, for the use of the Board of County Commissioners, one copy of the statutes.

7. To the Secretary of State of the United States, four copies of the statutes.

At expense of
State.

SEC. 48. All of which are to be transmitted at the expense of the State; the statutes, journals and documents for the use of each County, and for members of the General Assembly and other officers therein, to be transmitted in boxes to the Register of Deeds of each County, and the rest in such manner as the Secretary may think best; the statutes to be transmitted within sixty days after the adjournment of the General Assembly. He shall also put up in boxes the

laws directed to be sent by the Governor to the several States in the Union, and shall transmit the same at the expense of the State in such manner as the Governor shall direct, and he shall offer for sale, at an advance not exceeding ten per cent., such number of copies as the Senate and Assembly may, by joint resolution, direct.

SEC. 49. In the year eighteen hundred and seventy-five, and every tenth year thereafter, the Secretary of State shall cause to be made a census of the State. He shall appoint for this purpose one or more marshals in each town or ward, and furnish each marshal with a certificate of his appointment, designating the district for which he is appointed. If any marshal neglects to perform his duties, the Secretary of State shall remove him and appoint another. He shall in each year prepare the necessary blank returns for the purpose of collecting the information hereinafter required, and provide copies of the provisions of this article relating to the census, and shall, on or before the first day of May in such year, furnish to the Clerk of each County twice as many of such returns and of the provisions of the statute as there are election districts in the County, who in turn must forward to the Clerk of the Townships, and to the Clerks of the Common Councils of the Cities within the County, a sufficient number to supply each marshal of such Township or City with two sets of blank returns, and one copy of the provisions of the statute.

Census of State.

SEC. 50. It is the duty of each marshal to proceed on the first Monday in June in such year to enumerate the inhabitants of his district, and to obtain the statistical information required, by actual enquiry at every dwelling house, or of the head of every family residing therein, and by such other means as are in his power; and to enter the enumeration and other information in the blank returns. Every person whose usual place of abode on such first day of June is in any family shall be returned as of such family, and every person casually absent as belonging to the place in which he usually resides. Each marshal must prepare

Duty of Marshals.

duplicate copies of his return and subscribe and verify, under oath, a certificate upon each copy that the return is true and accurate to the best of his knowledge and belief, and stating the number of pages of which it consists. The necessary oath shall be administered by any officer authorized so to do, and without any charge therefor. The marshal must, on or before the first day of July, in the same year, transmit both copies to the Register of Deeds. If any marshal neglects to do so for five days after the first day of July, the Register of Deeds shall go or send to obtain the returns; and the expense of so doing shall be deducted from the compensation of the marshal.

Returns by express.

SEC. 51. Immediately upon receiving the returns, each Register of Deeds shall by express transmit one copy of each, carefully packed in boxes, to the Secretary of State; the other copy he shall cause to be arranged by towns and wards, and bound and preserved as records of his office.

Secretary to report.

SEC. 52. The Secretary of State shall report to the General Assembly a general account of the result, specifying it for the several townships, towns, wards, cities and Counties, with a full recapitulation of the whole.

Penalty for refusal

SEC. 53. Any person being the head of a family or member thereof, above the age of twenty-one years, who refuses to give the information required by a marshal, relative to any particular required by the returns concerning such family or person, or wilfully gives false information concerning the same, is liable to a penalty of fifty dollars, to be recovered by the Township Clerk and paid over to the School Committee for the benefit of Common Schools.

Compensation.

SEC. 54. The marshal's compensation shall be three dollars for each day actually and necessarily employed in his duties as such. Their compensation and that of the Register of Deeds, for their service in respect to the census, are to be audited by the Commissioners of their respective Counties.

Secretary to appoint.

SEC. 55. The Secretary of State shall appoint suitable person to take and enumeration of the Indians upon the several reservations.

SEC. 56. It shall be the duty of the Secretary of State to purchase stationery for the use of the State government in all its departments, including the books of record, dockets and other stationery for the use of the Courts in the different Counties, the dockets of Justice of the Peace, registration and election books for the various precincts, the blanks, books and other stationery required in the departments of Public Instruction, and other Executive and legislative offices.

Secretary to purchase stationery.

SEC. 57. On or before the first day of August, in each year, it shall be the duty of the Secretary of State to send to each Executive officer of the State, to the Clerks of the Superior Court and Register of Deeds in each County, to the Clerk of the Supreme Court, Judges of the Superior Court and to the Clerks of each House of the General Assembly, a blank estimate of the stationery required by each of said offices for their official business, during the next succeeding year.

Blank estimate of stationery.

SEC. 58. It shall be the duty of each officer thus addressed to return said blank estimate to the Secretary of State, on or before the tenth day of September following, properly filled and certified by the officer on oath that the said stationery is required by him for public service. The Clerks of each House of the General Assembly shall make requisition for the amount necessary to supply the House to which he belongs, and the Register of Deeds in each County shall make requisition for such number of registration and poll books and Justices' dockets necessary to supply his County, or as may be ordered by the Board of Commissioners at their regular September meeting, as well as the record books for his own office.

Officer to return estimate.

SEC. 59. That immediately upon the receipt of these requisitions, the Secretary of State shall summon the Auditor and Treasurer to attend his office and inspect the amounts of each of said requisitions, and if the requisitions of any officer shall appear to the said Board of Inspectors excessive and unreasonable, it shall then and there be

Auditor and Treasurer to attend.

reduced as in their judgment may be deemed just and proper.

Requisitions approved, &c.

SEC. 60. When the Inspectors have passed upon and approved or amended the various requisitions, the Secretary shall prepare a list of the various kinds of stationery required, and the amount of each and the time at which it is required to be delivered, and shall invite sealed proposals to supply the same by advertising at least twice in two weekly issues of four papers in the State.

Proposals, &c.

SEC. 61. Said sealed proposals must be forwarded to the Secretary of State previous to the first day of November, and the lowest bidder for each class offering sufficient security shall be awarded the contract to supply the same; the award shall be signed by the Secretary, who shall state thereon that each contract is thus awarded to the lowest responsible bidder, and no account for stationery furnished shall be audited or paid except upon presentation of such award.

Secretary to furnish amount of stationery to Auditor.

SEC. 62. The Secretary of State shall furnish to the Auditor each year, before the first Wednesday in August, the amount of stationery, with the cost thereof, including freight, furnished each County during the previous year, and it shall be the duty of the Auditor to forward to the Board of County Commissioners of each County, before the fifteenth day of August in each year, the stationery account of such County, and the same shall be levied with the taxes of the County and paid over with the other taxes by the Sheriff.

Auditor.

SEC. 63. It is the duty of the Auditor :

Report.

1. To superintend the fiscal concerns of the State.
2. To report to the General Assembly, annually, a complete statement of the funds of the State, of its revenues and of the public expenditures during the preceeding fiscal year, and, as far as practicable, an account of the same down to the termination of the current calendar year, together with a detailed estimate of the expenditures to be defrayed from the Treasury for the ensuing fiscal year, specifying therein each object of expenditure and distinguish-

ing between such as are provided for by permanent or temporary appropriations, and such as must be provided for by a new statute, and suggesting the means from which such expenditures are to be defrayed.

3. To suggest plans for the improvement and management of the public revenue. Suggest plans.

4. To keep and state all accounts in which the State is interested. Keep accounts.

5. To examine and settle the accounts of all persons indebted to the State, and to certify the amount or balance to the Treasurer. Examine accounts

6. To direct and superintend the collection of all moneys due the State. Collect moneys, &c.

7. To examine and liquidate the claims of all persons against the State, in cases where there is sufficient provision of law for the payment thereof; and where there is no sufficient provision, to examine the claim and report the fact, with his opinion thereon, to the General Assembly. Examine claims.

8. To require all persons who have received any moneys belonging to the State, and have not accounted therefor, to settle their accounts. To require persons to settle, &c.

9. To draw warrants on the Treasurer for the payment of all monies directed by law to be paid out of the Treasury; but no warrant shall be drawn unless authorized by law, and every warrant shall refer to the law under which it is drawn. Draw warrants.

10. To keep in his office all leases, mortgages, bonds and other securities for money given to the people of the State, unless otherwise specially directed. Keep leases, &c.

11. To keep and preserve the certificates of stock of any kind, owned by the people of the State. Keep certificates, &c.

12. To procure from the books of the banks, in which the Treasurer makes his deposits, monthly statements of the moneys received and paid on account of the Treasurer. Procure statements of deposit.

13. To countersign and enter all checks drawn by the Treasurer, and all receipts for money paid to the Treasurer, To countersign checks, &c.

and no such receipts shall be evidence of payment, unless so countersigned.

Keep account between State and Treasurer.

14. To keep an account between the State and the Treasurer, and therein charge the Treasurer with the balance in the Treasury when he came into office, and with all moneys received by him, and credit him with all warrants drawn or paid by him.

Examine bank book kept by Treasurer, &c.

15. To examine carefully on the first Tuesday of every month, or oftener if he deems it necessary, the accounts of the debts and credits in the bank book kept by the Treasurer, and if he discovers any irregularity or deficiency therein, unless the same be rectified or explained to his satisfaction, to report the same forthwith, in writing, to the Governor.

Require statements, &c.

SEC. 64. To require, from time to time, all persons who have received moneys or securities, or have had the disposition or management of any property of the State, of which an account is kept in his office, to render statements thereof to him; and all such persons shall render such statement at such time and in such form as he shall require.

Power to require oath.

SEC. 65. He has power to require any person presenting an account for settlement, to be sworn before him and to answer orally as to any facts relating to its correctness.

May draw warrant

SEC. 66. Whenever he is satisfied that moneys have been paid into the Treasury, through mistake, he may draw his warrant therefor on the Treasurer, in favor of the person who made such payment; but this provision shall not extend to payments on account of taxes, to payments on bonds and mortgages.

With consent may lease.

SEC. 67. He may, with the consent of the Attorney General, if they are satisfied that the interests of the State will not be prejudiced, release any portion of real property, subject to a judgment in favor of the people of this State, from the lien created by such judgment, and may also acknowledge satisfaction of a judgment in favor of the people, when it is satisfied by payment.

SEC. 68. Whenever any real property mortgaged to the people of this State, or bought in for the benefit of the State, or which a certificate shall have been given to a former purchaser, is sold by the Attorney General on a foreclosure by notice, or under a judgment, for a greater sum than the amount due to the State, with costs and expense, the surplus money received into the Treasury, after a conveyance has been executed to the purchaser, shall be paid to the person legally entitled to such real property at the time of the foreclosure of the forfeiture of the original contract; but the Auditor shall not draw his warrant for surplus money, unless upon satisfactory proof by affidavit or otherwise, of the legal rights of such person.

When property sold on a foreclosure, &c.

SEC. 69. The Auditor shall keep his office at the City of Raleigh, and shall attend there at between the hours of nine o'clock, A. M., and two o'clock, P. M., Sundays and legal holidays excepted.

Office hours.

SEC. 70. He shall be allowed such office room, clerk hire and other expenses as may be necessary.

Clerk hire and expenses allowed.

SEC. 71. It is the duty of the Treasurer :

Treasurer.

1. To receive all moneys which shall, from time to time, be paid into the Treasury of this State.

Receive moneys.

2. To keep a bank book, in which shall be entered his account of deposits in bank, and moneys drawn therefrom, and to exhibit the same to the Auditor for his inspection on the first Tuesday in every month, and oftener if required.

Keep bank book.

3. To pay all warrants legally drawn on the Treasurer by the Auditor, and no moneys shall be paid out of the Treasury except on the warrant of the Auditor; to report to the General Assembly at its annual session the exact balance in the Treasury to the credit of the State, with a summary of the receipts and payments of the Treasury during the preceding fiscal year, and so far as practicable, an account of the same down to the termination of the current calendar year.

Pay warrants, &c.

SEC. 72. The banks having State deposits shall every month transmit to the Auditor a statement of the moneys

Banks to transmit

which have been received and paid by them on account of the Treasury.

Treasurer not to draw.

SEC. 73. The Treasurer shall not draw, nor shall such bank pay, any moneys on account of the Treasury, except by checks subscribed by him as Treasurer and countersigned by the Auditor.

Bond.

SEC. 74. The Treasurer shall, within ten days after he receives notice of his election, and before he enters upon the execution of his office, give a bond to the State in the sum of two hundred and fifty thousand dollars, with not less than four sufficient sureties, to be approved by the President of the Senate and Speaker of the House of Assembly, conditioned that he will faithfully execute the duties of his office, which bond shall be deposited in the office of Secretary of State, and shall be deemed to extend to the faithful execution of the office of Treasurer by the person elected thereto, until a new election of Treasurer be made, and a new bond given by the person elected.

New bonds.

SEC. 75. After the new election is made, and such new bond given, upon the filing in the office of the Secretary of State of a certificate from the Commissioners who shall have examined and settled the accounts of the Treasurer of the preceding year, certifying that such accounts are regularly stated and balanced, and that the balance, if any there be, in moneys, securities and other effects is actually in the Treasury, or deposited as by law directed, the bond given by such Treasurer and his sureties shall be discharged and delivered up to be canceled.

Deputy Treasurer

SEC. 76. The Deputy Treasurer may perform any of the duties of the Treasurer except signing of checks. The Treasurer is responsible for the conduct of his Deputy.

Accounts to be closed.

SEC. 77. The accounts of the Treasury shall be annually closed on the thirtieth of September, and examined during the months of October, November and December by Commissioners appointed for that purpose by the General Assembly at each annual session, to consist of two Senators and three Representatives.

SEC. 78. The Commissioners shall examine the accounts and vouchers relating to all moneys received into and paid out of the Treasury during the preceeding fiscal year, and shall certify and report to the Legislature at its next session the amount of moneys received and the amount of moneys paid out of the Treasury during such year, by virtue of warrants drawn on the Treasury by the Auditor, the amount of moneys received by the Treasurer when he entered his office, and the balance in the Treasury at the close of the fiscal year. They shall also compare the warrants drawn by the Auditor on the Treasury during such fiscal year, with the several laws under which the same purport to have been drawn, and shall in like manner certify and report whether the Auditor had power to draw such warrant; and if any are found which, in the opinion of the Commissioners, he had no power to draw, they shall be specified, with the reasons for the opinion. The majority of the Committee may perform all its duties.

Commissioners to
examine vouchers.

SEC. 79. Whenever the Treasurer dies or resigns during his term, or is succeeded at the expiration of his term by another, these Commissioners shall examine his accounts. They shall be governed in their examination, certificate and report, by the provisions of the preceding section.

In case of death or
resignation

SEC. 80. The Treasurer shall keep his office at the City of Raleigh, and shall attend there between the hours of nine o'clock, A. M., and two o'clock, P. M., Sundays and legal holidays excepted.

Office hours.

SEC. 81. He shall be allowed such office room, clerk hire and other expenses as may be necessary.

Office room and
Clerk hire allowed.

SEC. 82. It shall be the duty of the Attorney General :

1. To defend all actions in the Supreme Court in which the State shall be interested, or as a party; and shall also, when requested by the Governor or either branch of the General Assembly, appear for the people of this State, in any other court or tribunal, in any cause or matter, civil or criminal, in which the people of this State may be a party or interested.

To defend actions
&c.

He shall defend
and prosecute.

2. At the request of the Governor, the Secretary of State, the Auditor, Superintendent of Public Instruction, or Superintendent of Public Works, he shall prosecute and defend all suits relating to matters connected with their department.

Advise Solicitors,
&c.

3. To consult with and advise the Solicitors, when requested by them, in all matters pertaining to the duties of their offices.

Report.

4. To make and submit to the General Assembly, at the commencement of its annual session, a report of all official business done by him during the year preceding, specifying the suits to which he has attended, the number of persons prosecuted, the crimes for which and the Counties where such prosecutions were had, the result thereof and the punishment awarded.

Abstract reports.

5. To include in his annual report an abstract of the reports of the several Solicitors.

Give an opinion.

6. To give, when required, his opinion upon all questions of law submitted to him by the General Assembly, or by either branch thereof, or by the Governor, Auditor, Treasurer, or any other State officer; and also to notify the Judge of the proper district of the refusal or neglect of any Solicitor to make the report to the Attorney General as required by law.

To pay moneys,
&c.

7. To pay all moneys, received for debts due or penalties to people of this State, immediately after the receipt thereof, into the Treasury.

To keep register.

8. To keep, in proper books, to be provided for that purpose at the expense of the State, a register of all actions or demands prosecuted or defended by him in behalf of the people of this State, and of all proceedings had in relation thereto, and shall deliver the same to his successor in office.

Make requisition.

SEC. 83. The Attorney General shall make requisition on the Secretary of State, as provided in section fifty-eight, for a sufficient number of blank books of convenient size and form, and shall furnish one to each Solicitor, and the said Solicitor shall therein keep a complete record of all the

cases tried by him, and shall make semi-annual reports of the same to the Attorney General, giving:

1. The name of the party and the County where indicted. Name of party.
2. The offence, when and where tried, and before what Judge. Offence.
3. The verdict, sentence, appeal or acquittal. Verdict.
4. In case a *nol prosequi* is entered a statement of the reason therefor. Reason therefor.

The report shall be made on oath, by the Solicitor, and approved by the Judge of the district. Report on oath.

SEC. 84. The above report shall be forwarded by each of the Solicitors within twenty days after the close of the Fall and Spring Terms in their respective districts. Reports, when forwarded.

GENERAL PROVISIONS CONCERNING THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 85. Shall keep his office at the seat of Government. He shall provide a seal for his office; and copies of his acts and decisions, and of papers kept in his office, and authenticated by his signature and official seal, shall be of the same force and validity as the original. He shall sign all requisitions on the Auditor for the payment of money out of the State Treasury for school purposes. Office.
Seals, &c.

SEC. 85. He shall be furnished with such office room, furniture, fuel, stationery and clerical aid as shall be necessary for the efficient discharge of the duties of his office, at the expense of the State. Office room, &c.

SEC. 87. The Superintendent of Public Instruction shall direct the operations of the system of common schools and enforce the regulations and laws in relation thereto. Direct operations.

SEC. 88. He shall report to the Governor annually on the first of November. The Governor shall transmit such report to the Legislature, and, if ordered to be printed, the Secretary of State shall bind five hundred copies and deliver them to the Superintendent, who shall deposit twenty copies in the Library of the Department of Public Instruc- Report to Gov-
ernor, &c.

tion, furnish one copy to the Commissioners of each County, to be held by them as public property and delivered to their successors in office, and one copy to each University, College and Normal School in the State. The remaining copies shall be distributed, one to the State Library of each State and territory, and the others to such cities, institutions of learning and persons as he may deem proper. The Legislature shall order at least five thousand pamphlet copies to be furnished the Superintendent, who shall forward one copy to each District Library, and shall distribute the remainder, as he may deem advisable, to school officers and other persons.

Report to contain.

SEC. 89. Said report shall contain a statement of the condition of the public schools in the State; full statistical tables by Counties, showing among other statistics the number of school children in the State; the number attending public schools, and the average attendance; the number attending private schools, and the number not attending any school; the amount of State school fund, the sources from which derived and how apportioned, the amount raised by County and district taxes, and from other sources of revenue for school purposes; the amount expended for salaries of teachers, for building, improving and preserving school houses; a statement of plans for the management and improvement of schools and school buildings; of the condition of the State Normal Schools, of the State Agricultural College, of all incorporated literary institutions required to report to him; of the educational department of the State Penitentiary; of the Asylum for the Deaf and Dumb and the Blind, and of all other educational institutions to which State appropriations may be made.

To correspond.
&c.

SEC. 90. It shall be his duty to correspond with educators abroad and to investigate the system of free schools established in other States and countries, and as perfectly as possible render the results of educational efforts and experiences, available for the information and aid of the Legislature and Board of Education.

SEC. 91. It shall be the duty of the Superintendent of Public Instruction to acquaint himself with the peculiar educational wants of each section of the State, and he shall take all proper means to supply them by visiting schools, advising teachers, counseling with County Commissioners and Superintendents, by lectures before institutes and addresses to public assemblies on subjects pertaining to public schools.

Acquaint himself
with wants.

SEC. 92. The Superintendent of Public Instruction, after the State Auditor reports to him as required in this act, shall apportion to the several Counties the school moneys to which each may be entitled, and shall furnish to the State Auditor, to each County Treasurer and to the Commissioners of each County an abstract of such apportionment, and shall draw his order on the State Auditor in favor of each County Treasurer for the amount of State school fund to which such County is entitled, and shall take each Treasurer's receipt for the same.

Shall apportion
school moneys.

SEC. 93. The Superintendent of Public Instruction shall prepare, and cause to be printed, suitable forms for making all reports and conducting all necessary proceedings under this act, and shall transmit them to the local school officers and teachers, who shall be governed in accordance therewith. He shall furnish all State and County Boards of Examination with suitable diplomas and certificates, and shall prepare a State school register, which shall be furnished to each school and school district in the State. He shall cause all school laws to be printed in a pamphlet form, and shall annex thereto forms for making reports and conducting school business; the course of study, rules and regulations, list of text books and library books adopted and prescribed by the State Board of Education, and such suggestions on school architecture as he may deem useful, with such wood cuts and plans of school houses as he may be able to obtain, or which may be provided by State appropriation. He shall furnish each school officer and

Prepare forms, &c.

teacher and each school library with at least one copy of said pamphlet.

To file printed and manuscript reports, &c.

SEC. 94. The Superintendent of Public Instruction shall file, arrange and cause to be bound in a substantial form all valuable printed and manuscript reports in his office relating to the past and present educational history of the State, and shall cause to be bound all valuable school reports, school journals and school documents that may be sent to his office, and retain all of them as a part of the archives of his office, and for this purpose an annual appropriation, not to exceed three hundred dollars (§300) shall be made by the Board of Education from the State educational fund before apportionment. He shall also collect text books of the most approved character, school histories, biographies, works on teaching, samples of school desks, chairs, blackboards, globes, maps and diagrams, plans of school houses, and whatever else he may deem appropriate for preservation in his office, all of which shall be held as the property of the Board of Education.

Superintendent to be *ex officio* one of the Directors.

SEC. 95. The Superintendent of Public Instruction shall be *ex officio* one of the Directors of the Asylum of the Deaf and Dumb and the Blind, and of the State Reform Schools, and State Orphan Asylum. He shall visit such institutions and report concerning the instruction given to the inmates thereof, and shall also visit, as far as may be practicable, the several incorporated literary institutions of the State, and make such report thereof as he may deem proper.

SEC. 96. The Superintendent of Public Instruction shall, at the expiration of his term of office, deliver on demand to his successor all property, books, documents, maps, records, reports and other things belonging to his office.

GENERAL PROVISIONS CONCERNING THE SUPERINTENDENT OF PUBLIC WORKS.

Charge of State's interest.

SEC. 97. The Superintendent of Public Works shall have charge of the State's interest in all Rail Roads, Canals and

other works of internal improvement, and also of all public buildings which are the property of the State.

SEC. 98. He shall report to each session of the General Assembly : Report.

1. The condition of all public buildings in his charge, repairs which have been made since the last report, the repairs or modifications which he deems necessary, with his estimates for the same, and the expenditure on each during the year past. Condition of buildings, &c.

2. The condition of all Rail Roads, Canals, or other works of internal improvement, owned or operated exclusively by the State, and he shall at the same time suggest such improvement, enlargement or extension of such works as he shall deem proper, and such new works of similar nature as shall seem to him to be demanded by the growth of trade or the general prosperity of the State. Rail Roads and Canals, &c.

3. The amount, condition and character of the State's interest in other roads, canals or other works of internal improvement in which the State has taken stock, to which she has loaned money, or whose bonds she holds as security. Character of State's interest.

4. The condition of such roads or other corporate bodies, as are referred to in the previous section, in detail, giving their entire financial condition, the amount and market value of the stock, receipts and disbursements for the previous year or since the last report. The amount of real and personal property of such corporations, its estimated value, and such suggestions with regard to the State's interest in the same as may to him seem warranted by the status of the corporation. Roads and corporate bodies.

5. The condition, extent, capacity and business of all other Rail Roads in this State in tabular form, as provided in the next section. To recommend such legislation as he may deem expedient in regard to any or all of the above matters. Extent, capacity, &c., of Rail Road.

SEC. 99. It shall be his duty to vote either in person or by proxy, in behalf of the State, at all elections of directors Vote.

of corporations or joint stock companies, at which the State is entitled to vote.

Rail Roads to report to Superintendent.

SEC. 100. Every Rail Road, Canal or other work of internal improvement in the State, shall report to the Superintendent of Public Works on or before the first Monday of December, Anno Domini eighteen hundred and and sixty-nine, of the following facts :

- | | |
|-------------------------------------|--|
| Location, &c. | 1. The location, extent and capacity of such work. |
| Capital stock. | 2. The entire capital stock and its market value. |
| Amount of real and personal estate. | 3. The entire amount of real and personal property of the corporation, and its estimated and assessed value. |
| Character of debts | 4. The amount and character of its indebtedness, and what liens there are upon its property. |
| Receipts, &c. | 5. Its receipts and expenditure for the last fiscal year. |
| Freight and passengers. | 6. The amount of freight and number of passengers carried during that time. |
| Other information | 7. Such other information as may be deemed essential by the officers making the statement. |

Verified by oath.

This statement shall be verified on oath, before some competent officer, by the President and Treasurer of the corporation.

Charge of other public edifices.

SEC. 101. The Superintendent of Public Works shall also have charge and supervision of the building of all other public edifices, under such rules and regulations as the General Assembly may prescribe, unless otherwise provided.

Shall be held responsible.

SEC. 102. He shall be held responsible for the condition and repair of the buildings under his care, and may be prosecuted for neglect of his duty, and judgment taken against him for damages in the Superior Court for the County of Wake.

When not responsible.

SEC. 103. In case he shall have asked of the General Assembly an appropriation for repairs of any building under his care, and the same shall have been refused, he shall not be held responsible for any decay that may ensue thereafter.

Bond.

SEC. 104. He shall give bond in the penal sum of twenty

thousand dollars, with two sufficient sureties, to be approved by the Auditor and Treasurer of the State, for the faithful performance of his duties.

SEC. 105. He shall have the general charge of making all surveys, maps, &c., ordered by the General Assembly, in reference to the capacity or development of the natural resources of the State. Charge of surveys, &c.

SEC. 106. He shall perform such other duties as the General Assembly may from time to time impose. Other duties.

SEC. 107. The Superintendent of Public Works shall have his office at the seat of government, and the same with necessary furniture and clerk hire he shall furnish, and the account as allowed by the Auditor shall be paid by the Treasurer. Where office to be kept.

SEC. 108. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXXI.

AN ACT PROVIDING FOR CERTAIN REPORTS FROM RAIL ROAD COMPANIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the President, either by himself or through the Superintendent of each Rail Road Company in this State, shall annually, on or before the first Monday in November, report to the Superintendent of Public Works, under oath, upon the following subjects, viz :

1. Stock and debts of the Company he represents. Stock and debts.
2. Cost of construction of Road.
3. Cost of equipment.
4. Length of Road.
5. Length completed.

PUB. 41.]

6. Length uncompleted.
 7. Length of branches.
 8. Length of side tracks.
 9. Weight of rail per yard.
 10. Length and character of bridging.
 11. Cost and value of buildings and fixtures.
 12. Present state of equipment, with statement of number and character of engines, cars, &c.
 13. Business of the year; number of miles run by passenger trains; number of miles run by freight trains; number of tons of freight carried one mile; number of passengers carried one mile; rates of fare of first and second class passengers; rates per ton per mile of freight.
 14. Cost of operating Road.
 15. Earnings.
 16. Value of material on hand.
 17. Actual cost of transporting freight per ton per mile.
 18. Actual cost of transporting passengers per mile.
 19. Accidents and their causes, and in cases of injury to person, the extent of injury, and whether of passengers or employees, and if said accident happened by the negligence or fault of any employee, whether such person is still in the employ of the Company.
 20. Number of employees and their compensation.
- Business of y
&c.
- Cost.
- Earnings.
- Value of material.
- Freight.
- Passengers.
- Accidents.
- Employees.
- Failure to report
a misdemeanor.
- Duty of Superin-
tendent, &c.
- SEC. 2. In case of failure to report, or in case of any false report, as hereinbefore provided, the party or parties so failing or making such false report shall be deemed guilty of a misdemeanor, and shall, upon conviction in the Superior Court of Wake County, be punished by fine of not less than two hundred and fifty dollars, nor more than five hundred dollars.
- SEC. 3. It is hereby made the duty of the Superintendent of Public Works to inform the Attorney General of any failure to report, or of any false report, as hereinbefore provided, and the said Attorney General shall prosecute, in the name of the State, such party or parties failing to report or making such false report.

SEC. 4. It shall be the duty of the Superintendent of Public Works to prepare and furnish to the President and Superintendents of all Roads in this State suitable forms for the foregoing mentioned returns. Superintendent to prepare forms.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXXXII.

AN ACT TO AMEND TITLE TWENTY OF THE CODE OF CIVIL PROCEDURE, AND TO RATIFY STAYS OF EXECUTION GRANTED BY JUSTICES OF THE PEACE IN CERTAIN CASES.

SECTION 1. *The General Assembly of North Carolina do enact*, That title twenty of the Code of Civil Procedure be amended by inserting between sections five hundred and five and five hundred and six, chapter second of said title, the following as an additional section, to-wit: Amended.

“SEC. 505. *Stay of execution:*

In all actions founded on contract made since the first day of May, Anno Domini eighteen hundred and sixty-five, whereon judgments are rendered in Justices' Courts, stay of execution, if prayed for at the trial by the defendant or his attorney, shall be granted by the Justices in the following manner: for any sum not exceeding twenty-five dollars, one month; any sum above twenty-five dollars and not exceeding fifty dollars, three months; for any sum above fifty dollars and not exceeding one hundred dollars, four months; for any sum above one hundred dollars, six months. But no stay of execution shall be allowed in any section wherein judgment is rendered on a former judgment taken before a Justice of the Peace.” Stay granted by Justice.

Stay ratified.

SEC. 2. That all stays of execution which have been granted since the twenty-fourth day of August, Anno Domini eighteen hundred and sixty-eight, or which may be granted hereafter, till the ratification of this act, agreeably to section eleven, chapter sixty-two, of the Revised Code, be and every such stay is hereby ratified and rendered valid.

Sec. 503 amended.

SEC. 3. That section five hundred and three of the Code of Civil Procedure be amended by inserting between the words "rendered" and "the," in line five thereof, the following words: "Or in such case he shall also deliver to the defendant, or his attorney, a transcript of any stay of execution issued, or which may thereafter be issued, by him in such judgment, which may be in like manner filed and docketed in the office of the Clerk of said Court," and by inserting after the word "Court" in line twelve thereof the following words: *Provided*, That in case a stay of execution upon such judgment shall be granted, as provided herein, executions upon such judgment shall not be issued by the Clerk of the Superior Court until the expiration of such stay.

SEC. 4. That this act shall take effect from the day of its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXXIII.

AN ACT TO PROVIDE FOR HOLDING SPECIAL TERMS OF THE SUPERIOR COURTS.

* Special Court.

SECTION 1. *The General Assembly of North Carolina do enact*, Whenever it shall appear to the Governor, by the certificate of any Judge, a majority of the County Commissioners, or otherwise, that there is such an accumulation of

criminal or civil actions in the Superior Court of any County as to require the holding of a special term for its dispatch, he shall issue an order to the Judge of the judicial district in which such County is, requiring him to hold a special term of the Superior Court of such County, to begin on a certain Mouday, not to interfere with any of the regular terms of the Courts of his districts. The Judge shall attend and hold such Court.

SEC. 2. Whenever the Governor shall call a special term of the Superior Court for any County, he shall notify the Chairman of the County Commissioners of the County of such call, and such Chairman shall take immediate steps to cause twenty-four, or if a grand jury be needed, thirty-eight qualified persons, to be drawn and summoned as jurors for said term; and also to advertise said term at the Court House and at one public place in every Township of his County, or by publication of at least two weeks in some newspaper published in his County, in lieu of such Township advertisement.

Notice to Chair-
man.

SEC. 3. The special terms of the Superior Courts held in pursuance of this act, shall have all the jurisdiction and powers that regular terms of the Superior Courts have.

Powers, &c.

SEC. 4. The said terms shall last until all the business of the Court shall be disposed of.

Term shall last.

SEC. 5. The Clerk shall give the Judge a certificate of attendance for the number of days occupied by the Court, and the Judge shall thereupon be entitled to receive from the Commissioners of the County in which the Court is held, his expenses at the rate of one hundred dollars per week, as his compensation for holding said term.

Certificate of at-
tendance.

SEC. 6. The Judge after each term shall report to the Secretary of State, according to the forms prescribed by law, or which may be prescribed by the Secretary :

Judge to report.

1. The number and kinds of criminal actions which were for trial.
2. The number actually tried.
3. The number of civil actions which were for trial.

4. The number actually tried, and whether the cases were continued at the instance of one or both of the parties, or from what other cause.

Clerk to report.

SEC. 7. The Clerk of the Superior Court shall report the proceedings of special terms to the Secretary of State as he is or may be required to report the proceedings of regular terms.

Subpœnas.

SEC. 8. Subpœnas may issue returnable on any day of any special term.

Grand Juries.

SEC. 9: There shall be no grand jury at any special term, unless the same shall be ordered by the Governor.

Governor may
direct Judge of other
Judicial District.

SEC. 10. Whenever, in the opinion of the Governor, it is expedient to do so, he may direct a Judge of any other judicial district to hold the special terms provided in the previous sections:

SEC. 11. This act shall go into effect from its ratification.
Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXXIV.

AN ACT IN FAVOR OF PAYING THE BURIAL EXPENSES, &C., OF
HON. RICHARD I. WYNNE, DECEASED.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Treasurer of the State be instructed to pay out of any money not otherwise appropriated, the burial expenses of the late Hon. Richard I. Wynne, and the cost of carrying his remains to the Town of Louisburg, Franklin County.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXXV.

AN ACT RELATING TO DIVISION FENCES.

The General Assembly of North Carolina do enact :

SECTION 1. *General rule :*

Where two or more persons shall have lands adjoining, which shall be either cultivated or as a pasture for stock by the respective owners of each piece of land shall make and maintain the one-half of the fence upon the dividing line.

General rule.

SEC. 2. *Rule when one owner has put up fence :*

Where the owner of one piece shall have chosen neither to cultivate his land, nor to pasture, nor to permit his stock to run on it, if he shall afterwards do either, without so enclosing such stock that they cannot enter on the lands of such adjoining owner, he shall refund to such owner one-half the value at that time of any fence erected by him on the dividing line.

Rule when one owner has put up fence.

SEC. 3. *Value of fence, how ascertained :*

The value of fence shall be ascertained as follows : Either owner may summon the other to appear before any Justice of the Peace of the Township in which the dividing line is situated ; or if it be situated in more than one Township, then before any Justice of the Peace of any Township in which any part of it is situated. In his summons he shall name a day certain, not less than five days after the summons, for the appearance of the defendant ; it shall also state the purpose of the summons to be the adjustment of all matters in controversy respecting the dividing fence between the parties. The Justice shall hear the complaint and defence. If the facts be found such as to entitle either party to demand contribution of the other, the Justice shall call on the complainant to name an indifferent person, qual-

Value of fence, how ascertained.

ified to act as juror of the Township, and if the complainant refuse, the Justice shall name one for him. The Justice shall then call on the defendant to name an indifferent person, qualified to act as juror of the Township, and if the defendant refuse the Justice shall name one for him. The Justice shall then name a third indifferent person qualified to act as juror. These three persons, qualified to act as jurors, or any two of them, shall view the premises and decide all matters in controversy between the parties, relating to a fence on the dividing line. They shall make a written report to the Justice, who shall give judgment thereon, and for the costs, which shall be paid by the owners of the several pieces of land equally. The persons qualified to act as jurors shall receive each one dollar per day. The fees of the Justice and Constable shall be as in other cases. Either party may appeal as is provided for in other cases of Justice's judgment.

SEC. 4. *What the report further to state :*

What the report further to state.

The report of the persons qualified to act as jurors shall also state the sort of fence which ought to be kept up, and assign to each owner, in such manner as that it may be identified, the part which he shall keep up.

SEC. 5. *Report to be returned to Register of Deeds :*

Report to be returned to Register of Deeds.

The Justice shall return the report, together with a transcript of the proceedings, to the Register of Deeds of his County for registration. The Justice shall collect from the parties the fees of the Register, and pay the same to him.

SEC. 6. *Who bound by judgment on report :*

Who bound by judgment on report.

The final judgment upon the report of the persons qualified to act as jurors shall be binding on the owners of the respective lands and their assigns, so long as such ownership shall continue, or until the same shall be set aside, modified or reversed.

SEC. 7. *Remedy in case of delinquency :*

If any person who is liable to build or keep up a part of any division fence, shall fail at any time to do so, the owner of the adjoining land, after notice, may build or repair the whole, and recover of the delinquent the one-half of the cost before any Court having jurisdiction.

Remedy in case of delinquency.

SEC. 8. *How owner may relieve himself of liability :*

If any owner of land liable to contribute for the keeping up of a division fence, shall determine neither to cultivate his land nor to permit his stock to run thereon, he may give the adjoining owner six months' notice of his determination; and in that case, at any time after the expiration of such notice, and between the first day of January and the first day of March, but at no other time, he may remove the half of the fence kept up by him; and shall be no longer liable to keep up the same.

How owner may relieve himself of liability.

Ratified the 12th day of April, A. D. 1869.

 CHAPTER CCLXXVI.

AN ACT TO BE ENTITLED AN ACT TO INCORPORATE THE WILMINGTON AND SEASIDE RAIL ROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That for the purpose of effecting a rail communication between the City of Wilmington and the seashore in the County of New Hanover, Richard Bradley, Edwin E. Burress, John W. Cameron, Samuel J. Person, Joseph C. Abbott, Fred F. French, Henry Servoss, Charles E. Taylor, Ed. L. Hayes, Jr., Thos. J. Jones and such other persons as they may associate with them, shall hereafter be a body politic and corporate by the name of "The Wilmington and Seaside Rail Road Company," and by that name shall

Body politic and corporate.

be capable in law to buy, sell and hold such real and personal estate, make contracts, sue and be sued; to make by-laws, and to do all other acts properly incident to such corporations, and which may be necessary and proper to carry into full effect the intention of this charter; to have and use a common seal, and the same to alter at pleasure; and it shall have, use and enjoy all other rights, powers and privileges which by law usually belong to corporations for like purposes.

Authorized to
construct Road, &c.

SEC. 2. That the said Company be and is hereby authorized to make, construct and maintain a Rail Road with one or more tracks, to be used with steam or other powers from some point within the City of Wilmington to the seacoast at Wrightsville or Masonboro' Sound, or both, or at such other point or points along the seacoast within New Hanover County as shall be determined upon by the stockholders; and they may construct branches of said Road, may also make connections and lay down and use street tracks within the City of Wilmington, and upon any of the streets thereof, by and with the consent of the Mayor and Board of Aldermen of the City, and upon such terms and conditions as they shall prescribe.

Capital stock.

SEC. 3. The capital stock of the Company shall be two hundred thousand dollars, in shares of one hundred dollars each, but it may be increased to a sum not to exceed five hundred thousand dollars, whenever the Board of Directors may deem it expedient; and in order to get the requisite amount of stock the persons named in the first section may open books of subscription at such times and places as they may think best.

General meeting,
election of officers,
&c.

SEC. 4. Whenever one hundred thousand dollars of stock shall be subscribed and five thousand dollars paid in, it shall be the duty of the persons before named to call a general meeting of the subscribers, who shall elect a Board of Directors, to consist of such number, not less than five, as they may determine, and such Board of Directors shall immediately elect one of their number President, where-

upon the Company shall be considered fully organized: And said stockholders may provide in said meeting for the appointment of such other officers and agents as the Company may require, fix the salaries or compensation for all its officers and agents, their terms of office, the mode and times of their election or appointment, and the votes to which the stockholders shall be entitled in general meeting, whether by scale or otherwise, and to make all needful rules and regulations for carrying out the intentions of this charter. The Board of Directors may call in the remainder of the stock subscribed, to be paid in such installments and at such times as they may think proper; and in case any subscriber fail or refuse to make payment according to such call, the Directors, after giving twenty days' notice, may sell at public auction the shares subscribed for by him, or so many thereof as will pay the whole of the remainder then due upon his subscription, whether it is all then called for or not, and if there should still remain a balance due after selling and applying the net proceeds of all his shares, then the Company may recover such balance before any Court which has jurisdiction of the sum so remaining unpaid.

SEC. 6. That whenever any lands may be required for the said Rail Road, its branches and connections, and an agreement cannot be made with the owner thereof, the Company or such owner may apply to the Clerk of the Superior Court in writing to cause the damages, if any, to be assessed by five referees, who shall be entirely disinterested, either directly or indirectly, whereupon it shall be the duty of the Clerk to call upon the party filing the petition to name two of the referees, and to notify the other party to name two others within five days of the service of notice, and the Clerk shall appoint the fifth referee in all cases; but should either party have failed to appoint at the expiration of five days after the notice is served upon the defendant as above provided for, then the Clerk shall appoint others to make up the number of five, and the whole of them in case both

Lands required,
and referees.

of the parties should have failed to appoint. The Clerk shall issue notice to the referees to attend on the lands on account of which the petition is filed, and lay off right of way, which shall extend five feet on each side of the center of the track, and also to condemn so much in addition as may be required for turnouts, depots and other necessary appurtenances of said Rail Road and its branches and connections; and assess the damages, if any, of the owner of the land, taking into consideration any benefit or advantage to the owner and his land accruing, or to accrue from the construction of the Road, and return their award in writing, under oath, (which may be administered by the Clerk or any Justice of the Peace for the County,) within ten days, and the award, when filed, shall be recorded and become a judgment of the Superior Court, and execution may issue thereon, returnable in sixty days; but if either party is dissatisfied and notify the Clerk, in writing, of his intention to appeal to the next term of the Superior Court, such party shall have five days to give an appeal bond or undertaking with two sufficient sureties, in such sum as the Clerk may fix to cover costs and damages; and both parties may appeal from the same awards, and the trial in the Superior Court shall be *de novo*, and the facts submitted to a jury if either party request it. But as soon as the award is filed, whether there be an appeal or not, the Company may enter upon the lands and use them in constructing said Rail Road track and appurtenances.

When Company
may enter upon
lands.

Company may
build tracts, &c.

SEC. 7. That said Company may build their Rail Road tracks over any navigable stream, by putting a sufficient draw in the bridge or other structure, so as not to injure navigation, and may cross and run along all public roads where it may be necessary, by keeping them in good and convenient repair at the crossings, and by convenient repair at the crossings, by constructing a new road, equally good and convenient, where they run along any portion of an old road.

Passengers and
freights.

SEC. 8. That said Company shall have the right to transport passengers, freight and mails upon the said Rail Road,

its branches and connections and may fix such rates of fare, tolls, and compensation therefor as the Directors may deem expedient and just.

SEC. 9. Any person who shall in any manner injure or obstruct said Rail Road, its branches and connections, besides being held liable for damages in a civil action, shall be guilty of a misdemeanor, and shall be punished in any Court having jurisdiction by fine or imprisonment, or both in the discretion of the Court.

Obstructing road
a misdemeanor.

SEC. 10. This act shall take effect from its ratification, and the said Company shall have the exclusive right for a term of thirty years from its full organization, to construct and use the aforesaid Rail Road and its branches and connections as hereinbefore authorized.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXXVII.

AN ACT TO AMEND AN ACT ENTITLED "THE CODE OF CIVIL PROCEDURE."

SECTION 1. *The General Assembly of North Carolina do enact*, That the act entitled "The Code of Civil Procedure," various parts of which were ratified on the fourteenth, eighteenth, nineteenth and twenty-fourth days of August, eighteen hundred and sixty-eight, respectfully be amended as follows :

Amendments to
Code of Civil Procedure.

SEC. 2. In section two, line four, by inserting after the word "punishment" the words "or prevention."

Line 4, sec. 2.

SEC. 3. In section eight, immediately after the words "prior to its ratification" in subdivision two, by adding the following figures and words, which are now printed in italic letters in the printed Code :

Sub-division 2;
sec. 8.

How civil actions
commenced.

“3. All civil actions commenced prior to the ratification of this act, or which shall be commenced hereafter, for causes of action included within the provisions of an ordinance entitled, “An ordinance respecting the jurisdiction of the Courts of this State,” ratified on the fourteenth day of March, eighteen hundred and sixty-eight, shall be governed in respect to the practice and procedure therein, by the provisions of that ordinance and by the existing laws, as far as they may be, except as to form.”

Sub-division 4,
sec. 5.

SEC. 4. Section eight, sub-division four, after the words “as near as may be,” in the seventh line of the printed copy, by inserting the words “except as to form.”

Sec. 11.

SEC. 5. Section eleven, by inserting after the lines fixing the terms of the Superior Courts of Washington County in the second Judicial District, the following words: “Martin County on the fourth Monday after the third Monday in September and February, Hyde County on the second Monday after the third Monday in September and February,” and by striking out those words where they now occur in the Code as printed among the Courts of the fourth Judicial District.

Sec. 86.

SEC. 6. Section sixty-eight by inserting in the second line, after the words “in which the” the words “the plaintiff or.”

Sec. 162.

SEC. 7. Section one hundred and fifty-two, by inserting in the first line, after the words “before making the order the,” the words “Court or.”

Sec. 254, sub-division 4.

SEC. 8. Section two hundred and sixty-four, sub-division four, by inserting after the words “attendance of the judgment debtor the,” the words “Court or.” Also, the same section and sub-division, by inserting after the words “upon being brought before the,” the words “Court or;” also, the same section and sub-division, by inserting after the words “before such,” the words “Court or;” also, the same section and sub-division, by inserting after the words “by warrant of the,” the words “Court or.”

SEC. 9. Section two hundred and seventy-two, by inserting after the word "The," which is the first word of the section, the words "Court or." Sec. 272.

SEC. 10. Section two hundred and seventy-four, by inserting after the words "disobey an order of the," the words, "Court or;" also, the same section, by inserting after the words "may be punished by the," in third line, the words "Court or." Sec. 274.

SEC. 11. Immediately after section four hundred and sixteen shall be inserted the following figures and words: §417a. The several Judges of the Supreme Court shall have like powers to take the probate of deeds, and to examine married women respecting their free consent to deeds made by them, to issue and hear writs of *habeas corpus*, to issue, modify or vacate writs of injunction, to issue warrants for the arrest of persons charged with crime, and to discharge such persons on bail, as is or may be given to Judges of the Superior Courts. Sec. 416.

SEC. 12. Section four hundred, by striking out the word "six," in the second line, and substituting "twelve." Sec. 400.

SEC. 13. Section seventy, by striking out the word "sureties," in the fourth line, and substituting the word "security." Sec. 70.

SEC. 14. The same section, in line two, by striking out the word "sureties," and substituting "security." Repealed.

SEC. 15. Section four hundred and twenty is repealed and the following is enacted as a substitute for it:

§429. Amend section four hundred and twenty-nine by striking out the words "in which the real estate is situated and insert the following words "before the Judge of Probate of any County in this State," so that the section shall read: Sec. 429.

"All deeds conveying lands in this State, or letters of attorney, or other instruments requiring registration must be offered for probate, or a certified probate thereof must be exhibited before the Judge of Probate, of any County of this State."

Sub-division 6, C.
C. Procedure.

Sub-division six of the Code of Civil Procedure, substitute the following :

“ 6. Every conveyance, power of attorney, or other instrument, affecting the estate, right or title of any married woman, in lands, tenements, or hereditaments, must be jointly executed by such married woman with her husband, and due proof or acknowledgement thereof must be made as to the husband before the Judge of Probate of any County in this State, who shall take the acknowledgement of the wife and privily examine her apart from her husband, touching her voluntary assent thereto. He shall also endorse thereon a certificate of such assent, and when the land lies in another County than that in which the Judge of Probate lives, he shall affix his seal of office to such certificate.”

Ratified the 12th day of April, A. D. 1869.

CHAPTER COLXXVIII.

AN ACT TO REVIVE AND AMEND THE CHARTER OF THE TUCKASEGE AND NANTIHALA TURNPIKE COMPANY.

Re-enacted.

SECTION 1. *The General Assembly of North Carolina do enact*, An act passed by the General Assembly of North Carolina, and ratified on the twenty-eighth day of January, eighteen hundred and fifty-one, entitled “An act to incorporate the Tuckasege and Nantihala Turnpike Company,” and the acts amendatory thereof, passed at the sessions of eighteen hundred and fifty-four and five, and eighteen hundred and fifty-six and seven, are hereby re-enacted ; and all the rights, privileges and immunities granted by said acts to the said Turnpike are hereby vested in the same, as fully as they were heretofore enjoyed under the provisions of said acts.

SEC. 2. That section second of an amendatory act passed at the session of eighteen hundred and fifty-six and seven, is amended so as the subscription of stock on behalf of the State in said Company may be paid for in any bonds given, or which may be hereafter given for Cherokee lands, which the agent of the State may have in his hands not otherwise appropriated; *Provided*, The said Company shall within three years complete the construction of said Turnpike and the bridges thereon.

Amended.

SEC. 3. Books of subscription for additional stock are authorized to be opened under the supervision of N. S. Jarrett, J. P. Siler, Frank Leech, A. P. Munday, and the former Commissioners, or any part of them, at such places and times and under such rules and regulations as they may prescribe.

Books opened.

SEC. 4. This act shall take effect and be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER COLXXIX.

TITLE TWENTY-ONE OF THE CODE OF CIVIL PROCEDURE AMENDED AS FOLLOWS.

The General Assembly of North Carolina do enact:

SECTION 555. *Fees of officers, by whom and how payable:*

The several officers hereinafter named shall receive the fees hereinafter prescribed for them respectively, from the persons for whom, or at whose instance the service shall be performed, except persons suing as paupers, and no officer shall be compelled to perform any service, unless his fee be paid or tendered. The said officers shall receive no extra allowance or other compensation whatever, unless the same

Fees of officers,
by whom and how
paid.

shall be expressly required by some statute. In case the service shall be ordered by any proper officer of the State, or of a County, for the benefit of the State or County, the fees need not be paid in advance; but if for the State, shall be paid by the State as other claims against it are; if for a County, by the County Commissioners out of the County funds.

SEC. 556. *Copy sheet defined :*

Copy sheet defined.

A copy sheet shall consist of one hundred words.

SEC. 557. *Fees on return to Secretary of State :*

Fees on return to Secretary of State.

All officers required by law to make returns to the Secretary of State shall receive for such returns five cents per copy sheet, to be audited on the certificate of the Secretary of State, and paid as other claims against the State are required to be.

SEC. 558. *Clerks to furnish blank writs :*

Clerks to furnish blank writs.

Clerks of Courts shall furnish to parties printed copies of the formal parts of all writs required to be issued by them, with convenient blank spaces for the insertion of written matter; and also the blank forms of such bonds as are required to be taken by them.

SEC. 559. *Who to pay costs in criminal actions :*

Who to pay certain criminal actions.

If a defendant be acquitted, or judgment against him arrested, the costs, including the fees for all witnesses summoned and actually examined for the accused, whom the Judge or Justice of the Peace before whom the trial took place shall certify to have been necessary or proper for his defence, shall be paid by the prosecutor, if any be marked on the bill, whenever the Judge or Justice of the Peace shall certify that there was not reasonable ground for the prosecution, and that it was not required by the public interest. If there be no prosecutor, or if the Judge or Justice

of the Peace shall certify as aforesaid, the costs shall be paid by the County in which the bill was found.

SEC. 560. *Fees if convict insolvent :*

The costs in criminal actions shall, in all cases, be paid by the person convicted, if he be able; but if he be not able, the County where the bill was found shall pay one-half of the costs of the prosecution only.

Fees if convict insolvent.

SEC. 561. *How fees of officers received :*

If any officer, to whom fees are payable by any person, shall fail to receive them at the time the service is performed, he may have judgment therefor on motion to the Court in which the action is or was pending, upon twenty days' notice to the person to be charged, at any time within one year after the determination of the action in which the same was performed; if the motion for judgment be in behalf of the Clerk of the Superior Court, it shall be made to the Judge of the Court in or out of terms.

How fees of officers received.

CHAPTER II.

FEEs OF SOLICITORS.

SEC. 562. *Fees of Solicitor :*

The Solicitor shall receive forty dollars for every attendance on the session of his Court, and full fees in all cases of judgment rendered against the accused, to be paid by the County in which the bill is found, if the defendant be insolvent.

Fees of Solicitor.

SEC. 563. *Fees of Solicitors :*

1. On every conviction for any capital crime, twenty dollars.
2. On every conviction where, by law, the punishment

Fees of Solicitors

must be imprisonment at hard labor in a Penitentiary for not less than six months, ten dollars.

3. On conviction on any other indictment, four dollars.

4. On final judgment against a defaulting witness or juror, where no issue is joined, two dollars.

5. On such a judgment when contested, four dollars.

6. Judgment on undertaking of bail or recognizance, if uncontested, two dollars.

7. On the same if contested, four dollars.

8. On application to renew bond to keep the peace, if granted, one dollar.

9. On an issue in bastardy, if found against the putative father, four dollars.

FEES OF CLERKS OF THE SUPERIOR COURT.

I. IN CIVIL CAUSES.

SEC. 564. *What fees, and for what:*

What fee, and for what.

1. Furnishing blank writ of summons or other writ of process required to be issued by him, and taking a bond from the plaintiff as security for costs, or receiving a deposit from plaintiff and giving a certificate to him and the defendant, one dollar.

2. Docketing summons, five cents.

3. Recording a return of a Sheriff or other ministerial officer, ten cents.

4. Receiving, filing and noting on the docket, any pleading or demurrer, and delivering copies filed to the parties to whom addressed, ten cents.

5. Order enlarging, or refusing to enlarge, time for pleading, or for any other act where authorized, fifty cents.

6. Entering judgment against either party, one dollar.

7. Judgment on any question authorized to be decided by him, if there be no appeal to the Judge, or if the judgment of the Clerk be confirmed on the appeal, one dollar.

- . Preparing statement of case on appeal from his decision to the Judge, one dollar.
- . Transcript of record for Judge on issue of law joined the pleadings, one dollar.
- 0. Acknowledging receipt of decision of Judge, and affixing each attorney thereof, thirty cents.
- 1. Taking an affidavit except to a witness or juror's ticket of attendance, twenty-five cents.
- 2. Taking affidavit to witness or juror's ticket, ten cents.
- 3. Transcript of case and record for Supreme Court, two dollars.
- 4. Mailing transcript, post paid, fifteen cents.
- 5. Docketing any judgment on Execution Docket, twenty-five cents.
- 6. Affixing seal of Court when necessary, twenty-five cents.
- 7. Entering on record any order or judgment of the Judge, on a matter which he has jurisdiction to decide out of term, if not more than one copy sheet twenty-five cents, more than one copy sheet, for every copy sheet over the first, ten cents.
- 8. Entering on the docket a brief of any complaint, plea, answer or motion, five cents.
- 9. Entering general verdict, five cents.
- 0. Entering special verdict, ten cents.
- 1. Entering appeal taken, five cents.
- 2. Issuing subpoena for witnesses, each name, fifty cents.
- 3. Swearing a witness, five cents.
- 4. Copy of any record or writing in his office, per copy sheet, ten cents.
- 5. Probate or acknowledgment of a deed or writing of any sort authorized to be proved, fifty cents.
- 6. Probate acknowledgment of deed or other writing; taking private examination of married women with certificate thereof, fifty cents.
- 7. Probate of a will in common form with certificate and issuing letters testamentary, one dollar.

28. Recording will per copy sheet, ten cents, of executors, administrators, guardian or other trustee required to return accounts. If amount returned does not exceed two hundred dollars, twenty cents; if amount returned exceeds two hundred and under five hundred dollars, fifty cents; if amount returned exceeds five hundred dollars and under one thousand dollars, seventy-five cents; if amount returned exceeds one thousand dollars and under two thousand dollars, one dollar; if amount exceeds two thousand dollars and under three thousand dollars, one dollar and fifty cents; if amount above three thousand dollars, two dollars.

29. Grant of letters of administration of any sort, and taking bond of administration, one dollar.

30. Every notice required to be issued by Clerks, ten cents.

31. Grant of guardianship, including taking of bond, for each minor, fifty cents.

32. Apprenticing infant, including indenture, fifty cents.

33. Entering caveat on contested will, twenty cents.

34. Recording articles of agreement of proposed corporation, including all services, two dollars.

35. Issuing commission of any sort, fifty cents.

36. Entering return to commission and order for registration of deed, ten cents.

37. Auditing account of executor, administrator, guardian, or other trustee required to return accounts, fifty cents, if not over three hundred dollars; eighty cents, if over three hundred, and not over one thousand dollars; one dollar and a half, if over one thousand dollars.

38. Justification of sureties, fifty cents.

39. Continuance of cause, thirty cents.

40. Execution, thirty-five cents.

41. For any service required by law for which no fee is specified in this act, the Clerk shall be allowed twenty five cents.

II. IN CRIMINAL ACTIONS.

42. Issuing *capias*, one dollar.
43. Docketing action and entering return, ten cents.
44. Taking a recognizance, ten cents.
45. Issuing subpoena, fifteen cents.
46. Entering judgment against a defaulting juror or witness on a bail bond or recognizance, fifty cents.
47. Entering verdict and judgment, one dollar.
48. Issuing execution, seventy-five cents.
49. Justification of bail or sureties to an appeal, fifty cents.
50. Affidavit, except to witness or juror's tickets, twenty-five cents.
51. Affidavit to witness or juror's ticket, ten cents.
52. Affixing seal, when necessary, twenty-five cents.
53. Transcript on appeal, as in civil cases.
54. Mailing transcript, as in civil cases.
55. Indictment, sixty cents.
56. Continuance, thirty cents.

Fees in criminal actions.

FEES OF REGISTER OF DEEDS.

SEC. 565. *Specifications* :

1. Registering any deed or other writing authorized to be registered or recorded by him, with certificate of probate, or acknowledgment and private examination of a married woman, containing not more than three copy sheets, eighty cents, and for every additional copy sheet, ten cents.
2. For a copy of any record or paper in his office, like fees as for registering the same.
3. For issuing each notice or order required by the County Commissioners, including subpoenas for witnesses, fifteen cents.
4. Recording each order of Commissioners, if not over one copy sheet, twenty cents.

Specifications.

5. If over one copy sheet, for every one over, ten cents.
6. Making out tax list, for each name on each copy required to be made, two cents.
7. When the fees do not compensate the Register, the Commissioners may allow him not to exceed three dollars per day for services.
8. Issuing marriage license, one dollar.
9. Search of record, twenty-five cents.
10. For any service required by law, where no fee is specified in this act, the Register of Deeds shall be allowed twenty-five cents.

FEEES OF SHERIFF.

SEC. 566. *Specifications :*

Specifications.

1. Executing sunmons, or any other writ or notice, simply by delivering a copy to the party or his attorney, sixty cents.
2. Arrest of a defendant in civil action and taking bail, including attendance to justify, and all services connected therewith, one dollar.
3. Arrest of person indicted, including all service connected with the taking and justification of bail, one dollar.
4. Imprisonment of any person in a civil or criminal action, fifty cents ; and release from prison, fifty cents.
5. Executing subpoena on a witness without mileage, twenty-five cents.
6. Conveying a prisoner to jail to another County, ten cents per mile.
7. For a prisoner guard, if any necessary, and approved by the County Commissioners, per mile, for each, five cents.
8. Expense of guard and all other expense of conveying prisoner to jail, or from one jail to another for any purpose, or to any place of punishment, whatever may be allowed by the Commissioners of the County in which the indictment was issued.
9. Feeding prisoners in the County jail, per day, to be fixed by the Commissioners of the County.

10. Providing prisoners in County jail, with suitable beds, bed clothing, other clothing and fuel, and keeping the prison and grounds cleanly, whatever shall be allowed by the Commissioners of the County.

11. Collecting fine and costs from convict, two and a half per cent. on the amount collected.

12. Collecting executions for money in civil actions, two and a half per cent. on the amount collected.

13. Advertising a sale of property under execution, at each public place required, fifteen cents.

14. Seizing specific property under order of a Court, or Judge, or executing any other order of a Court or Judge, not specially provided for, to be allowed by the Judge.

15. Taking any bond, including furnishing the blanks, fifty cents.

16. The actual expense of keeping all property seized under process or order of Court, to be allowed by the Court.

17. A capital execution, including the burial of the body, twenty-five dollars.

18. Summoning a grand or petit jury, for each man summoned, thirty cents; and ten cents for each person summoned on a special *venire*.

19. Serving any writ or other process, with the aid of the County, or arresting any criminal, three dollars, and all necessary expenses incurred thereby.

20. All just fees paid to any printer for any advertisement required to be printed by the Sheriff.

21. Bringing up of a prisoner upon a *habeas corpus* to testify or answer to any Court, or before a Judge, one dollar, and all necessary expenses.

CHAPTER VII.

FEES OF CORONERS.

SEC. 567. *Specifications:*

Specifications.

1. Coroners shall receive the same fees as are or shall be allowed Sheriffs in similar cases.

2. For holding an inquest over a dead body, including the summoning of the jury and returning the verdict, ten dollars; if necessarily engaged more than one day, for every additional day, five dollars.

3. For summoning each witness on inquest, twenty-five cents.

4. For burying a pauper over whom an inquest has been held, ten dollars, to be paid by the County.

5. The fees in cases numbered two and three shall be paid by the County.

6. It shall be the duty of every Coroner, when he or any jurymen may deem it useful to the better investigation of the cause or manner of death to summon a physician or surgeon, who shall be paid for his attendance and services, ten dollars, and such further sum as the Commissioners of the County may deem reasonable.

FEES OF JUSTICES OF THE PEACE.

SEC. 568. *Specifications:*

Specifications.

For attachment or transcript of a judgment, twenty-five cents.

For summons, forty cents.

For adjournment or continuance, ten cents.

For subpoena or order for witness, including all of the names inserted therein, fifty cents.

For filing every paper necessary to be filed, five cents.

For trial of an issue, fifty cents.

For entering judgment, twenty-five cents.

For taking affidavit, bond or undertaking, twenty-five cents.

For drawing or taking affidavit, bond or undertaking, per copy sheet, ten cents.

For receiving and entering verdict of jury, twenty-five cents.

For execution, forty cents.

For renewal of execution, ten cents.

For making a return to an appeal, one dollar.

For order of an arrest in a civil action, twenty-five cents.

For warrant for apprehension of any person charged with crime, or with being the father of a bastard, fifty cents.

For entering judgment for a contempt, fifty cents.

For execution of such judgment, twenty-five cents.

For warrant of commitment for any cause, twenty-five cents.

For order for a commission to take testimony, fifty cents.

For taking depositions on an order or commission issued by some Court, per copy sheet, ten cents.

For making necessary return and certificate thereto, fifty cents.

CHAPTER VIII.

FEEES OF CONSTABLES.

SEC. 569. *Like those of Sheriff:*

The fees of Constable shall be the same as those for Sheriff for the like services. Like those of Sheriff.

CHAPTER IX.

FEES OF JURORS.

SEC. 570. *Pay for mileage :*

Pay for mileage.

1. Jurors to the Superior Courts, per day, what shall be allowed by the County Commissioners of the County, not exceeding two dollars and fifty cents.

2. Per mile of travel coming to, and returning from Court, five cents, and such ferrriage or tolls as they may have to pay going and returning from Court.

3. The same pay and mileage shall be allowed to special jurors, and the same pay, without mileage, to tales jurors.

CHAPTER X.

SALARIES AND FEES OF CLERK OF SUPREME COURT.

SEC. 571.

Salary and fees of
Supreme Court
Clerk.

The salary and fees of the Clerk of the Supreme Court shall be as provided by section twenty-five, chapter one hundred and two of the Revised Code of this State.

CHAPTER XI.

FEES OF WITNESS.

SEC. 572.

Fees of witness.

1. The fees of witnesses whether attending at a term of the Court, or before the Clerk, or a referee, or upon any inquest or examination, shall be one dollar and fifty cents per day ; they shall also receive mileage at the rate of five

cents per mile for every mile necessarily traveled from their respective residences in going to and returning from the place of examination, by the ordinary route, and ferriage and toll paid in going and returning.

2. The witness shall prove the number of days of his attendance, and the distance traveled, before the Clerk of the Court, or the referee or officer taking the inquest or examination, and receive a certificate thereof; the said certificate shall also state the case in which, and the party by whom, the witness was summoned; and it shall be as against the party to be charged thereon, presumptive evidence of the facts set forth therein.

3. Witnesses are not entitled to receive their fees in advance; but no witness in a civil action or special proceeding, unless summoned on behalf of the State or a municipal corporation shall be compelled to attend more than one day, if the party by or for whom he was summoned, shall, after one day's attendance on request and presentation of a certificate, fail or refuse to pay what then may be due, for traveling to the place of examination, and for the number of days of attendance.

4. The fees of witnesses may be recovered by action before a Justice of the Peace, as is prescribed in other cases of actions.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXXX.

AN ACT TO AUTHORIZE THE FORMATION OF CORPORATIONS FOR MANUFACTURING, MINING, MECHANICAL, CHEMICAL AND OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That at any time after the ratification of this act, What Companies authorized, and how.

any three or more persons, who may desire to form a Company for the purpose of carrying on any manufacturing, mining, mechanical or chemical business, or for the purpose of constructing machines, and using the same, in raising vessels or other heavy bodies, or for the purpose of bottling and selling mineral water, drawn from any natural mineral spring, or for the purpose of constructing, owning and using vessels and machines, to be employed for hire, in towing vessels, carrying freight and passengers, and in aiding, protecting, and saving vessels and their cargoes, wrecked or in distress, in any of the navigable waters, in or bordering upon the State of North Carolina, or on the high seas, or in the various arms of the seas and rivers running into the same, with all the rights appertaining by law, to private individuals, performing service as sailors, or for the purpose of buying, selling and transporting all kinds of coal and peat, or for the purpose of carrying on the business of constructing, maintaining and using stationary and floating elevators or warehouses, for all purposes appertaining to or connected with trade or commerce in the several kinds of grain in the ports of North Carolina, or for the purpose of publishing books, maps, charts, engravings, pamphlets or newspapers, may make, sign and acknowledge, before the Clerk of the Superior Court in the County in which the sole or principal office of said Company is to be located, a certificate in writing, which shall be filed in the office of the Clerk aforesaid, and a duplicate copy thereof, signed by the parties signing the original, sent to the office of the Secretary of State, to be filed with the records in his office; *Provided*, That no Banking or Insurance Company shall be chartered under this act.

SEC. 2. Both the original and duplicate certificate shall be attested by the Clerk aforesaid, and the forms of the certificate, and the attestation, shall be in the words following, to wit :

Certificate attest-
ed by Clerk.

STATE OF NORTH CAROLINA, }
 County of }

We, (A B, C D, E F, &c., corporators' names,) do hereby certify, that we desire to form a Company, pursuant to an act entitled "An act to authorize the formation of corporations, for manufacturing, mining, mechanical, chemical and other purposes," ratified the twelfth day of April, Anno Domini, eighteen hundred and sixty nine. That the corporate name of the said Company is to be, and the objects for which the said Company is to be formed are, that the amount of the capital stock of said Company is to be dollars, that the number of shares of which the stock of said Company is to be composed is, and the number of trustees who shall manage the affairs of the said Company for the first year is, and the names of such Trustees are, and the name (or names) of the Town and County, (or Towns and Counties, or County or Counties, on the waters or water-courses,) in which the operations of the said Company are to be carried on is, (or are) Said corporation is created for and during the term of years beginning with the date of the following attestation.

Form of certificate

A.... B....
 C.... D....
 E.... F....

On this day of, A. D., 186 . ., before me personally came A B, C D, E F, to me known to be the individuals described in the foregoing certificate, and they severally, before me, signed the said certificate, and acknowledged that they signed the same for the purpose therein mentioned.

[SEAL.]

G.... H....,
Clerk.

SEC. 3. No company formed under this act shall have a greater duration than fifty years, but any company, upon

Duration.

the expiration of its term, may reorganize as if there had been no previous organization.

Offices.

SEC. 4. Branch offices may be established in any County in this State, or at any place in any other State, after three months' notice of such intention has been given by publication of such notice in some newspapers published weekly in this State.

Business in other States.

SEC. 5. Any company organized under the provisions of this act may carry on a part of its business in any other State or States, by adding to the foregoing "certificate" at the time of its making, and before signing, after the word "attestation" the following words, to-wit: "It being understood said company is formed for the purpose of carrying on some part of its business out of the State of North Carolina, namely, at," (giving town or post office, County and State.)

When declared a body politic.

SEC. 6. When the certificate aforesaid shall be filed as aforesaid, the persons who shall have assigned the same, and acknowledged it, they and their successors, shall be a body politic and corporate in fact and in name, by the name stated in such certificate, and by such name have succession, and shall be capable of suing and being sued in any Court of law of this State, and they and their successors may have a common seal and make and alter the same at will, and they shall, by their corporate name, be capable in law of purchasing, holding and conveying any real and personal estate whatever which may be necessary to enable the said company to carry on their operations, named in such certificate.

Stock, &c., how managed.

SEC. 7. The stock, property and concerns of any company formed under this act shall be managed by not less than three nor more than thirteen trustees, who shall be respectively stockholders in such company and citizens of the United States and a majority of whom shall be citizens of this State, who shall, except the first year, be annually elected by the stockholders at such time and place as shall be directed by the by-laws of such company, and public

notice of the time and place of holding such election shall be published not less than thirty days previous thereto in one of the newspapers printed nearest to the principal office of such company, and the election shall be made by such of the stockholders as shall attend for that purpose either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he has shares of stock in the said company, and the persons receiving the highest number of votes shall be trustees, and when any vacancy occurs among the trustees, by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as the by-laws of the company may prescribe.

SEC. 8. In case it shall so happen that any company organized under this act shall, through inadvertance or otherwise, fail to elect trustees on the day designated in their by-laws, the company for that reason shall not be dissolved, but it shall be lawful, on any other day, to hold an election for trustees in such manner as shall be provided for in said by-laws, and all acts of trustees shall be valid and binding as against such company only until their successors are elected: *Provided*, That a failure for and during the full term of eighteen months by any company to elect trustees shall work a forfeiture of all corporate rights claimed by such company under the provisions of this act.

Failure to elect Trustees.

SEC. 9. There shall be a President for each company organized under this act, who shall be chosen by ballot from among and by the trustees, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their several offices as the company by its by-laws may require. The officers named or alluded to in this section shall be elected when the trustees are, and hold their offices in like manner as to time or as the by-laws may direct.

President and other officers.

SEC. 10. The trustees of any company are authorized, at any meeting of theirs, to call in and demand from the stockholders, respectively, all such sums of money by them

Trustees may demand, &c.

subscribed at such times and in such payments or installments as the by-laws may direct, or, if the by-laws be silent, as the trustees may deem proper and the necessities of the company may require, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall be deferred for sixty days after personal demand, or for twenty days after the expiration of a notice given for six successive weeks in some newspaper published nearest the place of business or principal office of the company.

Trustees may purchase, &c.

SEC. 11. The trustees of any company under this act may purchase mines, manufactories and other property necessary for their business, and issue stock to the amount of the value thereof and in payment therefor, and the stock so issued shall be declared and taken to be full stock and not liable to any further calls; neither shall the holders thereof be liable for any other payments under the provisions of the fifteenth section of this act. But in all statements and reports of the company to be published, their stock shall not be stated or reported as being issued for cash paid into the company, but shall be reported, in this respect, according to the fact.

Trustees to make laws, &c.

SEC. 12. The trustees of any such company shall have power to make such prudential laws, as they shall deem proper, for the management and disposition of the stock and business affairs of such company, not inconsistent with the Constitution and laws of this State, prescribing the duties of officers, artificers and servants that may be employed for the appointment of all officers, and for carrying on all kinds of business within the object and purposes of such company.

Stock deemed personal estate.

SEC. 13. The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid, or shall have been declared forfeited for the non-payment of calls thereon.

SEC. 14. The copy of any certificate of incorporation filed in pursuance of this act, certified by the County Clerk or his deputy to be a true copy, and of the whole of such certificate, shall be received in all Courts and places as presumptive legal evidence of the facts therein stated and set forth.

Certificate, legal evidence.

SEC. 15. All the stockholders of every company formed or incorporated under the provisions of this act shall be severally individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company until the whole amount of capital stock fixed and limited by such company shall have been paid in, and a certificate thereof shall have been made and recorded as prescribed in the following section; and the capital stock so fixed and limited shall be all paid in, in such manner as the by-laws of such company may direct within . . . years from the date of the incorporation of such company, or such corporation shall stand dissolved.

Stockholders liable.

SEC. 16. The President and Secretary of every company formed under this act shall, within thirty days after the payment of the last installment of the capital stock so fixed and limited by the company, make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the President and Secretary, and they shall, within the said thirty days, record the same in the office of the Clerk of the County in which the original corporation certificate was filed.

Certificate of President and Secretary.

SEC. 17. Every such company shall annually, in the month of January, make a report which shall be published in some newspaper published in the Town, City or Village where their principal business is carried on, and if no newspaper be published in such Town, City or Village, then the same shall be published in the newspaper published nearest to their principal business place, and said report shall set forth the amount of the capital and the amount actually paid in, and the amount of its existing

Annual report.

debts, which report shall be signed by the President and Secretary, verified by the oath of the President or Secretary, and filed in the office of the Clerk of the County in which the corporation certificate was filed; and if any company shall fail in this respect, all the trustees of said company shall be jointly and severally liable for all debts then existing, and for all that shall be contracted before such report shall be made.

Dividend.

SEC. 18. If the trustees of any company shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, such trustees shall be liable, jointly and severally, for all the debts of the company then existing, and for all that shall thereafter be contracted while they shall respectively continue in office: *Provided*, That if any of the trustees shall object to the declaring of such dividend, or the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of his or their objection, in writing, with the secretary of the company, and with the Clerk of the County in which such dividend is declared, then such trustees shall be exempt from the liability aforesaid.

Loan of money.

SEC. 19. No loan of money shall be made by any company incorporated under this act to any stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum loaned.

False certificate
or report.

SEC. 20. If any certificate or report made, or public notice given by the officers of any such company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

SEC. 21. No person holding stock in any such company as executor, administrator, guardian or trustee, or as collateral security, shall be personally subject to any liability as stockholder of any such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner, and to the same extent as the testator, the intestate, the ward or person in such trust fund would have been, if he had been living and competent to act, and held the same stock in his own name.

Liability of stockholder.

SEC. 22. Every such executor, administrator, guardian or trustee, shall represent the share of the stock in his hands at all meetings of the company, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a stockholder.

Executors, &c., representing shares of stock.

SEC. 23. Stockholders of any company organized under the provisions of this act, shall be jointly and severally individually liable for all debts that may be due and owing to all their laborers, servants and apprentices for services for such corporation.

Stockholders liable for debts.

SEC. 24. The Legislature may at any time alter, amend or repeal this act, or may annul or repeal any incorporation formed under it; but such amendment or repeal shall not, nor shall the dissolution of any such company take away or impair any remedy given against such incorporation its stockholders or officers for any liability which shall have been previously incurred.

Legislature may alter, amend, &c.

SEC. 25. Any company heretofore formed by special act for any of the purposes set forth in section one of this act, and now existing, or which shall be formed under this act, may increase or diminish its capital stock, by complying with the provisions of this act, to any amount which may be deemed sufficient and proper for the purposes of the cor-

Company may increase or diminish stock.

poration, and may also extend its business to any other corporation project, provided for section one aforesaid, subject to the provisions and liabilities of this act. But before any corporation shall be entitled to diminish the amount of its capital stock if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be reduced and satisfied, so as not to exceed such diminished amount of capital; and any existing company heretofore formed which could be formed under this act, and which had been created by special act, may come under and avail itself of the privileges and provisions of this act, by complying with the requirements following; and thereupon such company, its officers and stockholders shall be subject to all the restrictions, duties and liabilities of this act.

Trustees to publish notice of meeting.

SEC. 26. Whenever any Company shall desire to call a meeting of its stockholders, for the purpose of availing itself of the privileges and provisions of this act, or for increasing or diminishing the amount of its capital stock, or for extending or changing its business, it shall be the duty of the trustees to publish a notice, signed by at least a majority of them, in a newspaper of the County, or the one published the nearest thereto, at least three successive weeks, and to deposit a written or printed copy thereof in the post-office, addressed to each stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of such meeting, the time and place where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital, and the business to which the Company would be extended or changed, and a vote of at least two-thirds of all the stock shall be necessary to an increase or diminution of the amount of its capital stock, or to the extension or change of its business as aforesaid, or to enable a company to avail itself of the provisions of this act.

SEC. 27. If at any time and place specified in the notice provided for in the preceding section of this act, stockholders shall appear in person or by proxy, in number representing not less than two-thirds of the stock of the corporation, they organize by choosing one of the trustees Chairman of the meeting, and also a suitable person for Secretary, and proceed to a vote of those present, in person or by proxy; and if, on canvassing the votes, it shall appear that a sufficient number of votes have been given in favor of increasing or diminishing the amount of capital, or of extending or changing its business as aforesaid, or for availing itself of the privileges and provisions of this act, a certificate of the proceedings showing a compliance with the provisions of this act, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the Company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the Chairman, and be countersigned by the Secretary; and such certificate shall be acknowledged by the Chairman and filed as required by the first section of this act; and when so filed, the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid, and the Company shall be entitled to the privileges and provisions, and be subject to the liabilities of this act, as the case may be.

Organization,
meeting, &c.

SEC. 28. If the indebtedness of any such Company shall, at any time, exceed the amount of its capital stock, the trustees of such Company assenting thereto, shall be personally and individually liable for such excess to the creditors of any such Company.

When indebted-
ness exceeds
amount of capital.

SEC. 29. Any corporation formed under this act may secure the payments of debts contracted by the same, in furtherance of the business for which it was incorporated, by mortgaging all or any part of the real estate of such corporation; and every mortgage so made shall be as valid,

Corporation may
secure payment of
debts.

to all intents and purposes, as if executed by an individual owning such real estate: *Provided*, That the written assent of the stockholders owning at least two-thirds of the capital stock of such corporation, shall first be filed in the office of the Superior Court Clerk of the County where the property mortgaged is situated.

Private property
personally liable.

SEC. 30. The private property of the stockholders shall be personally liable, in proportion to the amount of his stock, for the payment of any debt contracted by any company formed under this act, which is not to be paid within one year from the time the debt is contracted, and the suits for the collection of such debt shall be brought against such company, within one year after the debt shall become due, and no suit shall be brought against any stockholder, in any such company, for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Duty of Trustees.

SEC. 31. It shall be the duty of the trustees of every such corporation or company to cause a book to be kept by the treasurer or clerk thereof containing the names of all persons, alphabetically arranged, who are, or shall within six years have been, stockholders of such company, showing their places of residence, the number of shares of stock held by them respectively, the time when they became respectively the owners of such shares and the actual amount of stock paid in, which book shall, during the usual business hours of the day, on every day except Sunday, be open for the inspection of stockholders and creditors of the company and their personal representatives, at the office or principal place of business of such company, in the County where its business operations shall be located; and any and every such stockholder, creditor or representative shall have a right to make extracts from such book, and no transfer of stock shall be valid for any purpose whatever, except to render the person liable, to whom it shall be transferred

for the debts of the company according to the provisions of this act, until it shall have been entered therein as required by this section by an entry showing to whom and from whom transferred. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against such company or against any one or more stockholders.

SEC. 32. Every officer or agent of any such company who shall neglect wilfully to make any proper entry in such book, or shall refuse to exhibit the same or allow the same to be inspected, and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured fifty dollars for every such neglect or refusal, and all damages resulting therefrom.

Penalty for neglect.

SEC. 33. Whenever any person or persons owning five per cent. of the capital stock of any company, not exceeding one hundred thousand dollars, or any person or persons owning three per cent. of the capital stock of any company, exceeding one hundred thousand dollars, formed under the provisions of this act, shall present a written request to the treasurer thereof, that they desire a statement of the affairs of such company, it shall be the duty of such treasurer to make a statement of the affairs of said company under oath, embracing a particular account of all its liabilities and assets in minute detail, and to deliver such statement to the person who presented the same written request to said treasurer within twenty days after such presentation, and shall, also, at the same time and place, keep on file in his office, for six months thereafter, a copy of such statement, which shall, at all times during business hours, be exhibited to any stockholder of said company demanding an examination thereof; such treasurer, however, shall not be required to deliver such statement oftener than once in six months in the manner aforesaid.

When duty of Treasurer to make statement.

SEC. 34. If any Treasurer shall neglect or refuse to comply with any of the requirements in the foregoing section,

Penalty for neglect or refusal, by Treasurer.

he shall forfeit and pay to the person making the written request alone the sum of fifty dollars, and for every twenty-four hours' delay, neglect or refusal thereafter, the further sum of ten dollars, and such forfeiture so incurred may be sued for in any Court having jurisdiction.

Repealed.

SEC. 35. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 36. This act to be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXXXI.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MARTIN TO LEVY A SPECIAL TAX TO REPAIR BRIDGES AND FOR OTHER PURPOSES.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the County Commissioners of the County of Martin are hereby authorized and empowered to levy a special tax, not to exceed twice the amount of the State tax, to be levied and collected in like manner as other taxes, to repair bridges, and for such other purposes as the County Commissioners may deem necessary and proper.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CCLXXXII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CHOWAN
COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do* Special tax.
enact, That the Commissioners of Chowan County may
levy a special tax for the year eighteen hundred and sixty-
nine, on subjects of taxation in said County not exceeding
four thousand dollars, to pay the present indebtedness of
said County.

SEC. 2. That this act shall be in force from and after its
ratification.

Ratified the 12th day of April, A. D. 1869.



PUBLIC RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA.

PUBLIC RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1868-'69.

RESOLUTION IN FAVOR OF SHERIFFS.

Resolved, the Senate concurring, That the Sheriffs of the State be allowed ten (10) cents per mile for the distance actually and necessarily traveled by them in making the returns of the late election.

Mileage allowed.

This resolution shall take effect immediately after its ratification.

Ratified the 19th day of November, A. D. 1869.

SENATE RESOLUTION IN REGARD TO PAGES.

Resolved, That the President of the Senate be authorized to issue a certificate to both Pages of the Senate for mileage and *per diem*.

President to issue certificate for mileage and per diem of Pages.

Ratified the 8th day of December, A. D. 1868.

RESOLUTION CONCERNING MILEAGE AND PER DIEM FOR MEMBERS
BANNED.

Mileage and per
diem of members
declared ineligible
to be paid.

Resolved, That those members of the House who were declared ineligible by reason of the Fourteenth Amendment of the Constitution of the United States, at the last session of the General Assembly, be paid their mileage and *per diem* for the time in actual attendance at the State Capitol: *Provided*, No *per diem* be allowed after the sixteenth of July last.

Proviso.

Ratified the 8th day of December, A. D. 1868.

JOINT RESOLUTIONS PROVIDING FOR A COMMITTEE OF INVESTIGATION.

Preamble.

WHEREAS, Rumors are becoming current in various quarters, and are finding their way into the public prints, that members of this General Assembly and others in positions of trust in the State Government have been guilty of corrupt practices, such as levying black-mail, accepting bribes, and using and receiving money as a consideration for votes or influence in favor of certain measures, involving large appropriations of money by this General Assembly, particularly the appropriations to the Chatham Rail Road at the last session; and

Whereas, it is a common saying in the mouths of men that if it is desired to have anything passed through this General Assembly in which money is involved, money must be paid for it; and

Whereas, our honor as well as the good name of North Carolina, heretofore unimpeached, are concerned in this matter: therefore

The General Assembly of North Carolina do resolve, Joint Committee of investigation to be designated.

1. That a Joint Committee of Investigation, composed of three members of the Senate and five members of the House of Representatives, to be designated by the respective presiding officers of the two Houses, be at once constituted, whose duty it shall be to institute forthwith a searching inquest in reference to the truth of the aforesaid rumors and charges, and particularly those touching the corruption alleged to be connected with the passage of the appropriation to the Chatham Rail Road at the last session.

2. That said Committee shall have power, and it shall be their duty to send for persons and papers, to administer oaths either through their chairman or acting chairman, to examine witnesses, and to make report at the earliest possible day to this General Assembly of the guilty parties, if any be found, together with the facts and the evidence in writing by which those facts are sustained. Power to send for person and papers, &c., and report.

3. That if any person brought before said Committee shall refuse to testify concerning any matter relevant to this investigation, he shall be forthwith brought before the bar of one of the two Houses, that he may be committed for contempt; and if any person shall, in the course of his examination as a witness by said Committee, take any false oath, or testify falsely in any particular respecting the matters which may be relevant to this investigation, such person shall be liable to indictment as a perjurer, and upon conviction thereof, shall suffer all the pains and penalties of wilful and corrupt perjury. Refusal to testify.

4. That said inquest and investigation shall extend, not only to members of this General Assembly, but to any other officer of the Government, or any other individual whatsoever who may be alleged to be in any way connected with the giving or receiving of bribes in money or other valuable consideration, for the purpose of securing votes or influence in favor of any measure of this General Assembly, involving appropriations of money or bonds, or loaning the credit of the State to any company or corporation what- Extent of investigation.

ever, and especially to the Chatham Rail Road Company at the last session of this General Assembly.

Committee to take
oath.

5. That each and every member of said investigation Committee shall, before entering upon the duties thereof, be required to take an oath, before the presiding officer of the House of which he is a member, to conduct the afore-said inquest faithfully and without fear, favor or affection towards any person whatever, to the end that the truth of this matter may be well ascertained, the guilty, if any, punished, and the good name of the innocent be vindicated.

Action of majority
valid.

6. That a majority of said Committee shall be invested with all the powers herein conferred on the whole, and the action of the majority shall be in all respects as valid and binding as that of the entire Committee.

Ratified the 8th day of December, A. D. 1868.

JOINT RESOLUTION TO ALLOW THE LEGISLATURE TO TAKE A
RECESS.

Recess.

Resolved, the Senate concurring, That the Legislature of North Carolina take a recess from the twenty-first day of December, eighteen hundred and sixty-eight, until the fourth day of January, eighteen hundred and sixty-nine.

Ratified the 8th day of December, A D 1868.

SENATE RESOLUTION TENDERING USE OF SENATE CHAMBER TO
THE PRESIDENTIAL ELECTORS.

Senate Chamber
tendered Presiden-
tial electors.

Resolved, That the use of the Senate Chamber is hereby tendered to the Presidential Electors of this State on Wednesday, the second instant, at 12 M., and that when the Senate adjourns it adjourn until Thursday, the third instant, at 11 A. M.

Ratified the 8th day of December, A. D. 1868.

SENATE RESOLUTION IN REGARD TO MORTGAGE BONDS OF THE
NORTH CAROLINA RAIL ROAD COMPANY.

Resolved, That the Public Treasurer be requested to report to the Senate the names of the persons to whom he sold one hundred and eighty thousand dollars in bonds of the North Carolina Rail Road Company, paid by that Company to the State on the tenth of October as dividends, from whom proposals were received, and the prices offered, and what were the exigencies of the Treasury which did not allow him to reject the bids.

Public Treasurer requested to report names, &c., bond holders.

Ratified the 8th day of December, A. D. 1868.

RESOLUTION ON TOBACCO TAX.

WHEREAS, The high tax of thirty-two cents per pound on tobacco, operates to the serious injury of a large number of the people of this State; therefore

Preamble.

Resolved by the General Assembly of the State of North Carolina, That our Senators and Representatives in the Congress of the United States, be respectfully requested to use their endeavors to have the said tax reduced to ten cents on the pound.

Senators and Representatives instructed to use influence to reduce tobacco tax.

Resolved further, That the Speaker of this House transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

Speaker to transmit copy.

Ratified the 11th day of December, A. D. 1868.

SENATE RESOLUTION IN REGARD TO SENATE LIBRARY.

Preamble.

WHEREAS, There is not to be found either in the Senate or House Library, a single copy of the laws for eighteen hundred and sixty-six and eighteen hundred and sixty-seven; therefore,

Librarian to secure copies of laws.

Resolved, That the State Librarian be requested to procure five copies of said laws to be placed in the Senate Library.

Ratified the 15th day of December, A. D. 1868.

SENATE RESOLUTION IN REGARD TO MAP OF THE STATE.

Allowed access to Libraries, &c.

Resolved, That the thanks of the Senate are due and hereby tendered to the Rev. Samuel Pearce, for the loan of his valuable map for the use of the Senate, and that he be allowed access to the Public Libraries and offices to enable him to get up an entirely new map of the State of North Carolina.

Ratified the 15th day of December, A. D. 1868.

SENATE RESOLUTION INSTRUCTING COMMITTEE.

Committee to call on Governor for information.

Resolved, That the Special Committee on the sale of the State's interest in the public works of the State, be authorized to call upon the Governor of the State for any information he may have on this subject, and whether any proposals have been made to him for the purchase of all or any of those works, and what such proposals contained.

Ratified the 16th day of December, A. D. 1868.

JOINT RESOLUTION IN REGARD TO HOLDING TWO SESSIONS PER DAY.

Resolved, the Senate concurring, That on and after Monday next, the fourteenth instant, the General Assembly hold two sessions daily, the one beginning at ten A. M., the other at seven-and-a-half P. M. Two sessions a day.

Ratified the 16th day of December, A. D., 1868.

SENATE RESOLUTION APPOINTING A COMMITTEE OF INQUIRY.

Resolved, That a Committee of three on the part of the Senate be appointed by the President, to inquire into all the facts attending the purchase of the site for the Penitentiary and other property; that the Committee be authorized to send for persons and swear witnesses, and report to the General Assembly on or before the fifteenth of January next. Committee of inquiry, with power, &c.

Ratified the 18th day of December, A. D. 1868.

JOINT RESOLUTION TO RAISE A JOINT COMMITTEE TO INVESTIGATE THE MANAGEMENT, &C., OF THE BANK OF NORTH CAROLINA.

Resolved, the Senate concurring, That a Joint Committee of five, three from the House and two from the Senate, be appointed to investigate the management and affairs of the Bank of North Carolina, the Bank of the State of North Carolina, and the Bank of Cape Fear, with power to examine books, with power to employ counsel and to send Committee to investigate management of Banks, with power, &c.

for persons and papers and that they report what legislation, if any, is necessary or practicable to secure the best interests of the State in these institutions.

Ratified the 18th day of December, A. D. 1868.

JOINT RESOLUTIONS IN RELATION TO BANKS.

Committee to investigate condition of Literary fund.

Resolved, That a Committee of five, three of the House and two of the Senate, be appointed, whose duty it shall be to investigate the condition of the Literary Fund, the sinking funds of all banks of the State which have suspended operation and which are represented as insolvent and unsettled, in which the State or any State institution is interested as stockholder or otherwise.

Council and clerical aid authorized.

That the aforesaid Committee be authorized to sit during this session of this Legislature, to employ all necessary clerical aid, counsel or experts, to administer oaths and keep record, to send for persons and papers, to proceed to such places in the State as the necessity of the investigation may require, and to institute such an examination of books, papers, property, persons and premises as they may deem necessary.

Of what to inquire

That said Committee shall carefully and specially inquire as follows, viz: The number and name of debtors and creditors, the amount of bills in circulation on the first day of May, eighteen hundred and sixty-one, and the amount redeemed since May, eighteen hundred and sixty-five, also the amount outstanding on the first and thirty-first day of May, eighteen hundred and sixty-five, the number of depositors on the date of suspending operation, and also the first day of November, eighteen hundred and sixty-eight, the number and amount of deposits paid during the war, and since May the first, eighteen hundred and sixty-five, the property of whatever kind in possession or belonging to

said banks and its present value, the names of all persons, officers and others, employed or serving since the date of suspending operations, and the amount paid them for salaries or services, the amount and kind of specie on hand at the time of suspension, and on the first day of November, eighteen hundred and sixty-eight, the amount of paper money, both of their own and other banks on hand on the date of suspension, and on the first day of November, eighteen hundred and sixty eight. Any other matter or transaction which the Committee shall deem important to be known and understood by the people of the State and this General Assembly, they shall fully and carefully investigate.

That the Committee aforesaid shall have full power to ask and demand a report in full of the condition of the banks above referred to of the President and Directors of the same.

Power to ask report in full.

That the Committee aforesaid be authorized to employ counsel to represent the State's interest in the matter of bankruptcy of the Bank of North Carolina.

Council to represent State's interest

The Committee are required to report what disposition has been made with the cash capital of said Company since May first, eighteen hundred and sixty-one.

Report.

That any person failing to produce papers when called upon by the Committee so to do, and any person failing to appear and give evidence when and where notified to do so by the Committee aforesaid, shall be deemed guilty of a misdemeanor and be fined not more than five thousand dollars, or imprisoned not more than twelve months.

Failing to produce papers, &c., a misdemeanor.

That persons offending as aforesaid shall be prosecuted in the Superior Court of Wake County, and the record of the Committee, subscribed by the Chairman, shall be sufficient evidence to convict such offenders.

Prosecuted in Superior Court of Wake County.

That said Committee be instructed to make a report to this General Assembly within thirty days.

Report to General Assembly.

That the expenses of this investigation shall be paid from the State Treasury, upon the warrant of the Governor, the

Expenses, where paid.

bills therefor having been approved by the Chairman of the said Committee and audited by the State Auditor.

Ratified the 21st day of December, A. D. 1868.

RESOLUTION IN REGARD TO THE CO-OPERATION OF THE STATE OF NORTH CAROLINA AND THE STATE OF TENNESSEE IN CERTAIN RAIL ROAD ENTERPRISES.

Preamble.

WHEREAS, It is known to this General Assembly that our sister State of Tennessee has in process of construction several important lines of Rail Roads leading into Western North Carolina, which are intended to connect with such Roads in this State as will best subserve the interest of the two States; and whereas, it is the opinion of this General Assembly that the appropriate connection and final completion of these several Rail Road enterprises will contribute largely in the rapid growth, development and prosperity of both States, and believing also, that a comparison of opinions and concert of action between the two States is necessary to insure the final success of these excellent and stupendous projects of improvement; therefore,

Suggest that Tennessee appoint Committee to confer, &c.

Resolved, the Senate concurring, That this General Assembly suggest and cordially invite the Legislature of Tennessee, now in session, to send to the City of Raleigh, such delegations or Committees as it may think proper, to confer with a like Committee of this General Assembly in reference to these various contemplated Rail Road enterprises.

Committee of conference appoint.

Resolved, That a Committee be appointed, consisting of five on the part of the House, and two on the part of the Senate, to confer with the Tennessee delegation and report to the General Assembly.

Copy to be sent to Legislature of Tennessee.

Resolved, That a copy of the proceedings be sent to the Speakers of both Houses of the Legislature of Tennessee for their action.

Ratified the 21st day of December, A. D. 1868.

RESOLUTION IN FAVOR OF THE SHERIFF AND REGISTER OF
DEEDS FOR GREENE COUNTY.

WHEREAS, Judgment was entered against W. L. Edwards, Sheriff of the County of Greene, and the sureties on his official bond, in the Superior Court of the County of Wake, Fall Term, eighteen hundred and sixty-eight, for failing to pay into the Public Treasury, within the time prescribed by law, the public taxes due from said County for the year eighteen hundred and sixty-eight; and whereas, said Sheriff has since paid said public taxes into the Public Treasury, and was not allowed any commission on the same, or any mileage or per diem for making said settlement; and whereas, justice requires that said Sheriff and his sureties shall be fully and finally released and discharged from said judgment, and that the Public Treasurer allow to said Sheriff the lawful commission, mileage and per diem; whereas, judgment was obtained against W. J. Taylor, Register of Deeds of the County of Greene, and the sureties on his official bond, in the Superior Court of the County of Wake, fall term, eighteen hundred and sixty-eight, for failing to return to the Auditor of Public Accounts, within the time prescribed by law, the amount due from unlisted taxables in said County for the year eighteen hundred and sixty-eight; and whereas, owing to the misunderstanding incident to the change from the former to the new government in July, eighteen hundred and sixty-eight, said Register of Deeds is not in fault, he having since made said return, and the State has lost nothing thereby; therefore, the General Assembly of North Carolina do resolve,

1st. That W. L. Edwards, Sheriff of the County of Greene, and the sureties to his bond for collection and payment of the public taxes, be and they are hereby fully and effectually released and discharged from the judgment obtained against them in the Superior Court of Wake

Preamble.

Released and discharged.

County, fall term, eighteen hundred and sixty eight, for failing to pay into the Public Treasury, within the time prescribed by law, the taxes due from said County for the year eighteen hundred and sixty-eight, and that the Public Treasurer be and he is hereby authorized to allow said Sheriff, commissions, mileage and per diem for making his settlement with the Public Treasurer.

Released.

2. That W. J. Taylor, Register of Deeds of the County of Greene, and the sureties on his official bond shall be and they are hereby fully and effectually released and discharged from the judgment obtained against them in the Superior Court of Wake County, fall term, eighteen hundred and sixty-eight, for failing to return to the Auditor of Public Accounts, within the time prescribed by law, a transcript of the unlisted taxables in said County for the year eighteen hundred and sixty-eight, he having since made said return.

3d. This act shall be in force from and after its ratification.

Ratified the 8th day of January, A. D. 1869.

SENATE RESOLUTION INSTRUCTING THE COMMITTEE ON CORPORATIONS.

Special instruction to Committee on Corporations.

Resolved, That the Committee on Corporations be instructed to specially consider the constitutional restrictions upon the Legislature, article eight, section one, on Corporations, and to report adversely on all bills incorporating companies, where in their judgment the objects of the corporations can be obtained under general laws.

Ratified the 9th day of January, A. D. 1869.

RESOLUTION INSTRUCTING CODE COMMISSIONERS TO PREPARE
AND REPORT A COMPILATION OF CHARTERS, ACTS, &C.

WHEREAS, Great doubt and uncertainty exist as to the precise interest which the State has in various public works of the State; and Preamble.

Whereas, no law exists prescribing the duties of the Superintendent of Public Works: therefore

Resolved, That the Code Commissioners be instructed to prepare as soon as practicable a complete compilation of all the charters, acts and resolutions in relation to the public works of the State, with all suitable indexes and references, and also that they be requested to prepare a bill for this House, prescribing the duties, liabilities and obligations of the Superintendent of Public Works. Compilation of charters, acts, &c.

Ratified the 13th day of January, A. D. 1869.

RESOLUTION ASKING OUR REPRESENTATIVES IN CONGRESS TO USE
THEIR INFLUENCE TO REVIVE AND RE-OPEN ALL THE MAIL
ROUTES AND POST OFFICES HERETOFORE EXISTING IN NORTH
CAROLINA.

Resolved, That this General Assembly respectfully urge upon our Representatives in Congress the great importance of re-opening and reviving all the post offices and mail routes heretofore existing in this State, and ask them to take such steps as to secure that end. Post offices and mail routes urged.

Resolved, That the Senators and Representatives in Congress from this State be furnished each with a copy of these resolutions.

Ratified the 13th day of January, A. D. 1869.

RESOLUTION IN RELATION TO IMPROVEMENT OF THE NAVIGATION
OF THE CAPE FEAR RIVER.

Preamble.

WHEREAS, The whole of the State of North Carolina of every section being interested in the improvement of the navigation of the Cape Fear River, as it will develop the great agricultural and mineral resources of the State; and

Whereas, the Congress of the United States have in several cases extended aid to the State for such improvements: therefore

Representatives urged to secure an appropriation.

Be it resolved by the General Assembly of North Carolina, That our Senators and Representatives in Congress be respectfully requested to lay before Congress the magnitude of the interests involved in the improvement of the navigation of the Cape Fear River and to secure from that body, if possible, such appropriations as the estimate of a United States engineer may recommend as necessary to remove the existing impediments to navigation in the Cape Fear River below Wilmington.

Secretary of State to forward copy, &c.

Be it further Resolved, That upon the adoption of these resolutions, the Secretary of State is hereby directed to forward a copy of the same to each of our Senators and Representatives in Congress.

Ratified the 13th day of January, A. D. 1869.

RESOLUTION IN RELATION TO BILLS PRESENTED BY THE CODE
COMMISSIONERS.

Bills submitted by Code Commissioners.

Resolved by the House of Representatives, the Senate concurring, That upon the submission of any bill by the Code Commissioners, it be made a special order and referred to an appropriate committee, and the bill be immediately returned to the Commissioners to be printed, and that the

Commissioners be directed to have printed a sufficient number of copies to supply both branches of the General Assembly; and the accounts for the same to be audited by the Joint Committee on printing.

Ratified the 19th day of January, A. D. 1869.

JOINT RESOLUTION TO PROVIDE AN OFFICE FOR THE STATE
AUDITOR.

Resolved, That the Joint Committee on Public Buildings and Grounds be instructed to provide an office for the State Auditor as early as possible, and report their action to the General Assembly for approval.

Office for Auditor

Ratified the 19th day of January, A. D. 1869.

RESOLUTION TO PROVIDE AN OFFICE FOR THE SUPERINTENDENT
OF PUBLIC INSTRUCTION.

Resolved by the General Assembly of North Carolina, That the western room on the third floor of this building be assigned to the use of the Superintendent of Public Instruction, and that the keeper of the Capitol be required to make the necessary arrangements at once for its occupation by that officer.

Room of Superintendent Public Instruction.

Ratified the 19th day of January, A. D. 1869.

RESOLUTION INSTRUCTING SELECT SENATE PENITENTIARY
COMMITTEE.

Continued and to
report.

Resolved, That the Select Committee of three Senators on the Penitentiary purchase, be continued and instructed to report to the Senate without unnecessary delay, what action in their judgment should be taken by this body in reference to said purchase.

Ratified the 20th day of January, A. D. 1869.

RESOLUTION TO ANNUL A PORTION OF A JOINT RESOLUTION IN
REGARD TO THE ROOMS IN THE CAPITOL BUILDING, RATIFIED
AUGUST SEVENTH, EIGHTEEN HUNDRED AND SIXTY-EIGHT.

Amended.

Resolved, the Senate concurring, That so much of the action of the Joint Committee on Public Buildings, taken under a joint resolution ratified eleventh of August, eighteen hundred and sixty-eight, in regard to the rooms in the Capitol building as resulted in placing other officers of the government in the Supreme Court room be annulled, and that the Committee on Public Building be directed to furnish rooms for the Superintendent of Public Instruction and the Auditor of the State, and make a report of their action to this body.

Ratified the 20th day of January, A. D. 1869.

RESOLUTION INSTRUCTING THE JUDICIARY COMMITTEE.

Failure a misde-
meanor.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending

the law as to provide that persons liable to work the public roads failing to do so shall be guilty of a misdemeanor and that they report by bill or otherwise.

Ratified the 20th day of January, A. D. 1869.

RESOLUTION IN REGARD TO THE PRINTING OF THE LAWS.

Resolved, the Senate concurring, That the resolution ratified on the sixth day of August, eighteen hundred and sixty-eight be so amended that no laws shall be printed for the use of the members except general laws, and the Speaker shall determine what are general laws. Amended.

Ratified the 26th day of January, A. D. 1869.

RESOLUTION ASKING INFORMATION OF THE SUPREME COURT.

Resolved, by the General Assembly of North Carolina, That the Supreme Court be respectfully requested to advise the Legislature at its present session upon the following points of law: Opinion of Supreme Court requested.

1. Does Article Ten of the State Constitution, entitled "Homesteads and Exemptions," exempt from sale under Court executions obtained on a contract complete before the adoption of the State Constitution, a realty or homestead of the value of one thousand dollars.

2. Is personal property of the value of five hundred dollars exempt from sale under execution of a like character.

Ratified the 27th day of January, A. D. 1869.

JOINT RESOLUTION OF INSTRUCTIONS TO THE TREASURER OF
THE STATE.

Treasurer to pay
traveling expenses
of Committee.

Resolved by the General Assembly of North Carolina,
That the Treasurer of the State is hereby authorized and directed to pay to each witness summoned by the Joint Select Committee on investigation of charges of bribery and corruption, upon a duly authenticated resolution of said Committee, the actual and necessary traveling expenses incurred by him, within this State, in going and returning by the most usual route from the seat of government to his residence, and in addition his actual and necessary hotel expenses while detained in Raleigh by said Committee.

Ratified the 30th day of January, A. D. 1869.

RESOLUTION INVITING IMMIGRATION.

Preamble.

WHEREAS, The people of North Carolina are laboring under many disadvantages for the want of pecuniary means and the enterprises incident thereto, so necessary to develop the manifold resources of the State; and whereas, the true condition of the state of affairs is not accurately understood by the people of the Northern States, and perhaps other nations, who would wish to come among us as citizens, to engage in all the peaceful pursuits of life, and to invest capital in the various enterprises of the State; therefore,

Immigration in-
vited.

Resolved, the Senate concurring, That it is the opinion of the General Assembly that the people of the State of North Carolina greatly desire and will hail with delight the coming among us of all persons from the Northern States, or other countries, to assist them in the building up of the "waste places" made desolate by the ravages of war; that kindness, sympathy and protection will be extended to all

such as desire to become citizens, or to invest capital among us in legitimate trade and speculation.

2d. That it is the opinion of this General Assembly that the people of this State acquiesce in good faith in all of the legitimate results of the war and accept the situation of affairs, and that they are disposed to cultivate kindness, forbearance and peace with all parts of the country.

3d. That we deprecate any reckless disposition that may be manifested to further protract the troubles of the country, and to alienate the people by a misrepresentation of the true condition of affairs in the State.

Recklessness deprecated.

Ratified the 30th day of January, A. D. 1869.

RESOLUTION SETTING APART SATURDAY FOR THE CONSIDERATION OF PRIVATE BILLS.

WHEREAS, Much time is consumed by suspending the rules in order to consider bills of a private nature; therefore be it

Preamble.

Resolved, That Saturday shall be set apart for the consideration of all bills of a private character.

Saturday set apart

Ratified the 2d day of February, A. D. 1869.

RESOLUTION PROVIDING FOR PAYMENT OF A CLERK TO THE COMMITTEE OF INVESTIGATION OF BRIBERY AND CORRUPTION.

Resolved, the Senate concurring, That the sum of \$60 be allowed to remunerate the Clerk employed by the Committee on Bribery and Corruption.

Clerk pay allowed.

Ratified the 6th day of February, A. D. 1869.

RESOLUTION IN REGARD TO SPECIAL TAX ON WHISKY.

Preamble.

WHEREAS, the laws of the United States require distillers of whisky to pay a special tax of four hundred dollars, (\$400,) and two dollars, (\$2.00) per day, and the payment of fifty cents on each gallon of whisky distilled; and

Whereas, under the laws of the United States, each distiller is required to provide a meter at a cost of four to six hundred dollars; and

Whereas, citizens of the State who are men of small means are deprived of the privilege of distilling grain in consequence of the want of means to pay this tax; and

Whereas, the law as it now exists has the effect to drive men of small means from the business of distilling whisky, and give to men of large means an entire monopoly; and

Whereas, various citizens of the State who live at a great distance from market and Rail Road facilities have no other means of bringing their grain to market except by distillation, and being men of small means are unable to pay the tax imposed, and are thus prohibited entirely from enjoying the privilege: therefore

Resolved by the General Assembly of North Carolina, That our Senators and Representatives in the Congress of the United States be respectfully requested to use their influence to have the laws of the United States so modified as to exempt small distilleries from the payment of this special tax, and not require any one who does not manufacture more than three hundred gallons in any one year to provide said "meter."

Secretary of State
to furnish copy.

Resolved, That the Secretary of State be requested to furnish each one of our Senators and Representatives in the Congress of the United States with a copy of these resolutions.

Ratified the 8th day of February, A. D. 1869.

RESOLUTION EXTENDING TIME GIVEN TO JOINT COMMITTEE ON
BANKS.

Resolved, the Senate concurring, That the instructions to the Joint Committee appointed to investigate the Banks of the State, requiring them to report within thirty days after the ratification of said joint resolution, be extended sixty days from date hereof.

Extended.

Ratified the 8th day of February, A. D. 1869.

RESOLUTION IN RELATION TO MINT AT CHARLOTTE.

WHEREAS, The gold mines of North Carolina are now extensively worked, and constant additions are being made to the capital invested in this pursuit; and

Preamble.

Whereas, there are now at this Mint at Charlotte all necessary implements and machinery for assaying and coining gold, and the expenses of the institution must be small compared with the benefits bestowed as a growing and permanent interest of North Carolina: therefore

Resolved, the House of Representatives concurring, That our Senators and Representatives in the Congress of the United States be requested to secure the re-establishment of the said Branch Mint at Charlotte, and use their influence to have it put in immediate and successful operation.

Senators and Representatives to be instructed, &c.

Resolved further, That the presiding officers of the two Houses of this Legislature cause copies of the foregoing resolution to be transmitted to each of the North Carolina delegation in Congress, and to the Secretary of the Treasury of the United States.

Copies to be transmitted.

Ratified the 12th day of February, A. D. 1869.

RESOLUTION IN REFERENCE TO THE EXECUTIVE MANSION.

Report to Joint
Committee.

Resolved, by the General Assembly of North Carolina, That the Superintendent of Public Works be required to report at once to the Joint Committee on Public Buildings and Grounds, the authority by which he occupies the Executive Mansion; also, that said Committee be instructed to report any reasons that may exist, why the State Geologist and Superintendent of Public Works should not have offices assigned to them in the building known as the Executive Mansion.

Ratified the 13th day of February, A. D. 1869.

RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA.

Board may sell
stock.

Resolved, That the Board of Education be and hereby is authorized to sell the stock now owned by the Public School Fund in the Wilmington and Manchester and the Wilmington and Weldon Rail Roads, at such price as may appear to said Board advantageous to the Public School Fund; *Provided,* That said Board shall not sell the stock in the Wilmington and Weldon Rail Road at less than thirty-five dollars per share in cash.

Condition of sale.

Ratified the 19th day of February, A. D. 1869.

RESOLUTION IN RELATION TO RAISING A JOINT COMMITTEE TO
CONSIDER THE ERECTION OF A STATE'S PRISON.

Appoints Com-
mittee on State's
Prison.

Resolved, the House of Representatives concurring, That a Joint Committee of seven, three on the part of the Senate

and four on the part of the House of Representatives, be appointed for the purpose of considering the subject of the erection of a State's Prison, and that they be instructed to report such action as they may deem necessary, at as early a day as practicable. Report.

Ratified the 24th day of February, A. D. 1869.

RESOLUTION IN RELATION TO THE PUBLIC TREASURER.

Resolved by the Senate, the House of Representatives concurring, That a Joint Committee of three on the part of each House be raised for the purpose of investigating the charges against the Public Treasurer, made by the Senator from Craven, and that they report at as an early day as practicable. Committee to investigate charges.

Ratified the 24th day of February, A. D. 1869.

A JOINT RESOLUTION RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA, STYLED ARTICLE FIFTEEN.

WHEREAS; The General Assembly has received official notification of the passage by both Houses of the Fortieth Congress of the United States, of the following proposition to amend the Constitution of the United States, by a Constitutional majority of two-thirds thereof, in words to wit: Preamble.

“ A RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Amendment to
Constitution of the
United States.

“ *Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of both Houses concurring,)* That the following Article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely :

“ ARTICLE XV.

“ SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

“ SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation.”

Ratified.

Therefore, Be it resolved by the General Assembly of North Carolina, That the said amendment to the Constitution of the United States be and the same is hereby ratified by the General Assembly of North Carolina.

Governor to send
certified copies, &c.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor to the President of the United States, to the Presiding Officer of the United States Senate and the Speaker of the United States House of Representatives.

Ratified the 5th day of March, A. D. 1869.

RESOLUTION IN REGARD TO NIGHT SESSIONS.

Night sessions.

Resolved, That it is the sense of the Senate that after to-day the Senate shall have session on every night but Saturday night.

Ratified the 9th day of March, A. D. 1869.

RESOLUTION RAISING A JOINT COMMITTEE OF THREE ON THE PART OF EACH HOUSE TO REPORT A BILL FOR THE RELIEF OF THE PEOPLE OF NORTH CAROLINA.

Resolved, That a Joint Committee of both Houses, consisting of three on the part of the Senate, and four on the part of the House, be appointed to take into consideration and report a bill for the relief of the people of North Carolina.

Committee to report bill for relief of people.

Ratified the 10th day of March, A. D. 1869.

A RESOLUTION INSTRUCTING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO VOTE FOR A REPEAL OF THE TENURE OF OFFICE LAW.

WHEREAS, The extraordinary ability and varied talent, as well as exalted patriotism displayed on all occasions by President Grant, make it manifest that he is as worthy of confidence as any of his illustrious predecessors in the Presidential office; therefore,

Preamble.

Be it resolved, That our Senators be instructed and our Representatives requested to vote to repeal the law known as the "Tenure of Office Act," and thereby allow President Grant to exercise the same powers under the Constitution that were entrusted to every other President from Washington to Lincoln, inclusive.

Tenure of office act.

Resolved further, That each of our Senators and Representatives in Congress be furnished by the Governor with a copy of the foregoing resolution.

Senators and Representatives to be furnished with copy

Ratified the 13th day of March, A. D. 1869.

SENATE RESOLUTION.

Public Printer.

Resolved, That the Public Printer be instructed to furnish each member of this Senate as early as practicable with ten copies of the bill entitled "An act to regulate proceedings before magistrates."

Ratified the 22d day of March, A. D. 1869.

JOINT RESOLUTION APPOINTING COMMITTEE TO INVESTIGATE
THE AFFAIRS OF ALBEMARLE AND CHESAPEAKE CANAL
COMPANY.

Committee to investigate affairs, &c.

Resolved by the House of Representatives, the Senate concurring, That a Committee of three, consisting of one on the part of the Senate and one on the part of the House, and the Superintendent of Public Works, be appointed to investigate the affairs of the Albemarle and Chesapeake Canal Company, with power to send for persons and papers and to administer oaths and to report to the next session of the General Assembly what action, if any, is necessary to protect the interest of the State in said Company; *Provided*, The Superintendent of Public Works shall not be allowed any *per diem*.

Proviso.

Per diem.

The Commissioners shall be allowed four dollars *per diem* while actually engaged in the investigation.

Ratified the 22d day of March, A. D. 1869.

JOINT RESOLUTION TO ADJOURN ON THE TWELFTH DAY OF
APRIL, EIGHTEEN HUNDRED AND SIXTY-NINE.

Resolved by the Senate, the House of Representatives concurring, That both Houses of the General Assembly adjourn *sine die* at the hour of six o'clock, A. M., on the twelfth day of April, eighteen hundred and sixty-nine.

Adjournment.

Ratified the 1st day of April, A. D. 1869.

RESOLUTION TO PAY EXPENSES OF INVESTIGATING COMMITTEE.

Resolved, That the Treasurer of the State be authorized to pay, out of any money in the Treasury unappropriated, the expenses of travel and the *per diem* of the Committee appointed by the Senate to investigate the matter of the purchase of a site for a Penitentiary, to the amount of one hundred and ninety-seven dollars and sixty cents.

Treasurer to pay.
&c.

Ratified the 1st day of April, A. D. 1869.

RESOLUTION CONCERNING THE TREASURY.

Resolved, the Senate concurring, That a Committee of three be appointed, two on the part of the House and one on the part of the Senate, to inquire into the financial condition of the Treasury and report to this body as soon as practicable.

Committee of inquiry.

Ratified the 6th day of April, A. D. 1869.

RESOLUTION TO PAY THE ACTUAL EXPENSES OF THE
PENITENTIARY COMMITTEE.

Actual expenses
allowed.

Resolved, the Senate concurring, That the Joint Special Committee, to report on location and construction of a Penitentiary, raised by resolution, ratified February twenty-fourth, eighteen hundred and sixty-nine, be allowed their actual expense while on duty connected with such service, and that the State Treasurer be and is hereby authorized to pay the same upon the presentation of bills approved by the Chairman of said Committee, which amount is to be submitted by the Committee, and audited by the Auditor, not to exceed one hundred and twenty-five dollars.

Ratified the 9th day of April, A. D. 1869.

RESOLUTION TO ALLOW THE COUNTY COMMISSIONERS OF RICH-
MOND COUNTY TO LEVY A SPECIAL TAX.

Commissioners to
levy tax.

Resolved, That the County Commissioners of Richmond County be allowed to levy a special tax of seven thousand dollars to pay the indebtedness of the County and complete their public works.

Resolved, That the resolution shall be in force from and after its passage.

Ratified the 9th day of April, A. D. 1869.

RESOLUTION ON ABSENT MEMBERS.

When per diem
not allowed.

Resolved, That no members of the Senate who have a leave of absence for an indefinite time shall be allowed any *per diem*.

Resolved, That any member absent from the Senate beyond his leave of absence, shall be allowed no *per diem* for any time beyond his leave, unless on account of sickness of himself or his family.

Absent without leave and per diem.

Ratified the 10th day of April, A. D. 1869.

RESOLUTION CONCERNING SECRETARY OF STATE.

Resolved, That in order that the tax books in all the Counties in the State should be uniform, the Secretary of State shall prepare for the Register of Deeds for each County the necessary tax books as soon as practicable.

Secretary to prepare tax books.

Ratified the 12th day of April, A. D. 1869.

A RESOLUTION EXPLANATORY OF AN ACT ENTITLED "AN ACT TO REGULATE THE SALARY AND FEES OF THE SUPREME COURT CLERK."

Resolved, That an act entitled "An act to regulate the salary and fees of the Supreme Court Clerk," ratified the ninth day of April, eighteen hundred and sixty-nine, is intended to be supplemental to the general act regulating salaries and fees.

Supreme Court Clerk.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION CONCERNING COMMITTEE OF INVESTIGATION INTO
THE AFFAIRS OF THE ALBEMARLE AND CHESAPEAKE CANAL
COMPANY.

Additional Com-
mittee.

Resolved by the General Assembly of North Carolina,
That a Committee of three, consisting of two on the part
of the House of Representatives, and one on the part of the
Senate be appointed in addition to those already appointed
to investigate the affairs of the Albemarle and Chesapeake
Canal Company, with power to send for persons and papers,
and report to the next session of the General Assembly.

Meetings, where
held

Resolved further, That the Committee have authority to
hold their meetings, in their discretion, in the State of
Virginia.

Powers requested.

Resolved further, That the executive authorities of the
State of Virginia be requested to give the Committee power
to send for persons and papers in prosecuting their investi-
gation within that State.

Ratified the 12th day of April, A. D. 1869.

A RESOLUTION AMENDATORY OF A JOINT RESOLUTION IN RELA-
TION TO BANKS, RATIFIED THE TWENTY-FIRST OF DECEMBER,
EIGHTEEN HUNDRED AND SIXTY-EIGHT.

Meetings and
powers.

1st. *Resolved,* That the Joint Committee raised by a
joint resolution of the two Houses in relation to Banks,
ratified the twenty-first of December, eighteen hundred
and sixty-eight, be and the said Committee is hereby
authorized to hold sittings after the adjournment of the
General Assembly as they may deem expedient, with all
the powers given in the original resolution of which this is
amendatory, and that said Committee be required to report
within ten days after the next regular session of the Gen-
eral Assembly.

2d. That the Sheriffs and Coroners of the several Counties be and they are hereby required to execute and obey, according to the mandate thereof, any subpoena or other process issued by said Committee and signed by the Chairman, and make due returns of the same to the Chairman, for which such Sheriffs or Coroners shall be allowed like fees as in other cases of process issued from the courts of law, and in case any officer fail or neglect to execute and obey such process, he shall incur the penalties of a contempt of the General Assembly.

Sheriffs and Coroners.

Ratified the 12th day of April, A. D. 1869.

JOINT RESOLUTION IN RELATION TO DIRECT TRADE.

WHEREAS, A bill has been introduced in the Senate, authorizing a subsidy by the State of North Carolina, conditioned upon the provisions of a like subsidy by the State of Virginia and the government of Holland, as an inducement for the establishment and maintenance of a line of steamships between Norfolk in Virginia and Flushing in Holland; and

Preamble.

Whereas, the two Houses of the General Assembly having agreed to adjourn on the twelfth instant, there does not remain sufficient time at the present session to pass such a bill, under the delays required by the Constitution, consistently with the due disposal of many bills, public and private, having precedence, and urgently claiming consideration; and

Whereas, the General Assembly approving the establishment and maintenance of such a line of steamships desires to signify in some appropriate form its appreciation of so important a measure: therefore

Be it resolved by the Senate and House of Representatives of the State of North Carolina, 1. That this General

Assembly has heard with satisfaction of the proposed establishment of a line of first class ocean steamers to run at short and regular intervals between the ports of Norfolk and Flushing; that the State of North Carolina being by its geographical position and existing trade relation deeply interested in Norfolk as a seaport town, this General Assembly would hail with pleasure the inauguration of direct trade through that port with a government and people so favorably known and so highly esteemed as those of Holland; and that this General Assembly hereby invites the attention of the merchants and capitalists of Holland to the rare advantage afforded by the internal improvements and varied resources of this State for an extensive and mutually beneficial commercial intercourse.

Copy to be furnished.

2. *Resolved*, That a copy of this joint resolution signed by the President of the Senate and Speaker of the House of Representatives be communicated to Commodore M. H. Jansen of the Navy of Holland, through Commodore M. F. Maury, of Virginia.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION TO SELL THE STATE'S INTEREST IN THE FAYETTEVILLE AND WARSAW PLANK ROAD.

Board authorized to sell.

Resolved by the General Assembly of North Carolina, That the Board of Education be authorized to sell the State's interest in the Fayetteville and Warsaw Plank Road, in such manner and on such terms as said Board of Education may direct.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION IN REFERENCE TO PUBLICATION OF CERTAIN ACTS.

Resolved by the General Assembly of North Carolina :

SECTION 1. That the Secretary of State be authorized to have printed and forwarded to each member of the Assembly ten copies of each public act passed at the session of eighteen hundred and sixty-eight and sixty-nine.

Acts for members

SEC. 2. That the Public Treasurer be required to pay out of money in the Treasury the amount necessary to carry into effect the foregoing resolution.

Ratified the 12th day of April, A. D. 1869.

 RESOLUTION INSTRUCTING PUBLIC TREASURER, &C.

Resolved, That the Public Treasurer be and he is hereby instructed and directed not to pay, and he is hereby forbidden to pay to David J. Pruyn, "Stockade Contractor," or any other person for him (the said David J. Pruyn) any further sum or sums of money in consequence of any work done or to be done, on said Stockade, until it is certified to him in writing, by the Superintendent of Public Works, that the work done has been done according to a contract entered into on the seventeenth day of November, eighteen hundred and sixty-eight, between the said David J. Pruyn, C. L. Harris and others and published in Document number seven, pages fourteen, fifteen and sixteen.

Instructing Public Treasurer.

Ratified the 12th day of April, A. D. 1869.

A RESOLUTION AUTHORIZING THE COMMISSIONERS OF POLK COUNTY TO LEVY A SPECIAL TAX.

Resolved by the General Assembly of North Carolina :

Special tax.

SECTION 1. That the Commissioners of Polk County be authorized to levy a special tax of twelve hundred dollars annually for three years to defray the expenses of said County by submitting it to the qualified voters of said County.

SEC. 2. This act shall be in force from its ratification.
Ratified the 12th day of April, A. D. 1869.

RESOLUTION APPOINTING A BOARD OF PUBLIC CHARITIES.

Board of Public Charities.

Resolved, That Dr. Eugene Grissom, G. W. Welker, Dr. William Barrow, Dr. G. W. Blacknall and George W. Gahagan be appointed a Board of Public Charities for the State, in accordance with the provisions of an act of this General Assembly.

Ratified the 12th day of April, A. D. 1869.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, September 1st, 1869.

I, HENRY J. MENNINGER, Secretary of State, hereby certify that the foregoing are true copies of the original public acts and resolutions on file in this office.

HENRY J. MENNINGER,
Secretary of State.

AUDITOR'S STATEMENT

OF THE

PUBLIC REVENUE AND EXPENDITURE.

STATE OF NORTH CAROLINA,
AUDITOR'S DEPARTMENT,
Raleigh, January 1st, 1869.

To His Excellency, W. W. HOLDEN, Governor of North Carolina :

SIR:—I herewith transmit to you my Annual Report, in detail, from this Department, of the Receipts and Disbursements at the Public Treasury of the State of North Carolina, during the fiscal year ending on the 30th day of September, 1868.

I have the honor to be,

With the greatest respect,
Your obedient servant,

H. ADAMS,
Auditor of State.

AUDITOR'S STATEMENT

FOR THE

Fiscal Year ending September 30th, 1868.

GENERAL STATEMENT.

Balance in hands of Public Treasurer October 1st, 1867,		\$ 258,681 64
Receipts of Literary Fund for fiscal year ending September 30th, 1868,	\$ 21,564 64	
Receipts of Public Fund for fiscal year ending September 30th, 1868,	1,925,564 98	
		1,947,129 62
		2,205,811 26
Disbursements of Literary Fund for fiscal year ending September 30th, 1868,	35,866 01	
Disbursements of Public Fund for fiscal year ending September 30th, 1868,	2,019,909 41	
		2,055,775 42
Leaving in hands of Public Treasurer October 1st, 1868,		\$ 150,035 84

RECEIPTS AND DISBURSEMENTS,

Of Literary Fund for Fiscal Year ending September 30th, 1868.

		RECEIPTS.	DISBURSEMENTS.
1867.	October,	\$ 4,320 70	\$ 10,600 79
"	November,	965 01	275
"	December,	59 37	736 20
1868.	January,	12,517 99	20,721 85
"	February,	137	272 61
"	March,	202 74	170
"	April,	29 55	865 50
"	May,	27 20	1,225 23
"	June,	299 22	263
"	July,	115 28	309 50
"	August,	239 59	306 33
"	September,	2,650 99	120
		\$ 21,564 64	\$ 35,866 01

RECEIPTS AND DISBURSEMENTS,

Of Public Fund for Fiscal Year ending September 30th, 1868.

		RECEIPTS.	DISBURSEMENTS.
1867.	October,	\$ 72,128 24	\$ 26,375 02
"	November,	11,601 53	23,789 94
"	December,	26,765 89	41,071 15
1868.	January,	28,987 14	94,803 86
"	February,	10,934 32	47,000 47
"	March,	26,299 10	83,767 08
"	April,	1,413,445 16	1,425,772 71
"	May,	47,580 61	63,654 39
"	June,	29,128 64	48,113 41
"	July,	5,863 97	16,193 62
"	August,	105,720 82	92,609 35
"	September,	147,109 56	56,758 41
		\$1,925,564 98	\$ 2,019,909 41

STATEMENT A.

LITERARY FUND RECEIPTS.

Exhibiting the several sources from which the receipts of the Literary Fund were derived.

Auction Tax,	\$	22	46
Entries of Vacant Lands,		1,052	48
Interest on Loan,		96	64
“ “ Certificate of Indebtedness,		13,380	56
Retailers' Tax,		6,762	50
Sales of Little Lake in Craven County,		250	
	\$	21,564	64

DETAILED AS FOLLOWS :

1867.			
Oct.	Received of Kemp P. Battle, Public Treasurer, October to July 1st, 1867, on Certificate of In- debtedness \$30,273.50, of Literary Board,	\$	908 20
	Sundry Sheriffs' tax on Retailers of Spirituous Liquors, as follows :		
	Reuben King, Sheriff of Robeson County,		250
	F. M. Harper, “ “ Craven “		850
	Bartlett Jones, “ “ Tyrrell “		100
	J. Z. Falls, “ “ Cleveland “		62 50
	N. G. Grandy, “ “ Camden “		100
	J. M. Bateman, “ “ Washington “		250
	Lewis Bond, “ “ Bertie “		50
	J. R. Grandy, “ “ Harnett “		65
	Walker Smith, “ “ Rockingham “		500
	B. F. Willey, “ “ Gates “		100
	E. H. Ray, “ “ Wake “		850
	W. D. Justus, “ “ Henderson “		50
	T. C. Humphries, “ “ Currituck, “		200
Nov.	Sundry persons on account of entries of Vacant Lands, during this month :		
	John Dew, Randolph County,		10 25
	W. H. Lewis, Craven “		12 50
	J. A. Stewart, Burke “		87 ½
	S. Spinkle, Wilkes “		12 50

LITERARY FUND RECEIPTS.—(Continued.)

1867.		County,	\$	
Nov.	Larkin Spincer, Wilkes			2 25
	William Higgins, Wilkes	"		1 25
	Francis Bryan, Alleghany	"		59
	W. A. Jordan, Montgomery	"		75
	J. G. Gaskins, Craven	"	12	50
	John Hinson, Columbus	"	8	12 $\frac{1}{2}$
	W. J. Cromartie, Bladen	"	1	75
	" " "	"	6	25
	W. E. Freeman, New Hanover	"	37	50
	Daniel Robeson, "	"	2	50
	James Ward, Carteret	"	7	68 $\frac{3}{4}$
	W. H. Cox, Anson	"	27	90
	Thos. Haynes, Yadkin	"		30
	Neill Gillis, Montgomery	"	4	25
	W. C. Mercer, Currituck	"	2	50
	A. & E. Kron, Stanley	"	7	50
	Jno. W. Show, Bladen	"	2	50
	V. J. Palmer, Rutherford	"		75
	Daniel Brown, Wilkes	"	3	37 $\frac{1}{2}$
	Wm. Proffitt, Watauga	"		87 $\frac{1}{2}$
	John Griffin, Martin	"	2	45
	James Hardison, Craven	"	20	31 $\frac{1}{4}$
	Jacob Arthur, Carteret	"	1	62 $\frac{1}{2}$
	Benjamin Justice, Cleveland	"		50
	Marshall Harrelson, Columbus	"	6	62 $\frac{1}{2}$
	G. W. Thompson, Montgomery	"	6	25
	Henry T. Barnes, Watauga	"	1	25
	Thos. Furgerson, Haywood	"	12	50
	J. A. Gettys, Rutherford	"	1	87 $\frac{1}{2}$
	J. C. Gay, Richmond	"		32 $\frac{3}{4}$
	Worth, Purtt & Co., Bladen	"	21	42 $\frac{1}{2}$
	Jno. O. Griffith, Yancey	"	12	50
	Isaac M. Lyda, Henderson	"	6	25
	H. L. Patterson, Robeson	"		62 $\frac{1}{2}$
	W. Stepp & D. M. Lyda, Henderson	"	18	90
	Leonard Long, Columbus	"	12	50
	Jno. Vick, Moore	"		93 $\frac{3}{4}$
	D. F. Shaw, Bladen	"	3	50
	J. A. McDonald, Harnett	"	1	12 $\frac{1}{2}$
	J. G. Brown, Harnett	"	7	75
	Isaac McFalls, McDowell	"	3	25

LITERARY FUND RECEIPTS.—(Continued.)

1867.		County,	\$	
Nov.	A. H. Bright, Craven			11 25
	L. Huffstickler, Cleveland	"		31 $\frac{1}{4}$
	Wm. Stepp & D. M. Lyda, Henderson	"		16 50
	Robert Jones, Henderson	"		3 12 $\frac{1}{2}$
	Jno. J. Russ, Robeson	"		3 25
	Albert Calloway, Caldwell	"		3 12 $\frac{1}{2}$
	L. Calloway, Caldwell	"		6 25
	Jno. H. Clarke, Bladen	"		3 50
	McR. Culbreth, "	"		12 50
	Geo. Rest & O. C. Stapleford, Craven	"		67 80
	Luke L. Lamb, Camden	"		3 12 $\frac{1}{2}$
	J. Willis Council, Columbus	"		5
	Alex. Brown, Johnston	"		3 62 $\frac{1}{2}$
	Thos. A. Winslow, Perquimans	"		9 75
	Wm. Gates, Surry	"		1 25
	Jno. A. Jackson, Moore	"		3 12 $\frac{1}{2}$
	Ann R. Mills, Onslow	"		5 50
	J. H. Fink, Iredell	"		7 50
	W. E. Russ & W. A. Jackson, Sampson	"		25
	W. F. Leak, Richmond	"		2 19
	Leander Nelson, Stokes	"		50
	Andrew Miller, Duplin	"		37 $\frac{1}{2}$
	A. F. Mure, Moore	"		10
	Joel Harrison, Surry	"		1 03
	J. W. Gilleken, D. Longstreet & J. F. Longstreet, Carteret	"		26 20
	Hudson Williams, Stokes	"		1 50
	C. H. Russ, Montgomery	"		7
	Thos. Jones, Alleghany	"		12
	Mills Higgins, McDowell	"		30
	Wm. Mosely, Wilkes	"		3 44
	C. L. Luther, Buncombe	"		2 25
	Wm. J. McCain, Union	"		9 62 $\frac{1}{2}$
	Jno. D. Powers, New Hanover	"		3 50
	James Terry, Burke	"		22 50
	Daniel F. Shaw, Bladen	"		1 25
	Jno. S. Aman, Bladen	"		7
	Erwin Hanner, Guilford	"		75
	Marion Wilson, Watauga	"		1 12 $\frac{1}{2}$
	Elicum Ayres, Surry	"		5 62 $\frac{1}{2}$

LITERARY FUND RECEIPTS.—(Continued.)

1867.			
Nov.	J. L. Banks, Tax Collector, Johnston County, as tax on Retailers of Spirituous Liquors,	§	350
Dec.	Received of sundry persons on account of Entries of Vacant Lands, during this month:		
	Samuel Frink, Brunswick County,		12½
	J. L. Guthrie, Carteret “	8	75
	David F. Greer, Watauga “	5	
	David R. Canady, New Hanover “	2	25
	Geo. W. Price, Craven “	7	87½
	Thos. A. Winslow, Craven, “		37½
	Geo. E. Sheppard, New Hanover “	6	93½
	David J. Nixon, “ “	8	87½
	Hill W. Nixon, “ “	2	12½
	David J. Nixon, “ “	7	37½
	Eliza Scott, McDowell “	2	81
	John Pack, Polk “	6	87½
1868.	Walter W. Lenoir, Caldwell “	3	81½
Jan.	James Harper, “ “	2	87½
	W. A. Lenoir, “ “	4	75
	E. F. Foster, Ashe “	2	81½
	W. B. Henderson, Burke “	6	62½
	C. L. & C. S. Shankle, Stanley “	9	87½
	J. A. Renno, Richmond “	1	75
	David S. Jones, Carteret “	3	
	“ “ “ “ “	3	75
	Mansfield Padgett, Rutherford “	2	
	Malburn N. Campbell, Cumberland “	2	50
	Jas. R. Carter, “ “	1	
	Kemp P. Battle, Public Treasurer, interest to January 1st, 1868, on two Certificates of Indebtedness Literary Fund, as follows:		
	One for \$320,070.50, the other for \$30,273.50,	10,510	30
	Kemp P. Battle, Public Treasurer, interest from January 1st, 1868, on Certificate of Indebtedness, issued to Literary Board, for \$32,701,	1,962	06
Feb.	Sundry persons on account of Entries of Vacant Lands, as follows:		
	Wm. Jones, Henderson County,	3	12½
	Minerva J. Bonner, Forsythe “	2	12½
	E. & A. England, Transylvania “	2	50

LITERARY FUND RECEIPTS.—(Continued.)

1868.			
Feb.	F. M. Russ, R. M. White, and D. G. Maxwell, Mecklenburg County,	\$	10
	John Bradshaw, New Hanover	"	9 12½
	R. S. Bannerman, "	"	10 12½
	J. Henry Davis, Sheriff of Carteret County, in full of net taxes due the State for the year, on account of Retailers of Spirituous Liquors,		100
March	Sundry persons on account of Entries of Vacant Lands, as follows:		
	Wilson McKinney, Mitchell County,		375
	Sarah J. Bobbitt, "		475
	Thos. C. Ware, Cleveland	"	12½
	S. M. Collis, Mitchell	"	1 38
	Geo. Nichols, Surry	"	10
	Willis Hurley, Montgomery	"	12 50
	W. C. Oxford, Caldwell	"	1 12
	John Kirkpatrick, Cumberland	"	3
	Elizabeth Godwin, Johnston	"	3 75
	Prety A. Godwin, "	"	9 37
	R. B. Hinnant, "	"	3
	E. M. Welburn, for W. G. Hes, Sheriff of Wilkes County, in full of net tax due the State for the year 1867, on account of Retailers of Spirituous Liquors,		150
April.	Sundry persons on account of Entries of Vacant Lands, as follows:		
	E. Massey, Iredell County,		15 75
	G. W. Blake, Onslow	"	11 87
	Solomon Sloop, Wilkes	"	1 93
May	Benjamin Rush, "	"	20
	J. H. Andrews, "	"	7
	Malcom N. Campbell, Cumberland	"	1 25
	" " " " "	"	12 50
	W. J. Hines, Transylvania	"	6 25
June.	Theophilus Woody,		6 25
	L. M. Clinard,		30 12
	Thos. P. Allen,		8 35
	B. F. Nixon,		4 50
	W. G. Lewis, Agent, proceeds of sales of Little Lake in Craven County,		250

LITERARY FUND RECEIPTS.—(Continued.)

	Mary M. Tweed, Buncombe County, on account of Entries of Vacant Lands,	87
	Received of sundry persons on account of Entries of Vacant Lands, as follows :	
	Johnston George, Stokes County,	9 37
	Uriah Carroll, Brunswick “	6 25
	G. W. Creech, Johnston “	2 15
	W. W. Holden, amount received by him from D. Edmonston & Co., as interest on note for loan of \$1,610.74 renewed to State Board of Education,	96 64
Aug.	Sundry persons on account of Entries of Vacant Lands as follows :	
	R. N. Penland, Mitchell County,	9 37
	W. L. Phillips, “	3 75
	Alex. Crumpler, Sampson “	63
	Edmund D. Jones, Craven “	1 50
	J. S. Linker, Columbus “	1 84
	Susan A. Beck, Transylvania “	22 50
	Sundry persons on account of tax on Retailers of Spirituous Liquors :	
	W. H. White, former Sheriff of Bladen County for additional taxes due the State for the year 1867,	100
	Nelson Slough, Sheriff of Cabarrus County,	100
pt.	Sundry persons on account of Entries of Vacant Lands,	
	R. J. McElnath, Marcus Wheatstine and John Epley, of Buncombe County,	78 15
	Gabriel Hardison, Craven “	38
	Sundry Sheriffs on account of Auction tax as follows :	
	R. M. White, Sheriff of Mecklenburg County,	14 33
	B. Wallace, Sheriff of Duplin “	1 03
	J. Cline, Sheriff of Catawba “	3 95
	H. T. Grant, Sheriff of Northampton “	3 15
	Sundry Sheriffs, tax on Retailers of Spirituous Liquors as follows :	
	R. M. White, Sheriff of Mecklenburg County,	600
	M. C. Brinkley, Sheriff of Chowan “	50
	W. F. Wasson, Sheriff of Iredell “	100

LITERARY FUND RECEIPTS.—(Continued.)

1868.				
Sept.	J. J. Hasty, Sheriff of Union	County,	\$	100
	W. Haymore, Sheriff of Surry	"		50
	J. Marshal, Sheriff of Stanly	"		100
	A. S. C. Powell, Sheriff of Sampson	"		100
	J. H. Robinson, former Sheriff of Sampson	"		150
	Jno. Turner, Sheriff of Orange	"		50
	J. C. Griffith, Sheriff of Caswell	"		50
	T. W. Patterson, Sheriff of Rockingham	"		200
	V. V. Richardson, Sheriff of Columbus	"		100
	A. Murray, Sheriff of Alamance	"		100
	J. B. Hare, Sheriff of Hertford	"		50
	W. A. Walton, Sheriff of Rowan	"		200
	S. A. Kelley, Sheriff of Davie	"		50
	M. Walker, Sheriff of Rutherford	"		100
	J. J. Bradley, Sheriff of McDowell	"		50
	G. N. Lewis, Sheriff of Nash	"		100
	B. F. Briggs, Sheriff of Wilson	"		200
	O. R. Colgrove, Sheriff of Jones	"		50
			\$	21,564 64 ³

STATEMENT B.

LITERARY FUND DISBURSEMENTS,

Showing the different purposes for which the Disbursements of the Literary Fund were made.

	Expense Account,	\$	5,919	26
	State Bonds Investment,		29,946	75
		\$	35,866	01
	DETAILED AS FOLLOWS :			
1867.				
Oct.	Invested in North Carolina State Coupon Bonds, by order of Literary Board authorizing and directing Treasurer Literary Fund to invest funds of the Board in Bonds of the State,	\$	9,876	

LITERARY FUND DISBURSEMENTS.—(Continued.)

1867.			
Oct.	Paid Southern Ex. Company freight on \$20,000 North Carolina Bonds from New York,	\$	25
	Wm. H. Bagley, for copying grants, reports, by order of the Board,		165
	Wm. H. Bagley, Secretary to Board, expenses of meeting of the Literary Board,		42
	W. Gwinn, expenses of commission to New York,		243 99
	R. W. Best, Secretary of State, for copying grants and other papers for the use of the Literary Board,		33
	W. H. Bagley, Secretary, for the payment of Registers in sundry Counties for copying grants and deed for the use of the Board,		75
	W. H. Bagley, Secretary, for the payment of balance on advertisements of Swamp Lands,		20 80
	W. H. Bagley, Secretary, for W. R. Terry, Register for Richmond County, for copying grants, &c., for the use of the Board,		20
	Thomas H. Allen, for outfit and other expenses in prosecuting the survey of the "White Oak Desert,"		100
Nov.	W. H. Bagley, Secretary, expenses of the meeting of the Literary Board,		75
	Thomas Allen, expenses incurred in conducting survey of Swamp Lands,		200
Dec.	Paid Walter Gwynn, balance due on account with Literary Board,		171 72
	Southern Express Company, for freight on packages from Greensboro',		3
	Calvin H. Wiley, for services rendered by order of the Literary Board,		173
	Thomas H. Allen, for expenses of the survey of "White Oak Desert," &c.,		200 50
	Thomas H. Allen, for services as surveyor, from October 21st to December 21st, 1867, and other expenses, as per vouchers on file,		187 98
1868.			
Jan'y.	W. G. Lewis, Agent Literary Board, on his salary from November 9th, 1867, to January 1st, 1868,		141 60
	W. G. Lewis, Agent, necessary expenses of Swamp Land survey,		122

LITERARY FUND DISBURSEMENTS.—(Continued.)

Jan.	W. G. Lewis, Agent, for 14 days' service in the field as Engineer of the Board,	\$	70
	Thomas H. Allen, Surveyor, expenses of conducting survey of White Oak Swamp,		100
	R. W. Best, expenses as Commissioner to New York, and other expenses,		217 50
	Invested in North Carolina State Bonds by order of Literary Board,		20,070 75
Feb.	Thos. H. Allen, for services as Surveyor of White Oak Swamp,		272 61
March	W. H. Bagley, for expenses of meeting of Literary Board,		45
	Thos. H. Allen, for services as Surveyor of White Oak Desert in Onslow and Jones Counties,		125
April.	Thos. H. Allen, Surveyor, for his services in conducting survey of White Oak Swamp, and expenses of said survey,		379 50
	W. G. Lewis, Agent Literary Board, for services as Engineer, &c.,		486
May.	Thos. H. Allen, Surveyor, for conducting survey of White Oak Swamp,		1,089 93
	George H. Snow, Secretary <i>pro tem.</i> , for expenses of meeting of Literary Board,		54
	Southern Express Company, for freight on package to Thos. H. Allen,		1
	W. H. Bagley, Secretary, for special and extra services,		75
	W. H. Bagley, Secretary, for copying titles of lands of the Board,		5 30
June.	W. G. Lewis, Land Agent, for expenses on survey of land and services as Surveyor,		250 50
	W. H. Bagley, Secretary, for copying reports in regard to Swamp Lands,		12 50
July.	W. G. Lewis, Agent Literary Board, for services and expenses,		309 50
Aug.	Samuel S. Ashley, Superintendent Public Instruction, for services of Clerk,		69
	Department of Education, for advertising Board of Trustees of University,		18
	W. G. Lewis, for one month's services as Agent of Swamp Lands,		83 33

LITERARY FUND DISBURSEMENTS.—(Continued.)

1868.			
Aug.	Thos. H. Allen, on account of expenses of surveying White Oak Swamp,	120	
	C. H. Wiley, attending meeting of Board of Education,	16	
Sept.	H. J. Menninger, for Thos. H. Allen, as balance due said Allen on account of survey of White Oak Swamp,	68	50
	N. Paige & Co., for printing and advertising circulars,	51	50
		\$	35,866 01

STATEMENT C.

PUBLIC FUND RECEIPTS,

Exhibiting the several sources from which the Receipts of the Public Fund were derived.

Accrued Interest on State Coupon Bonds,	\$	24,416	20
Artificial Limb Department,		73	65
Bank Dividends,		126	90
Pay Patients, Insane Asylum,		6,665	76
State Coupon Bonds,		181,800	
Tax on Account Indigent Patients Insane Asylum,		18,426	75
Institution of the Deaf and Dumb and the Blind,		3,225	
Insurance Companies,		2,556	11
Tax on Express Companies,		372	55
Public Taxes,		165,484	03
Contingencies,		101	
Tax on Bank Dividends,		448	35
Tax on Attorney's Licenses,		1,739	25
Accrued Interest on State Coupon Bonds Western North Carolina Rail Road Company,		19,140	
State Coupon Bonds Western North Carolina Rail Road Company,		1,372,860	
Interest on United States Interest bearing Treasury Notes,		40	50
Loan to Stanley County,		840	

PUBLIC FUND RECEIPTS.—(Continued.)

Tax on Seals,	307 50
Convention Tax,	25,950 46
State Loans,	100,000
State Property,	765 97
Tax on Corporations,	25
Navigation Dividends,	200

\$1,925,564 98

DETAILED AS FOLLOWS:

1867.

Oct. Received of sundry persons during this month accrued interest on State Coupon Bonds as follows:

Raleigh National Bank,	\$ 377 50
W. B. Isaacs & Co.,	54 58
W. Schall & Co.,	33

S. G. Ryan, Superintendent of Artificial Limb Department, reimbursement by State of Mississippi for commutation allowed Hampton Davis for Artificial Leg,

73 65

N. Thompson, Cashier National Bank of Newbern, State tax on dividends declared by said Bank,

126 90

W. E. Anderson, Treasurer Insane Asylum of North Carolina for board of pay patients,

225

Sundry persons for State Coupon Bonds as follows:

Raleigh National Bank,	8,500
W. B. Isaacs & Co.,	500
W. Schall & Co.,	300

The following Sheriffs on account of Indigent patients in Insane Asylum:

W. A. Philpott, Sheriff of Granville County,	764 80
Reuben King, Sheriff of Robeson	116
A. B. Jones, Tax Collector of Buncombe	170 50
J. Z. Falls, Sheriff of Cleveland	14
J. M. Bateman, Sheriff of Washington	341
Lewis Bond, Sheriff of Bertie	341
N. B. Hampton, Sheriff of Polk	170 50

M. Walker, Sheriff of Rutherford County, (balance 1865.)

1

Pub. 47.]

PUBLIC FUND RECEIPTS.—(Continued.)

1867.			
Oct.	Walker Smith, Sheriff of Rockingham County,	\$	444 83
	O. Fennell, Trustee of New Hanover	"	816 80
	W. E. Anderson, for Mrs. Ann M. Kirkland,		266 70
	Sundry Sheriffs, tax on account Indigent Pupils North Carolina Institution for the Deaf and Dumb and the Blind, for 1866, as follows:		
	E. T. Cox, Sheriff Lenoir County,		225
	J. Z. Falls, " Cleveland	"	75
	J. R. Grady, " Harnett	"	225
	Sundry persons to tax on Insurance Companies:		
	S. D. Wait, Agent Connecticut Mutual Life Insu- rance Company,		71 48
	T. W. Dewey, Agent for Manhattan Life Insurance Company,		12 34
	P. F. Pescud, Agent for Brooklyn Life Insurance Company,		10 83
	P. F. Pescud, Agent for Jefferson Fire Insurance Company of Virginia		4 17
	P. F. Pescud, Agent for Valley of Virginia Insu- rance Company,		4 17
	P. F. Pescud, Agent for Security Fire Insurance Company, of New York,		3 69
	P. F. Pescud, Agent for Phoenix Fire Insurance Company,		4 54
	E. P. George, Agent for International Insurance Company,		21 60
	E. P. George, Agent for Phoenix Insurance Com- pany,		12 43
	E. P. George, Agent for Hartford Fire Insurance Company,		19 55
	E. P. George, Agent for James River Insurance Company,		30
	W. E. Anderson, at Raleigh, tax on gross receipts of Manhattan Life Insurance Company,		9 30
	Richard Berry, Agent for James River Insurance Company,		1 14
	Richard Berry, Agent for sundry Insurance Com- panies,		5 91
	W. A. Williams, Agent for Virginia Insurance Company, and James River Company,		1 50

PUBLIC FUND RECEIPTS.—(Continued.)

1867.			
Oct.	W. L. Smith & Co., Agents for sundry Insurance Companies,	\$	70 10
	W. H. Crow, General Agent for North Carolina of Aetna Life Insurance Company,		556 26
	John G. Williams & Co., Agents of North Carolina Underwriters Insurance Company,		60 92
	L. F. Bates, Superintendent Southern Express Company, section of North Carolina,		72 54
	Sundry sheriffs and Tax Collectors, on account of Public Tax:		
	E. T. Cox, Sheriff Lenoir County,		3,325 08
	Reuben King, " Robeson "		3,319 67
	Wm. Latham, " Ashe "		1,236 60
	W. A. Philpot, " Granville "		5,074 90
	A. B. Jones, Tax Collector Buncombe "		2,278 90
	H. Morrison, " Jackson "		659 22
	W. E. Piercy, Sheriff Yancey "		636 37
	F. M. Harper, " Craven "		553 06
	S. G. Brighman, " Madison "		380
	S. T. Carrow, " Beaufort (in part) "		2,000
	M. Walker, " Rutherford "		1,788 63
	B. Jones, Jr., " Tyrrell "		1,045 11
	J. Z. Falls, " Cleveland "		1,884 93
	N. G. Grandy " Camden "		1,238 08
	J. F. White, " Gaston "		1,778 35
	J. M. Bateman, " Washington "		1,874 40
	Lewis Bond, " Bertie "		3,081 24
	S. R. Harper, " Greene (in part,) "		1,947 58
	J. R. Grady, " Harnett "		1,304 57
	N. B. Hampton, " Polk "		456 16
	Walker Smith, " Rockingham "		3,820
	J. F. Hartgrove, Tax Collector, Haywood (in part)		709 20
	B. F. Willie, Sheriff Gates "		1,614 69
	E. H. Ray, " Wake "		11,178 66
	W. D. Justus, " Henderson "		1,553 52
	Geo. W. Wilson, " Transylvania "		761 70
	J. S. Snow, " Halifax "		5,082 25
	T. C. Humphries, " Currituck "		1,430 11

PUBLIC FUND RECEIPTS.—(Continued.)

1867.			
Nov.	Sundry persons accrued interest on State Coupon Bonds, as follows :		
	W. B. Gulick, Cashier,	\$	388 50
	Samuel Leeds,		22
	Augustus Mailert,		22
	G. A. Davis,		112
	Edward Wood, per W. H. Bagley,		44
	Jno. G. Williams & Co.,		55
	Thos. S. Ashe,		57
	W. E. Anderson, Treasurer Insane Asylum for board of pay patients in said Asylum,		840 13
	Jno. L. Banks, Tax Collector of Johnston County, in part net taxes due 1867,		2,989
	Sundry persons on account State Coupon Bonds :		
	W. B. Gulick,		3,500
	Samuel Leeds,		200
	Augustus Mailert,		200
	G. A. Davis,		1,000
	W. H. Bagley, for Edward Wood,		400
	Jno. G. Williams & Co.,		500
	Thos. Ashe,		500
	Sundry Sheriffs, tax on account Indigent Patients in Insane Asylum :		
	J. L. Banks, Tax Collector Johnston County,		341
	E. Murrill, Sheriff Onslow County,		170 50
	B. W. Brown, Trustee of Pitt County, tax on account Indigent Pupils in Institution of the Deaf, Dumb and the Blind,		150
	L. F. Bates, Superintendent North Carolina Section, Southern Express Company, State Tax on gross receipts,		97 79
	Hutchison Burroughs & Co., Agents at Charlotte North Carolina Travellers' Insurance Company, Hartford, Connecticut, tax on gross receipts,		261
	W. H. Bagley, Superintendent Public Buildings and Grounds, for sale of Hay from Capitol Square,		10
Dec.	Sundry persons for accrued interest on State Coupon Bonds, as follows :		
	J. T. & J. G. Frost,		172 50
	Lawson & Smith,		460

PUBLIC FUND RECEIPTS.—(Continued.)

1867.			
Dec.	H. E. C. Baskerville,	\$	460
	Wm. Fisher & Sons,		287 50
	W. B. Gulick, Cashier,		239
	Thos. Branch & Sons,		115
	Jno. G. Williams & Co.,		59
	J. W. Whitehurst & Co.,		23 50
	R. W. Pulliam, President, &c.,		720
	Sundry persons on account of Pay Patients in In- sane Asylum :		
	W. E. Anderson, Treasurer,		1,611
	Seaton Gales, for Mrs. A. M. Kirkland, Patient in Insane Asylum,		133 05
	Sundry Tax Collectors on account of Public Taxes, as follows :		
	J. F. Hartgrove, Tax Collector Haywood County,		106 56
	John L. Banks, Tax Collector Johnston County,		355
	B. F. Willey, Tax Collector Gates County,		43
	Sundry persons on account State Coupon Bonds, issued under Funding Act :		
	J. T. & J. G. Frost,		1,500
	Laurason & Smith,		4,000
	H. E. C. Baskerville,		4,000
	Wm. Fisher & Sons,		2,500
	W. B. Gulick, Cashier,		2,000
	Thos. Branch & Co.,		1,000
	John G. Williams & Co.,		500
	J. W. Whitehurst & Co.,		200
	R. W. Pulliam, President, &c.,		6,000
	A. K. Walker, Cashier First National Bank, Wil- mington, North Carolina, for tax on \$4,995, Divi- dend No. 2, declared by said Bank,		148 35
	Hutchinson, Burroughs & Co., General Agents for North Carolina of the Equitable Life Assurance Society, tax on gross premiums at said Agency,		132 43
1868.			
Jan.	Sundry persons for accrued interest on State Coupon Bonds, as follows :		
	Ragland, Weith & Co.,		60
	I. N. Clegg,		12
	John Beard, Comptroller of Florida,		1,824
	Jno. Gatling,		60

PUBLIC FUND RECEIPTS:—(Continued.)

1868.		\$	
Jan.	Jno. G. Williams & Co.,		60
	President and Directors Literary Fund,		12
	W. N. H. Smith,		144
	J. Grant,		61
	F. J. Haywood,		3
	Jno. N. Hendren,		37
	W. F. Bason,		50
	Lawrence, Thomsen & Co.,		12
	W. E. Anderson, Treasurer Insane Asylum, for Board of Pay Patients in said Asylum,		465 68
	Sundry Sheriffs, on account of Public Taxes, as follows :		
	J. S. Snow, Sheriff of Halifax County,		200 71
	E. H. Ray, Sheriff of Wake “		3,486 65
	E. M. Welborne, for W. G. Hicks, Sheriff of Wilkes County,		500
	G. W. Dickey, for J. W. C. Piercy, Tax Collector, Cherokee County,		906 83
	Sundry persons on account of State Coupon Bonds issued under Funding Act, as follows :		
	Ragland, Weith & Co.,		500
	I. N. Clegg,		100
	Jno. Beard, Comptroller of Florida,		15,200
	Jno. Gatling,		500
	John G. Williams & Co.,		500
	Literary Board,		100
	W. N. H. Smith,		1,200
	J. Grant,		500
	F. J. Haywood,		200
	Jno. A. Hendren,		300
	W. F. Bason,		400
	Lawrence, Thomsen & Co.,		200
	E. B. Freeman, Clerk Supreme Court North Caro- lina, as tax on Attorneys' Licenses,		1,054 50
	J. A. Long, Sheriff of Richmond County, for taxes due the State for Board of Indigent Patients in Insane Asylum,		250
	C. L. Plank, Cashier Southern Express Company, tax on gross receipts of said Company in the State of North Carolina,		87 77

PUBLIC FUND RECEIPTS.—(Continued.)

1866.			
Feb.	Sundry persons for accrued interest on State Coupon Bonds as follows:		
	J. M. Weith & Co.,	315	
	C. W. McClammy,	50	
	E. L. Trenholm,	120	
	Raleigh National Bank,	187	50
	W. A. Glasgow,	50	
	James Hockaday,	12	75
	L. J. Torney & Co.,	37	50
	E. Kirby Smith,	12	50
	W. E. Anderson, Treasurer Insane Asylum for Board of Pay Patients in said Asylum,	450	
	Sundry Sheriffs, on account of Public Taxes, as follows:		
	J. Henry Davis, Sheriff of Carteret County,	1,070	42
	N. R. Jones, Sheriff of Warren “	286	65
	Rufus Galloway, Sheriff of Brunswick “	710	
	E. M. Welborne for W. G. Hicks, Sheriff of Wilkes County,	175	
	Hugh B. Guthrie, Sheriff of Orange County,	259	40
	W. A. Philpot, Sheriff of Granville “	485	
	N. R. Jones, Sheriff of Warren County, tax for board of Indigent Patients in Insane Asylum,	262	60
	J. Henry Davis, Sheriff of Carteret County, tax on account Indigent Pupils in North Carolina Institution for the Deaf and Dumb and the Blind from said County,	150	
	Sundry persons on account of State Coupon Bonds issued under Funding Act, as follows:		
	J. M. Weith & Co.,	2,500	
	C. W. McClammy,	400	
	W. A. Glasgow,	400	
	E. L. Trenholm,	2,000	
	James Hockaday,	100	
	Raleigh National Bank,	1,500	
	L. J. Torney & Co.,	300	
	E. Kirby Smith,	100	
March	Sundry persons for accrued interest on State Coupon Bonds issued under Funding Act, as follows:		
	Lawrence, Bro's & Co.,	3	
	W. B. Gulick, Cashier, &c.,	1,262	

PUBLIC FUND RECEIPTS —(Continued.)

1868.			
March	J. M. Weith & Co.,	\$	198
	W. B. Isaacs & Co.,		133
	J. A. Iselin & Co.,		662 50
	J. D. Probst,		133 50
	R. H. Maury & Co.,		450
	Jno. W. Cotten,		161 40
	Sundry persons on account of State Coupon Bonds issued under Funding Act, as follows:		
	Lawrence Bro's. & Co.,		100
	W. B. Gnllick, Cashier,		9,500
	J. M. Weith & Co.,		1,500
	J. A. Iselin & Co.,		5,000
	W. B. Isaacs & Co.,		1,000
	J. D. Probst,		1,000
	R. H. Maury & Co.,		3,300
	Jno. W. Cotten,		1,200
	Sundry Sheriffs on account of Public Taxes, as follows:		
	E. M. Welborne for W. G. Hicks, Sheriff of Wilkes County,		23 50
	R. W. Lassiter for W. A. Philpot, Sheriff of Granville County,		160 30
	J. L. Banks, Tax Collector of Johnston County,		154 33
	W. A. Philpot, Sheriff of Granville “		247 07
	E. B. Freeman, Clerk of Supreme Court, tax on Attorneys' Licenses,		85 50
	J. H. McAden, tax for Charter granted Merchants' and Planters' Benefit Association,		25
April.	Sundry persons for accrued interest on State Coupon Bonds, issued under Funding Act:		
	Lawrence Bro's & Co.,		13 50
	Wm. Fisher & Sons,		135
	O'Brien Bro's,		136 50
	Bain & Bro.,		54
	J. M. Weith & Co.,		625 50
	P. S. March,		1,390
	Jno. G. Williams & Co.,		98
	R. F. Simonton, Treasurer Western North Carolina Rail Road Company, for interest on State Bonds purchased by said Company,		19,140
	W. E. Anderson, Treasurer Insane Asylum, for board of Pay Patients in said Asylum,		109

PUBLIC FUND RECEIPTS.—(Continued.)

1868.			
April.	E. A. Gupton, Sheriff Franklin County, part of net taxes due the State for the year 1867,	\$	440 86
	John F. Hoke, Collateral Tax, collected of M. H. Hand, Executor,		26
	Sundry persons for State Coupon Bonds under Funding Act, as follows:		
	Lawrence Bro's & Co.,		100
	Wm. Fisher & Sons,		1,000
	O'Brien Bro's,		1,000
	Bain & Bro.,		400
	J. M. Weith & Co.,		4,500
	P. S. March,		10,000
	Jno. G. Williams & Co.,		700
	R. F. Simonton, Treasurer Western North Carolina Rail Road Company, for State Coupon Bonds, purchased by said Company,		1,372,850
	A. H. Jones, on account of board of Miss Charlotte Jones, patient in Insane Asylum, from Henderson County, North Carolina,		60
	E. P. George, Agent at Wilmington, North Carolina, tax on sundry Insurance Companies,		142 68
	Sundry persons, for tax on Insurance Companies, as follows:		
	S. D. Wait, General Agent for North Carolina, of the Connecticut Mutual Life Insurance Company,		113
	P. F. Pesend, for tax on sundry Insurance Companies,		51 61
	W. L. Smith & Co., Agents at Wilmington North Carolina, for tax on sundry Insurance Companies,		158 51
	W. L. Smith & Co., Agents at Wilmington North Carolina, for Phoenix Insurance Company, tax on said Company,		87 56
	Jno. G. Williams & Co., for taxes on sundry Insurance Companies,		26 29
	W. E. Anderson, Agent for Manhattan Life Insurance Company, tax on said Company,		17 97
	W. A. Williams, Agent for sundry Insurance Companies for taxes on the same,		24 40
	C. A. McMillan, Agent for Home Insurance Com-		

PUBLIC FUND RECEIPTS.—(Continued.)

1868.		
April.	pany, New Haven, Connecticut, for tax on said Company,	\$ 34 78
May.	Sundry persons for acerued interest on State Coupon Bonds, as follows :	
	Raleigh National Bank,	568 50
	National Union Bank, Maryland,	700
	Alex. S. Clark,	1,610
	E. S. Monroe & Co.,	141
	Jno. W. Burke,	923
	J. W. Martin,	14
	W. H. Johnston,	427 50
	J. D. Probst,	142 50
	B. M. Makepeace,	352 50
	W. T. Hatch & Son,	140
	Nehemiah Tunis,	350
	E. S. Monroe & Co.,	143 50
	John G. Williams & Co., for interest and premium on United States interest-bearing Treasury Notes,	40 50
	D. A. G. Palmer, payment in part on loan to Stanly County, on note of \$3000,	840
	W. E. Anderson, Treasurer Insane Asylum of North Carolina, for board of pay patients in Insane Asylum,	375
	E. H. Ray, former Sheriff of Wake County, for balance of taxes due the State for 1867,	422 80
	Sundry persons for State Coupon Bonds issued under Funding Act :	
	Raleigh National Bank,	4,000
	E. S. Monroe & Co.,	2,000
	National Union Bank, Maryland,	5,000
	A. S. Clark,	11,500
	Jno. W. Burke,	6,500
	J. W. Martin,	100
	W. H. Johnston,	3,000
	J. D. Probst,	1,000
	B. M. Makepeace,	2,500
	W. T. Hatch & Son,	1,000
	Nehemiah Tunis,	2,500
	A. H. Walker, Cashier First National Bank of	

PUBLIC FUND RECEIPTS.—(Continued.)

1868.			
May.	Wilmington, North Carolina, for tax on dividends declared by said Bank,	\$	300
	Sundry persons for taxes on Insurance Companies:		
	Thos. W. Dewey, Agent for Manhattan Insurance Company,		3 56
	Jas. F. Johnston, Agent for James River Insurance Company,		25
	Jas. F. Johnston, Agent for Jefferson Insurance Company,		25
	Wm. H. Crow, General Agent for the State of North Carolina for <u>Etna</u> Life Insurance Company,		680 56
	A. W. Lawrence, General Agent of North Carolina for Brooklyn Life Insurance Company,		35 01
	Hutchison Burroughs & Co., General Agents for Life Insurance Society,		155 73
	Hutchison, Burroughs & Co., Agents at Charlotte, North Carolina, of Home Insurance Company, New Haven, Connecticut,		8 95
	Sundry persons for tax on seals,		105 50
June.	Sundry persons for accrued interest on State Coupon Bonds, as follows:		
	Raleigh National Bank,		544 58
	J. S. Gittings & Co.,		290
	P. S. March,		72 50
	John G. Williams & Co.,		146 50
	Thomas Branch & Sons,		73 42
	Clarke, Dodge & Co.,		140
	John B. Beckwith,		73 75
	H. Amy & Co.,		162 43
	J. M. Weith & Co.,		148
	Calvin J. Cowles,		74
	Alex. Brown & Sons,		825
	Robins, Powell & Co.,		450
	R. C. McCall,		150
	John A. Hambleton & Co.,		160
	A. H. Jones, for board of Miss Charlotte Jones,		159 88
	W. E. Anderson, Treasurer Insane Asylum, on account of board of pay patients in Insane Asylum,		1,042 50
	Sundry Sheriffs for Public Tax:		
	S. G. Brigman, Sheriff of Madison County,		423 01

PUBLIC FUND RECEIPTS.—(Continued.)

1868.	N. R. Jones, Sheriff of Warren County,	209	20
	Sundry persons for State Coupon Bonds, as follows:		
	Raleigh National Bank,	3,700	
	G. S. Gittings & Co.,	2,000	
	P. S. March,	500	
	John G. Williams & Co.,	1,000	
	Thomas Branch & Sons,	500	
	Clarke, Dodge & Co.,	1,000	
	John B. Beckwith,	500	
	H. Amy & Co.,	1,100	
	J. M. Weith & Co.,	1,000	
	C. J. Cowles,	500	
	Alex. Brown & Sons,	5,500	
	R. C. McCall,	1,000	
	Robins. Powell & Co.,	3,000	
	J. A. Hambleton & Co.,	1,100	
	E. B. Freeman, Clerk Supreme Court, for taxes on Attorneys' licenses,	570	
	W. H. Bagley, for amount tax levied on Great Seal of State,	196	
	D. L. Conn, Superintendent of Public Grounds, &c., for Hay, old Iron, &c., sold by him on ac- count of the State,	46	55
	Received of United States Government for damage done Capitol Square,	40	55
	Jonathan Worth, Governor, for Catalogue sold by him,	3	90
	Net receipts for sales of State property from No- vember, 1867, to date,	725	97
July.	J. C. Washington, for interest on State Coupon Bonds,	150	
	A. H. Jones, balance of account for board of Miss Charlotte Jones in Insane Asylum,	30	12
	W. E. Anderson, Treasurer Insane Asylum, for amount received and paid over by him for said Asylum,	826	75
	W. E. Anderson, Treasurer Insane Asylum of North Carolina, in part pay due State Coupons, being amount paid him by T. H. Lassiter, Exec- utor, &c., for board of Wm. Gordon for Insane Asylum,	420	

PUBLIC FUND RECEIPTS.—(Continued.)

1868.			
July.	John C. Washington, for one State Coupon Bond,	\$	1,000
	Johnston Jones, Deputy Clerk, on account of Attorneys' license,		15
	C. H. Cabaniss, Treasurer Roanoke Navigation Company, dividend declared by said Company,		200
	Hugh B. Guthrie, former Sheriff of Orange County, for taxes due by said County for the years of 1865 and 1866,		950 60
	Hugh B. Guthrie, former Sheriff of Orange County, for amount applied to execution, Spring Term, 1863, of Wake Superior Court, on accounts of taxes for 1867,		420 01
	Owen Fennell, Jr., Treasurer for New Hanover County, in full for tax due the State for board of indigent patients in Insane Asylum of North Carolina, from said County, for the year 1867,		1,736 54
	Lancaster & Co., tax levied by Revenue Act on Seal of Treasury Department,		50
	A. P. Bryan, Agent Southern Express Company, State tax on gross receipts of said Company,		114 45
Aug.	W. E. Anderson, Treasurer Insane Asylum, for board of Pay Patients in said Asylum,		167 65
	Sundry Sheriffs, for taxes due the State for 1867 and 1868, as follows:		
	W. H. White, former Sheriff of Bladen County,		106 12
	Nelson Slough, former Sheriff of Cabarrus County,		3,517 32
	Nelson Slough, former Sheriff of Cabarrus County, for taxes levied for defraying expenses of Constitutional Convention,		1,187 71
	John G. Williams, President State National Bank, Raleigh, North Carolina, being amount borrowed under Resolution of General Assembly to meet a temporary deficiency in the Treasury,		100,000
	Johnston Jones, Deputy Clerk, Supreme Court, tax on license granted J. W. Bowman by said Court,		14 25
	Nelson Slough, Sheriff of Cabarrus County, for taxes due the State for board of indigent patients in Insane Asylum from said County,		352 93
	Dr. E. Grissom, Superintendent of Insane Asylum		

PUBLIC FUND RECEIPTS.—(Continued.)

1868.			
Aug.	of North Carolina, for board of Mrs Ann M. Kirkland of Orange County,	\$	21934
	Nelson Slough, Sheriff of Cabarrus County, for tax due for board of Indigent Pupils in North Carolina Institution for the Deaf and Dumb and the Blind from said County,		150
	W. A. B. Branch, tax on Seal of Treasury Department,		550
Sept.	Sundry persons for accrued interest on State Coupon Bonds as follows :		
	L. J. Torney & Co.,		180
	C. P. Mallett,		535
	S. H. Kneeland,		15467
	Thos. Branch & Sons,		9280
	Warren P. Noble,		9210
	Manning & DeForest,		1,49625
	McKim & Co.,		15217
	Raleigh National Bank,		99195
	Sundry persons on account of State Coupon Bonds issued under Funding Act as follows :		
	L. J. Torney & Co.,		1,200
	C. P. Mallett,		300
	S. H. Kneeland,		1,000
	Thos. Branch & Sons,		600
	Warren P. Noble,		600
	Manning & DeForest,		9,500
	McKim & Co.,		1,000
	Raleigh National Bank,		6,500
	Sundry Sheriffs during this month for State taxes for the year 1868, as follows :		
	D. A. Spivey, Tax Collector of Greene County,		47449
	R. M. White, Sheriff of Mecklenburg "		6,87578
	M. C. Brinkley, " Chowan County,		1,68134
	M. Masten, " Forsyth "		3,30785
	W. F. Wasson, " Iredell "		3,09941
	R. M. Stafford, " Guilford "		4,87201
	B. Wallace, " Duplin "		2,47916
	J. C. Jones, " Alleghany "		51342
	J. Z. Falls, " Cleveland "		1,63046
	W. Haymore, " Surry "		1,73204
	J. J. Hasty, " Union "		1,59887

PUBLIC FUND RECEIPTS.—(Continued.)

1868.					\$
Sept.	J. Marshal,	Sheriff	Stanly	County,	868.44
	A. S. C. Powell,	"	Sampson	"	2,496.02
	J. H. Robinson,	former Sheriff of	Sampson	"	172.44
	J. Cline,	Sheriff	Catawba	"	2,111.93
	H. W. Mays,	"	Alexander	"	978.21
	R. R. McCall,	"	Caldwell	"	1,324.93
	Jno. Turner,	"	Orange	"	4,136.27
	W. E. Piercy,	"	Yancey	"	648.99
	J. E. Griffith,	"	Caswell	"	3,873.40
	A. G. Tweed,	"	Madison	"	843.36
	T. W. Patterson,	"	Rockingham	"	3,142.30
	Jno. Barnett,	"	Person	"	2,050.26
	R. B. Salisbury,	"	Martin	"	2,867.41
	V. V. Richardson,	"	Columbus	"	1,331.38
	A. Murray,	"	Alamance	"	2,724.07
	J. B. Hare,	"	Hertford	"	1,934.46
	W. H. Gentry,	"	Stokes	"	1,496.40
	W. A. Walton,	"	Rowan	"	4,112.09
	S. A. Kelly,	"	Davie	"	2,348.87
	M. Walker,	"	Rutherford	"	1,618.29
	N. R. Jones,	"	Warren	"	4,365.26
	J. J. Bradley,	"	McDowell	"	1,064.85
	G. N. Lewis,	"	Nash	"	2,293.37
	B. F. Briggs,	"	Wilson	"	2,543.29
	O. R. Colgrove,	"	Jones	"	1,151.36
	R. T. Grant,	"	Northampton	"	4,037.33
	W. W. Holden, Governor,	for Carpet (property of			
	the State) sold to Governor J. Worth,				40
	Sundry Sheriffs on account tax for Indigent Patients				
	in Insane Asylum, as follows :				
	W. H. Gentry,	Sheriff	Stokes	County,	1,024.25
	R. M. White	"	Mecklenburg	"	1,725.65
	M. Masten,	"	Forsyth	"	1,329.35
	M. C. Brinkley,	"	Chowan	"	250
	R. M. Stafford,	"	Guilford	"	502.61
	P. C. Riley,	"	Montgomery	"	410.30
	Bland Wallace,	"	Duplin	"	166.66
	J. Z. Falls,	"	Cleveland	"	443.64
	J. J. Hasty,	"	Union	"	500
	Wm. Haymore,	"	Surry	"	250
	J. Marshal,	"	Stanly,	"	462.27

PUBLIC FUND RECEIPTS.—(Continued.)

1868. Sept.	R. R. McCall,	Sheriff	Caldwell	County,	\$	185 97
	John Turner,	"	Orange	"		918 50
	John Barnett,	"	Person	"		270 83
	R. B. Salsbury,	"	Martin	"		319 70
	V. V. Richardson,	"	Columbus	"		338 84
	A. Murray,	"	Alamance	"		476 33
	J. B. Hare,	"	Hertford	"		250
	W. A. Walton,	"	Rowan	"		263 11
	S. A. Kelly,	"	Davie	"		315 55
	M. Walker,	"	Rutherford	"		358 64
	H. T. Grant,	"	Northampton	"		634 51
	Sundry Sheriffs, tax levied for Indigent Pupils in the Institution of the Deaf and Dumb and the Blind as follows :					
	N. F. Wasson,	Sheriff	Iredell	County,		225
	J. Z. Falls,	"	Cleveland	"		75
	J. J. Hasty,	"	Union	"		300
	J. Marshall,	"	Stanley	"		75
	A. S. C. Powell,	"	Sampson	"		150
	J. C. Griffith,	"	Caswell	"		150
	V. V. Richardson,	"	Columbus	"		150
	J. B. Hare,	"	Hertford	"		75
	W. A. Walton,	"	Rowan	"		150
	S. A. Kelley,	"	Davie	"		75
	J. J. Bradley,	"	McDowell	"		375
	G. N. Lewis,	"	Nash	"		150
	B. F. Briggs,	"	Wilson	"		150
	H. T. Grant,	"	Northampton	"		150
	Sundry Sheriffs for tax levied to defray expenses of the State Convention, under an ordinance ratified February 6th, 1868, as follows :					
	D. A. Spivey,	Sheriff	Greene	County,		141 60
	R. M. White,	"	Mecklenburg	"		1,536 89
	M. E. Brinkley,	"	Chowan	"		415 06
	M. Masten,	"	Forsyth	"		1,052 05
	W. F. Wasson,	"	Iredell	"		1,020
	R. M. Stafford,	"	Guilford	"		1,504 91
	B. Wallace,	"	Duplin	"		650 41
	J. C. Jones,	"	Alleghany	"		164 70
	J. Z. Falls,	"	Cleveland	"		496 82
	J. J. Hasty,	"	Union	"		514 67

PUBLIC FUND RECEIPTS.—(Continued.)

1868. Sept.		Sheriff	County	\$	
	W. Haymore,	Surry	County	623	23
	J. Marshall,	Stanly	"	269	25
	A. S. C. Powell,	Sampson	"	747	
	J. Cline,	Catawba	"	713	74
	H. W. Mays,	Alexander	"	321	28
	R. R. McCall,	Caldwell	"	429	22
	John Turner,	Orange	"	1,153	09
	W. E. Piercy,	Yancey	"	161	66
	J. E. Griffith,	Caswell	"	1,318	70
	A. G. Tweed,	Madison	"	178	19
	T. W. Patterson,	Rockingham	"	1,010	61
	John Barnett,	Person	"	689	53
	R. B. Salsbury,	Martin	"	668	95
	V. V. Richardson,	Columbus	"	342	47
	A. Murray,	Alamance	"	736	09
	J. B. Hare,	Hertford	"	671	25
	W. H. Jentry,	Stokes	"	459	19
	W. A. Walton,	Rowan	"	1,321	17
	S. A. Kelley,	Davie	"	613	11
	M. Walker,	Rutherford	"	553	26
	N. R. Jones,	Warren	"	1,077	56
	J. J. Bradley,	McDowell	"	359	30
	G. N. Lewis,	Nash	"	721	58
	B. F. Briggs,	Wilson	"	653	12
	O. R. Colgrove,	Jones	"	367	24
	H. T. Grant,	Northampton	"	1,106	75

STATEMENT D.

PUBLIC FUND DISBURSEMENTS,

Showing the different purposes for which the Disbursements of the Public Fund were made.

Agricultural Societies,	\$	100
Appropriations for Artificial Limbs,		7,113 33
Binding Laws,		2,502 25
Adjutant General,		150
Comptroller's Department,		1,574 90
PER. 48.]		

PUBLIC FUND DISBURSEMENTS.—(Continued.)

Distributing Laws,	\$ 10
Executive Department,	7,039 37
Executive Mansion,	8,930 70
Fugitives from Justice,	1,175 25
Geological Survey,	7,000
Institution Deaf, Dumb and the Blind,	28,650
Interest on State Coupon Bonds,	184,389
“ “ “ “ “ since maturity,	2,152
Interest on State Registered Bonds since maturity,	4,334 83
Interest on State Registered Bonds,	43 67
“ “ Certificates of Indebtedness to Literary Fund,	908 20
Interest on Certificate of Indebtedness to Literary Board,	12,472 36
Judiciary,	39,186 41
Public Tax Refunded,	2,277 86
Sheriffs for settling taxes,	2,712 67
Sheriffs for making Returns of Vote on Amended Constitution,	72 50
State Department,	2,884 84
State Library,	1,281 77
Superintendent of Public Buildings,	524 39
Treasury Department,	4,510 68
Weights and Measures,	3,438 45
Contingencies,	35,345 94
Council of State,	640 80
Insane Asylum,	60,860 96
“ “ tax refunded,	11 01
State Coupon Bonds,	13,000
Commissioners of Claims,	120
State Registered Bonds,	13,000
Internal Improvements,	165
Capitol Square,	436
Convention,	86,356 89
Public Printing,	3,750 76
Resolutions of General Assembly,	6,038 09
Ordinance of Convention,	1,267 95
Revised Code,	1,800
General Assembly,	78,424 80
Auditor's Department,	313 33
Western North Carolina Rail Road Company,	1,392,000

PUBLIC FUND DISBURSEMENTS.—(Continued.)

Tax on Attorney's Licenses refunded,	\$	75
Superintendent Public Instruction,		393 33
" " Works,		593 34
		\$2,019,909 41

DETAILED AS FOLLOWS.

1867.
Oct.

Paid Central Agricultural Society of Granville and Warren Counties, Annual Appropriation for 1867,		50
S. G. Ryan, Superintendent Artificial Limb Department, his third quarter's salary for the year 1867,		250
Dixon Sackey, commutation for an arm,		50
Neill Atkins, " " " "		50
A. B. Womack, " " " "		50
Jno. H. Hartman, " " " "		50
A. F. Stanton, " " " "		50
Jas. A. Davenport, " " " "		50
D. R. Poyson, " " " "		50
John Black, " " a leg,		70
Dr. E. B. Haywood, for fifteen days' services as Medical Examiner of disabled soldiers who applied for commutation,		75
Thomas Hays, commutation for a leg,		70
F. M. Messer, " " " "		70
Elijah Randolph, " " an arm,		50
John Tipton, " " " "		50
Wm. Brown, " " " "		50
Wm. M. Rabb, " " " "		50
S. E. Chapel, " " " "		50
J. M. Master, " " " "		50
Montraville Walls, " " " "		50
Miles V. Mercer, " " " "		50
Geo. H. Merritt, " " " "		50
Isaac Thomas, " " " "		50
Henry Bass, " " " "		50
North Carolina Institution Deaf, Dumb and the		

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1867.			
Oct.	Blind, for printing Laws, Journals and Documents for the General Assembly, 1866-'67,	\$	1,846 75
	S. W. Burgin, Comptroller, third quarter's salary for 1867,		375
	T. H. Alexander, freight on two boxes, containing laws of North Carolina, from Plymouth to Columbia,		10
	Jonathan Worth, Governor, third quarter's salary for the year 1867,		1,000
	W. H. Bagley, Private Secretary, third quarter's salary for the year 1867,		250
	George H. Snow, Clerk in Executive Office, third quarter's salary for the year 1867,		250
	Johnson T. Busbee, Messenger in the Executive Office, third quarter's salary for the year 1867,		125
	M. B. Royster, for repairs on Executive Mansion,		1,500
	M. C. Brinkley, Sheriff of Chowan County, for the delivery of Andrew Skinner, to the Sheriff of Wayne County, the sum being offered as a reward, by proclamation of October 6th, 1867,		200
	W. C. Kerr, State Geologist, for expenses in conducting Geological Survey of the State,		1,000
	Samuel H. Young, Treasurer, on account of the North Carolina Institution for the Deaf and Dumb and the Blind,		4,000
	Interest on State Coupon Bonds,		4,749
	Kemp P. Battle, Public Treasurer, for Interest on Certificate of Indebtedness (\$30,273.50) of Literary Board,		908 20
	R. M. Pearson, Chief Justice, third quarter's salary for the year 1867,		625
	W. H. Battle, Supreme Court Judge, third quarter's salary for the year 1867,		625
	Thomas Settle, Solicitor 4th Circuit two Certificates, Fall Term,		40
	M. L. Eure, Solicitor 1st Circuit, five Certificates,		100
	S. H. Rogers, Attorney General, 5 Certificates,		160
	E. G. Reade, Supreme Court Judge, third quarter's salary for 1867,		625
	S. H. Rogers, Attorney General, 1 Certificate Fall Term, 1867,		20

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1867.			
Oct.	Marcus Irvin, Solicitor <i>pro tem.</i> 1 Certificate, Fall Term, 1867,	\$	20
	Thos. Settle, Solicitor, 3 Certificates Fall Term, 1867,		60
	S. H. Rogers, Attorney General, 2 Certificates, Fall Term, 1867,		40
	R. B. Gilliam, Judge Superior Court, first half-year's salary, 1866, and holding two extra Courts,	1,430	
	D. Coleman, Solicitor, 4 Certificates 8th Circuit, Fall Term,		80
	Thos. Settle, Solicitor, 2 Certificates, Fall Term, 1867,		40
	F. M. Harper, former Sheriff of Craven County, on account of Insolvents,		55 54
	N. B. Hampton, Sheriff of Polk County, on account of Insolvents,		106 50
	Sundry Sheriffs, for settling Taxes, as follows:		
	W. E. Piercy, Sheriff Yancey County,		61
	F. M. Harper, " Craven "		25
	A. B. Jones, Tax Collector Buncombe County,		60
	H. Morrison, Tax Collector Jackson "		70 10
	S. G. Brigman, Sheriff Madison "		63
	Wm. Lathan, " Ashe "		49 80
	W. A. Philpot, " Granville "		17
	E. F. Cox, " Lenoir "		23 40
	Reuben King, " Robeson "		43
	W. Walker, " Rutherford "		55
	S. R. Harper, " Greene "		21 20
	J. R. Grady, " Harnett "		12 40
	Bartlett Jones, " Tyrrell "		69
	J. F. White, " Gaston "		43
	J. Z. Falls, " Cleveland "		50 40
	N. J. Grandy, " Camden "		54
	J. M. Bateman, " Washington "		54 60
	Lewis Bond, " Bertie "		63
	N. B. Hampton, " Polk "		58
	H. Rogers, Tax Collector Haywood County, 1866,		69
	J. F. Hartgrove, Tax Collector Haywood County, 1867,		69
	Walker Smith, Sheriff Rockingham County,		29
	B. F. Willey, " Gates "		43

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1867.					\$
Oct.	E. H. Ray,	Sheriff	Wake	County,	3
	W. D. Justus,	"	Henderson	"	65
	George W. Wilson	"	Transylvania	"	67
	T. C. Humphries,	"	Currituck	"	53
	Wm. Latham, Sheriff of Ashe County, for making return of vote on amended Constitution,				27 50
	Andrew Syme, Clerk to Secretary of State, third quarter's salary for 1867,				187 50
	O. H. Perry, State Librarian, third quarter's salary for 1867,				175
	R. H. Bradley, Keeper of Capitol, third quarter's salary for 1867,				125
	K. P. Battle, Public Treasurer, third quarter's salary for 1867,				500
	D. W. Bain, Chief Clerk to Treasurer, third quarter's salary for 1867,				375
	E. Page, Clerk to Treasurer, third quarter's salary for 1867,				187 50
	R. S. Mason, Superintendent Weights and Measures, third quarter's salary for 1867,				50
	R. M. Stokes, for advertising Treasurer's notice to Sheriffs and Tax Collectors,				6
	S. M. Parish, for painting in Capitol,				13
	Solomon Bragg, for attendance on Supreme Court Clerk's office, and State Library,				5
	Thos. Bashford, for 30 nights as watchman in Capitol,				45
	Editor Rutherford Star, for publishing Treasurer's notice to Sheriffs and Tax Collectors,				5
	Western Union Telegraph Company, sent and received by Executive Department,				21 33
	North Carolina Conservative, for advertising Public Treasurer's notice to Sheriffs and Tax Collectors,				5
	W. J. Yates, for advertising Public Treasurer's notice to Sheriffs and Tax Collectors,				5
	Fayetteville News, for advertising Public Treasurer's notice to Sheriffs and Tax Collectors,				5
	A. H. Jones, for advertising Public Treasurer's notice to Sheriffs and Tax Collectors,				6
	Fayetteville News, for advertising notice of Commissioners of Claims,				4

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1867.			
Oct.	North Carolina Presbyterian, for publishing Treasurer's notices to Sheriffs and Tax Collectors,	\$	6
	A. Miller, Post Master, postage for the various Departments,		227 66
	Carolina Watchman, advertising Treasurer's notice to Sheriffs and Tax Collectors,		5
	J. N. Bunting, Supreme Court Clerk, Wake County, bill of costs, State vs. L. H. Lawrence, Sheriff of Lincoln County,		7 30
	Nichols, Gorman & Neathery, printing for Executive, Treasurer's and Comptroller's Departments, and Phillip's Laws and Equity Reports, June Term, 1867,		434
	K. P. Battle, expenses to Charleston on official business,		33 80
	J. J. Stewart, advertising fugitives from justice and Treasurer's notice to Sheriffs and Tax Collectors,		22 50
	A. Eatman, for repairing chimney in State Library and stove in Supreme Court room,		7 75
	Selby & Dulaney, Baltimore, for bill of stationery,		664 50
	Southern Express Company, for freight for sundry Departments,		21 50
	Jonathan Worth, Governor of North Carolina, expenses to Columbia to meet Gen. Canby,		27 50
	Douglas Bell, 2 $\frac{3}{4}$ tons coal for State Library,		49 13
	J. B. Bobbitt, for 28 candles,		7 55
	Sentinel Office, printing for Public Treasurer,		34 50
	Lougee & Bro., grate, fender, blower and ash pan and masonry,		21 50
	N. C. Institution Deaf and Dumb and the Blind, balance on account for materials, &c., for binding purposes purchased for State,		43 86
	R. H. Bradley, for contingent expenses of the Capitol,		56 25
Nov.	John A. Gilmer, Jr., Adjutant General, for 3d quarter's salary,		50
	George P. Johnson, commutation for arm,		50
	Armstead Gadd, " " "		50
	James E. Gadd, " " "		50
	James H. Kelley, " " "		50
	E. B. Haywood, 13 days' service as Medical Exami-		

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1867.			
Nov.	ner of disabled soldiers who applied for commutation,	\$	65
	T. L. Whitaker, commutation for arm,		50
	Thomas S. Bell, " " "		50
	F. W. Brookshire, " " "		50
	Wm. Edwards, " for 2 legs,		140
	Joel Huffman, " " a leg,		70
	James H. Morris, " " arm,		50
	Zachariah Roberts, " " "		50
	E. T. Langley, " " "		50
	S. G. Ryan, Supt. Art. Limb Department, amount of his salary for the month of October, at the end of which time the office was discontinued,		83 33
	John W. Hunter, commutation for arm,		50
	Owen Summerlin, " " "		50
	Jacob J. Mercer, " " "		50
	W. J. Murphy, " " a leg,		70
	W. B. Gulick, Cashier, &c., for repairs of the Executive Mansion,		668 86
	W. E. Anderson, Treasurer Insane Asylum, on account of support of said Asylum for current fiscal year,		10,000
	Sundry persons, interest on State Coupon Bonds,		6,948
	S. H. Rogers, Attorney General, 2 Certificates,		40
	Mills L. Eure, Solicitor 1st Circuit, 5 Certificates,		100
	Thomas Settle, Solicitor 4th Circuit, 3 Certificates,		60
	D. Coleman, Solicitor 8th Circuit, 1 Certificate,		20
	Neill McKay, Solicitor 5th Circuit, 1½ Certificates, (1 double,)		280
	Samuel F. Phillips, as Reporter to Supreme Court from 11th day of June, 1866, to the 1st day of January, 1867,		333 33
	Samuel F. Phillips, as Reporter to Supreme Court of North Carolina, from 1st day of January, 1867, to 1st day of January, 1868,		600
	John N. Bunting, Superior Court Clerk Wake County, for bill of cost State vs. Walker Smith, Sheriff of Rockingham, and bill of cost State vs. John A. Long, Sheriff of Richmond County,		23 20
	R. W. Best, Secretary of State, 2d quarter's salary for the year 1867,		312 50

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1867.			
Nov.	R. H. Page, for 1 copy of Eaton's Forms for Supreme Court Library,	\$	8
	E. J. Hale & Son, for Rosco's Criminal Evidence and Duyehinck's American Literature,		20 40
	T. & J. W. Johnson & Co., for 6 volumes Law Report, &c.,		35 35
	John T. Ball, for 1 wheelbarrow,		10
	W. U. Telegraph Co., for telegrams sent during October,		9 56
	E. B. Drake & Son, for advertising Sheriff's and Tax Collector's notices,		6
	Thomas Bashford, for services as washman 31 nights,		46 50
	E. B. Drake & Son, for 600 copies of the Report of W. N. C. R. R. Co.,		90
	White and Alford, for services in estimating printing Dr. Curtis' Botany,		6
	John Armstrong, for 1 letter book, &c., for Governor's office,		21
	Alex. Moore, for services rendered Superintendent Public Buildings,		60
	T. W. Young, for wood furnished State Nov. 10th, 1866, to Feb. 13th, 1867,		583 75
	H. Mahler, for making and repairing seals for sundry Counties,		35
	J. K. Howell, for hauling wood, &c.,		28 50
	Daniel O'Donnell, for repairing lightning rod,		12
	Henderson Pioneer, for advertising Commissioners of Claims,		4
	Raleigh Gas Light Company for gas consumed in Capitol from September 1 to November 1st,		20 00
	Briggs & Dodd, for building privy and sundry repairs about Capitol,		2,160 33
	Briggs & Dodd, for sundry articles for use of Capitol,		58 02
	Raleigh and Gaston Rail Road Company for freight on 2 cases paper,		9 26
	W. H. Morris & Co., for repairing and covering desk in Treasurer's office,		15 65
	W. H. Bernard, for advertising notice to Sheriff and Tax Collectors,		3 75

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1867.			
Nov.	W. U. Telegraph Co. for telegrams sent and received by Executive Department, and telegrams sent by Secretary of State,	\$	18 06
Dec.	E. L. Pressnell, commutation for arm,		50
	Dr. E. B. Haywood, for services as Medical Examiner of disabled soldiers,		55
	Reuben Freeman, commutation for leg,		70
	John L. Pettels, " " arm,		50
	George W. Thomas, " " "		50
	Robt. H. Harper, " " "		50
	John J. Lewis, " " "		50
	John Halsey, " " "		50
	Daniel Houser, " " "		50
	Stanhope H. Brown, " " "		50
	John Shuller, " " "		50
	Noah Cook, " " leg,		70
	Henry J. Glissen, " " arm,		50
	O. H. Looper, " " "		50
	Wm. Mooney, " " "		50
	John McDaniel, " " leg,		70
	Henry H. Kelley, " " "		70
	Joseph H. Ferebee, " " arm,		50
	Wm. H. Bagley, Private Secretary, for expenses of the meeting of the Council of State,		279
	Chas. King, for reward in causing the apprehension of Gus Holmes and the expenses of bringing said Holmes to North Carolina,		196 75
	W. E. Anderson, Treasurer of Insane Asylum of North Carolina, on account of support of said Asylum for current fiscal year,		5,000
	S. H. Young, Treasurer of the Institution of the Deaf and Dumb and the Blind, on account of said Institution,		6,000
	Sundry persons, interest on State Coupon Bonds, as follows :		
	H. E. C. Baskerville,		175
	Thos. Branch & Sons,		145
	R. W. Pulliam, President,		480
	W. P. Caldwell, Solicitor of the 6th Circuit,		280
	R. P. Gilliam, Judge, for holding extra Court in		

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1867. Dec.	Cabarrus County, and two weeks Court in Rowan County,	\$	270
	W. T. Faircloth, Solicitor of the 2d Circuit,		220
	W. M. Shipp, Judge, his last half year's salary as Judge,		1,250
	W. P. Bynum, Solicitor of the 7th Circuit,		200
	Will. H. Battle, Associate Justice of the Supreme Court, his 4th quarter's salary for the year 1867,		625
	D. Coleman, Solicitor of the 8th Circuit,		60
	J. H. Mitchell, tax over paid by him and ordered to be refunded,		65 10
	John Armstrong, for binding Documents for State Library,		68 25
	Mrs. M. B. Clark, Zenobia, 2 volumes,		2 50
	John Armstrong, for lettering 1,503 volumes in State Library,		75 15
	Sundry persons, principal of State Coupon Bonds, as follows:		
	H. E. C. Baskerville,		1,000
	Thos. Branch & Co.,		1,000
	Raleigh National Bank,		4,000
	Thomas Bashford, for 31 nights as Watchman in Capital,		45
	Southern Express Company, for freight on packages for State Library and Public Treasurer,		452
	Alex. Moore, for services rendered keeper of Public Buildings,		20
	W. H. Cunniggin, for 2 Lamps and Can of Oil,		5 25
	L. E. Heartt, for 1 dozen papers pins,		1
	L. M. Morgan, for 300 feet of Drain Pipe,		60
	R. H. Bradley, for 16 cords of wood cut and corded and hauling the same,		25
	North Carolina Institution Deaf and Dumb and the Blind, for printing Curtis' Catalogue, and binding 1,000 of same,		396 90
	E. J. Hale & Son, New York, for articles furnished to Department,		3 25
	Sentinel office, for composition on tables and Press Work,		40
	King & Whitlaw, for plaining 75 granite post at		

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1867. Dec.	State lots, 325 stakes for Surveyor and drawing ing New Map of the City of Raleigh,	\$	381 50
	King and Whitelaw, for furnishing Marble and re- pairing 12 Mantles and repairs in Capitol,		175
	Thos. H. Coats, for material furnished and work done on dome and roof of Capitol,		460 50
	T. T. Fentress, Richard Smith and T. Utley, for services as Chainmen to the Surveyor of the City of Raleigh,		70
	Southern Express Company for freight on packages for Executive Office and State Library,		3 25
	E. D. Haynes, for work done in Treasurer's Office,		1
	Jonathan Worth, Governor, for expenses of visit to Washington on matters affecting the interest of the State,		58
	W. D. Williams, for four hundred and forty four feet of plank for walk in Capitol Square,		8 50
	Solicitor Bragg, for services rendered in Superior Court Clerk's Office, &c.,		22
	Sundry persons on account of Interest on State Coupon Bonds,		16,911
1868. Jan.	John A. Gilmer, Jr., Adjutant General, 4th quar- ter's salary for the year 1867,		50
	J. G. Martin, Treasurer Buncombe County Agricul- tural Society, as annual appropriation of the State to said Society for the year 1867,		50
	Henry B. Boon, commutation for a leg,		70
	Dr. E. B. Haywood, for eight days' services as Med- ical Examiner of disabled soldiers,		40
	Thos. A. Gibson, commutation for arm,		50
	Samuel L. Sawyer, " " "		50
	John Smith, " " "		50
	David Nantz, " " leg,		70
	P. C. Howett, " " arm,		50
	John F. Tuttle, " " "		50
	W. H. H. Douglass, " " leg,		70
	Henry Perry, " " arm,		50
	Wesley Patterson, " " leg,		70
	J. E. T. Driver, " " arm,		50
	Wm. T. Tucker, " " "		50

PUBLIC FUND DISBURSEMENTS.--(Continued.)

1868.			
Jan.	James J. Brown, commutation of a leg,	\$	70
	Dr. E. Haywood, for 10 days' services as Medical Examiner,		50
	R. H. Battle, for 2 days' services as Commissioner of Claims, :		10
	H. W. Husted, for 2 days' services as Commissioner of Claims,		10
	T. H. Hill, 14 days' services in copying report of Commissioners,		48
	S. W. Burgin, Comptroller, 4th quarter's salary for the year 1867,		375
	W. H. Bagley, Private Secretary, for expenses of the Council of State,		94 40
	Jonathan Worth, Governor of North Carolina, 4th quarter's salary for the year 1867,	1,000	
	W. H. Bagley, Private Secretary, 4th quarter's salary for the year 1867,	250	
	George H. Snow, Clerk to Governor, 4th quarter's salary for the year 1867,	250	
	Johnson T. Busbee, Messenger, 4th quarter's salary for the year 1867,	125	
	M. B. Royster, for repairs and materials in fencing, rebuilding and repairing Executive Mansion,	1,761 84	
	John R. Terry, Deputy Sheriff of Edgecombe County, expenses in going to and returning from Columbia, South Carolina, for the arrest of Gus Holmes, fugitive,	103 25	
	A. J. Turlington, for the arrest and delivery to the Sheriff of Wake County, Rufus Whitaker, the murderer of Lewis Burt,	200	
	R. F. Johnson, Senator from 42d Senatorial District,	314	
	W. C. Kerr, for expenses in conducting Geological Survey of the State,	1,000	
	W. E. Anderson, Treasurer Insane Asylum, on account support of said Asylum for the current fiscal year,	25,000	
	S. H. Young, Treasurer Institution of the Deaf, Dumb and the Blind, on account of said Institution,	14,000	

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		¢	¢
Jan.	Sundry persons for interest on State Coupon Bonds,	\$	5,661
	Jno. Beard, Comptroller of the State of Florida, for interest on State Registered Bonds, since maturity,		3,974
	Kemp P. Battle, Treasurer Literary Fund, for interest on Certificates of Indebtedness of Literary Board,		12,472.36
	R. M. Pearson, Chief Justice of the Supreme Court, fourth quarter's salary for 1867,		625
	E. G. Reade, Associate Justice of the Supreme Court, fourth quarter's salary for 1867,		625
	E. J. Warren, second half-year's salary, 2 Courts over 12 weeks,		1,430
	D. Coleman, Solicitor 8th Circuit, Buncombe County, 2 weeks,		40
	Anderson Mitchell, his last half-year's salary as Judge,		1,250
	E. B. Freeman, Clerk of the Supreme Court, his half-year's salary ending December 31st, 1867, and recording 1,801 pages at 45 cts.,		1,035.45
	D. Coleman, Solicitor 8th Circuit, 1 Certificate,		20
	Hon. Samuel F. Phillips, Attorneys' fees in the tax cases in the Supreme Court of the United States,		500
	R. P. Buxton, his last half-year's salary as Judge,		1,250
	D. A. Barnes, " " " "		1,250
	D. G. Fowle, " " " "		1,250
	R. B. Gilliam, " " " "		1,250
	W. P. Caldwell, Solicitor 6th Circuit, 1 Certificate,		20
	Alexander Little, Judge, his second half-year's salary for 1867, and for additional Courts in Rowan and Mecklenburg Counties,		1,160
	J. W. C. Piercy, Tax Collector, Cherokee County,		100.20
	R. W. Best, Secretary of State, fourth quarter's salary for 1867,		312.50
	Andrew Syme, Clerk to Secretary of State, fourth quarter's salary for 1867,		187.50
	O. H. Perry, State Librarian, fourth quarter's salary for 1867,		175
	R. S. Tucker, for copies of Early Times in Raleigh,		1.50

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
Jan.	O. H. Perry, for 15 days' service as State Librarian,	\$	29 17
	T. H. Hill, for 7 " " "		13 65
	B. F. Moore, for 6 copies of his Index Digested,		6
	H. T. Clark, for Librarian Manual,		4 50
	J. H. Enniss, for sundry books for State Library,		8 37
	E. J. Hale & Son, for books purchased for State Library,		4 75
	John Beard, Comptroller of Florida, for principal of 12 State Registered Bonds, \$1,000 each,	12,000	
	R. H. Bradley, Keeper of Capitol, his fourth quarter's salary for 1867,		125
	R. H. Bradley, for 7 days' services as Superintendent,		9 72
	Kemp P. Battle, Public Treasurer, his fourth quarter's salary for the year 1867,		500
	D. W. Bain, Chief Clerk to the Public Treasurer, his fourth quarter's salary for the year 1867,		375
	E. F. Page, second Clerk to Public Treasurer, his fourth quarter's salary for the year 1867,		187 50
	R. W. Best, for sundry articles,		40 58
	Thomas Bashford, for 31 nights as Watchman in Capitol,		46 50
	Alex. Moore, for services rendered Keeper of Capitol,		20
	Western Union Telegraph Company, for telegrams sent and received by Executive and State Departments and for Express Freight on package,		15 20
	Selby & Dulaney, for Stationery bought by Secretary of State,		266 53
	Williams & Lambeth, for Stationery for Secretary of State,		4 50
	Helper & Chapin, for advertising Commissioners of Claims,		4
	Nichols, Gorman & Neathery, for printing,		31
	Engelhardt & Price, for advertising Public Treasurer's notice to Sheriffs and Tax Collectors,		10
	J. B. R. Lyon, for advertising Governor Worth's Proclamation offering a reward for J. K. Morrow, a fugitive from justice,		15
	W. H. & R. S. Tucker, for sundry articles purchased by Secretary of State,		9 25

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
Jan.	Sentinel office, for printing 250 handbills offering reward for the arrest of A. Skinner and R. Whitaker, fugitives from justice, and for Daily Sentinel for State Library,	\$	12 50
	D. G. Conn, for hauling 32 cords of wood,		10 66
	John G. Williams & Co., for protest and charges on protested draft,		3 50
	Raleigh Gas Light Company, for gas consumed from 1st November to 1st January,		31 20
	W. H. Morris & Co., for repairing office stool and chair cushions,		7 50
	S. M. Parish, for varnishing table and desk,		2 50
	Wilmington Post, for advertising Public Treasurer's notice to Sheriffs and Tax Collectors,		5
	W. B. Dana & Co., for State's subscription to the Commercial and Financial Chronicle,		10
	D. G. Conn, for expenses incurred in Capitol,		4 90
	D. G. Conn, for cutting and hauling wood,		12
	R. W. Best, for 1 Tierce Coal for State Library,		1 1/2
	A Miller, Post Master, for postage account for sundry offices,		137 47
	Selby & Dulaney, for bill of Stationery bought by Secretary of State,		499 61
	R. H. Bradley, for expenses incurred in keeping Capitol Square,		39 90
	Southern Express Company for freight on packages from Baltimore,		3
	W. R. Dicks, for making and binding blank books for Executive office,		2
	Nichols, Gorman & Neathery, for printing,		12 50
	Southern Express Company, for freight on packages for Treasury Department and State Library,		7 50
	J. W. Johnston, for balance due for services in surveying and locating the various lots in and around the City of Raleigh belonging to the State,		50
	C. Kuester, for repairing locks and furnishing keys in Capitol,		9 25
	D. G. Conn, for work in Public Treasurer's office and in Capitol Square,		22

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$	
Jan.	Jno. Armstrong, for ruling Bonds and Tax Lists, Binding Laws, &c.,		57
	Jno. G. Williams & Co., fee of Notary Public, for protesting Draft, \$1,500 tendered by Sheriff Halifax County, for taxes,		2 75
Feb.	Calvin Hall, commutation for an arm,		50
	Edward F. Davidson, " " "		50
	Rob't McCrowden, " " "		50
	T. W. Best, " " "		50
	Jefferson J. Keiley, " " "		50
	Rob't. Laney, " " "		50
	Jno. H. Kingsley, " " "		50
	Wm. H. Brown, " " "		50
	Jno. R. Peadon, " " a leg,		70
	Noah Hancock, " " "		70
	W. H. Bagley, Private Secretary, for expenses of the meeting of the Board of Internal Improvements,		57
	D. G. Conn, for expenses in cleaning Capitol grounds,		21 50
	D. G. Conn, for expenses in cleaning and removing rubbish from Capitol Square,		33 50
	Sundry officers and members of Convention, as follows :		
	M. J. Aydlott,		80
	Joel Ashworth, an officer,		51 20
	G. W. Bradly,		90
	Henry Barnes,		51 20
	John Q. A. Bryan,		88
	Joseph H. Baker,		46 40
	W. T. Bloom,		65 60
	T. A. Byrnes, an officer,		104 80
	Jno. H. Boner, Assistant Secretary,		110
	E. Benbow,		50
	D. D. Colgrove,		40
	A. Congleton,		58 80
	T. J. Candler,		116 80
	S. Carter,		48
	Wilson Carey,		60
	H. O. Cherry,		46 40
	H. E. C. ilson,		105 20
	PUB. 49.]		

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$	
Feb.	C. J. Cowles,	80	
	P. Durham,	93	60
	J. H. Duckworth,	188	40
	Geo. W. Dickey,	164	
	H. A. Dowd,	46	40
	J. R. Ellis,	80	
	Henry Eppes,	42	
	J. Ethridge,	59	20
	S. D. Franklin,	2	40
	E. Fullings,	70	
	Fred. F. French,	70	20
	A. W. Fisher,	74	80
	Samuel Falconer,	62	
	J. H. French,	46	
	J. R. French,	92	
	J. W. Graham,	16	
	W. T. Gunter,	10	
	W. H. George,	69	60
	A. J. Glover,	77	60
	G. A. Graham,	72	
	H. Y. Grant,	45	20
	Hiram L. Grant,	26	40
	A. H. Galloway,	52	80
	W. G. B. Garrett,	124	
	J. Garland,	114	
	N. Gully,	6	
	Samuel Highsmith,	40	
	T. D. Hoffer,	80	
	O. S. Hayes,	89	20
	J. T. Harris,	14	
	J. J. Hayes,	42	
	Jno. A. Hyman,	25	20
	M. Hobbs,	60	80
	E. M. Holt,	16	80
	P. Hodnett,	60	
	J. W. Hood,	104	80
	Jacob Ing,	42	80
	E. W. Jones,	98	40
	C. C. Jones,	92	
	R. W. King,	30	
	J. H. King,	80	

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$	
Feb.	J. Kinney,		46
	E. Legg,		72
	B. Lailin,		64
	Bryant Lee,		80
	R. T. Long,		60
	W. H. Logan,		99
	Haynes Lennon,		20
	W. Merritt,		108
	J. McDonald,		40
	J. McCubbins,		74
	L. C. Morton,		80
	S. C. Mullican,		31
	W. A. B. Murphy,		20
	Mark May,		22
	S. M. S. McDonald,		52
	J. G. Marler,		74
	Cuffee Mayo,		80
	Jas. G. Moore,		54
	J. L. Nanee,		100
	Wm. Nicholson,		80
	Wm. Newsom,		146
	J. E. O'Hara, Engrossing Clerk,		28
	C. C. Pool,		59
	Jno. M. Patrick,		20
	J. M. Peterson,		40
	Riley F. Petree,		38
	J. A. Peck, Sergeant at Arms,		41
	J. L. Parks,		60
	R. C. Parker,		54
	C. D. Pearson,		52
	Jno. Read,		80
	P. D. Robins,		88
	J. H. Renfrow,		20
	H. M. Ray,		40
	J. Rhodes,		20
	Allen Rose,		114
	J. W. Ragland,		62
	D. J. Rich,		20
	W. H. S. Sweet,		80
	W. Stillely,		60
	S. N. Stilwell,		43
			20
			65
			60
			74
			40

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868. Feb.		\$
	J. Smith,	75 20
	Thomas Sanderlin,	82 80
	R. F. Trogden,	40
	J. M. Turner,	104 80
	M. Taylor,	82 40
	A. W. Tourgee,	32
	E. B. Teague,	42 80
	B. S. D. Williams,	1 60
	J. H. Williamson,	14 80
	Alex. Williams,	44 40
	G. W. Welker,	32
	Wm. Hardie,	25
	J. Hardie,	25
	A. H. Galloway,	48
	J. J. Hayes,	248
	J. McDonald,	248
	D. J. Rich,	248
	J. H. Jones,	248
	J. E. O'Hara, Clerk,	240
	J. W. Peterson,	256
	J. W. Ragland,	256
	S. Carter,	248
	A. Congleton,	256
	M. J. Aydlott,	256
	J. T. Harris,	256
	H. T. Grant,	256
	J. T. Ball, Doorkeeper,	256
	J. H. Renfrow,	256
	E. Benbow,	248
	H. L. Grant,	256
	F. F. French,	256
	J. T. Deweese, for 50 cords wood,	354
	Samuel Highsmith,	256
	J. H. Williamson,	256
	Nathan Gully,	256
	P. Hodnett,	256
	T. A. Byrnes, Secretary,	80
	W. H. Logan,	256
	J. M. Patrick,	264
	J. J. Andrews,	256
	J. Rhodes,	256

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
Feb.	Allen Rose,	\$	256
	S. S. McDonald,		256
	J. R. Ellis,		256
	W. T. Gunter,		256
	R. T. Long,		256
	J. G. Marler,		208
	J. L. Nance,		256
	J. H. Harris,		256
	H. M. Ray,		256
	S. S. Ashley,	52	80
	H. O. Cherry,		256
	W. Carey,		256
	G. W. Dickey,		224
	Jas. Doyle,		16
	J. Garland,		248
	G. A. Graham,		256
	J. Ing,		256
	Bryant Lee,		256
	E. Legg,		248
	B. Laffin,		256
	Cuffee Mayo,		256
	M. May,		200
	R. C. Parker,		256
	C. C. Pool,		256
	C. D. Pearson,		248
	W. H. S. Sweet,		256
	A. W. Tourgee,		240
	G. W. Welker,		256
	S. W. Watts,		256
	S. W. Watts,		62
	Henry Barnes,		256
	T. J. Candler,		256
	D. D. Colgrove,		256
	S. D. Franklin,		256
	J. R. French,		256
	E. M. Holt,		240
	J. C. L. Harris, Assistant Secretary,		88
	F. D. Hofer,		256
	W. Hobbs,		264
	O. S. Hayes,		256
	R. F. Petree,		256

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$	
Feb.	P. D. Robins,		256
	R. Trogden,		256
	A. Williams,		248
	T. L. L. Cox,		328 80
	J. J. Moore,		280
	D. J. Hayes,		135 60
	R. W. King,		296
	T. Sanderlin,		288
	Wm. Merritt,		280
	J. E. O'Hara, Clerk,		48
	E. C. Bartlett,		97 20
	J. H. Boner, Clerk,		216
	J. P. Andrews,		48
	J. C. Abbott,		332 80
	J. H. Baker,		240
	H. A. Dowd,		256
	Henry Eppes,		280
	J. Ethridge,		264
	A. J. Glover,		24
	J. H. King,		288
	John Read,		256
	G. Tucker,		78 80
	M. Taylor,		288
	J. W. Hood,		280
	J. A. Hyman,		248
	J. Hollowell,		22
	D. Heaton,		299 20
	Wm. Newsom,		304
	P. Durham,		304
	E. M. Holt,		56
	J. B. Hare,		312
	J. W. Graham,		320
	J. Ashworth,		80
	S. M. Stillwell,		40
	J. T. Harris,		64
	C. J. Cowles, President,		204
	W. B. Rodman,		57 60
	L. C. Morton,		336
	P. Hodnett,		88
	J. G. Marler,		136
	Samuel Forkner,		344

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
Feb.	E. Benbow,	\$	96
	H. Lennon,		336
	J. W. Patterson,		104
	J. M. Patrick,		96
	J. H. Renfrow,		112
	W. B. Rodman,		368
	J. Hollowell,		40
	J. T. Ball,		120
	J. P. Andrews,		72
	Allen Rose,		120
	M. Hobbs,		112
	W. T. Gunter,		120
	G. W. Bradley,		376
	W. H. Bagley, Private Secretary, for expenses of the meeting of the Council of State,		267 40
	R. P. Buxton, Judge, for holding Court of Oyer and Terminer in Henderson County,		90
	W. M. Shipp, Judge, for holding Court of Oyer and Terminer in Iredell County,		90
	E. J. Warren, Judge, for holding Court of Oyer and Terminer in Pitt County,		90
	S. H. Rogers, Attorney General, 1 Certificate,		20
	S. H. Rogers, Attorney General, attendance on Supreme Court, January Term, 1868,		100
	James Litchford, Marshal, for attendance on Supreme Court, January Term, 1868,		144
	Sentinel Office, for advertising Comptroller's Re- port and for printing for Public Treasurer,		275
	Sentinel Office, Publishing Comptroller's Report, balance,		271 50
	W. W. Holden & Son, for advertising Annual Re- port of Comptroller,		858
	W. C. Meares, for tax overpaid to the Sheriff of Cabarrus County, and ordered to be refunded,		36
	J. H. Davis, Sheriff of Carteret County, for amount of insolvent tax paid by him, and ordered to be refunded by County Court of Carteret County,		185 44
	J. H. Davis, for overcharges, expense, &c., in Tax List of Carteret County, and ordered to be re- funded,		61 40

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
Feb.	J. H. Davis, Sheriff of Carteret County, for insolvent tax paid by him and ordered to be refunded,	\$	78
	J. W. Hinson, Sheriff of Duplin County, for cost and expense of land sold and bid off for the State,		11 99
	D. A. Robinson, for tax overpaid by him and ordered to be refunded by the County Court of Orange County,		18 75
	H. Webb, tax overpaid by him and ordered to be refunded by the County Court of New Hanover County,		57 60
	A. J. Adkins, Bennet Furgeson and David Oyers, under a resolution of General Assembly, ratified 26th day of December, A. D. 1866,		187 50
	H. D. Coley, State Librarian, for subscription for sundry newspapers, periodicals, &c., for State Library,		48 50
	F. W. Christian, for sundry books for State Library,		86
	Hesselbach and Mahler, for 10 sets of County standard weights and measures, and the various weights and measures for each set, and boxes for same,		1,919 65
	Sol. Bragg, for attendance on Supreme Court Clerk's office and State Library for 1 month,		8
	W. U. Telegraph Company for telegrams sent and received by Executive and Treasury Departments during January,		12 88
	Thomas Bashford, for 31 nights as Watchman in Capitol,		46 50
	J. O. H. Nutall, for advertising notice to Sheriffs and Tax Collectors,		4
	Southern Express Company, for freight on package for Executive Department,		70
	Englehard & Price, for advertising Commissioners of Claims,		5
	Englehard & Price, for paper and printing 600 copies of proceedings and reports of 32d Annual Meeting of W. & W. R. R. Company,		200
	Lougee A Bro., for sundry repairs in Capitol, and sheet-iron safe for chimney.		16 25

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
Feb.	W. H. Bagley, for sealing 100 State Bonds,	\$	10
	Nichols, Gorman & Neathery, for printing letter heads for Executive office and Secretary of State,		10
	Post Master in Raleigh, for postal stamps for Treasury Department,		25
	A. A. Constantine, for 1 gross soap, and Express charges on same,		27 25
	A. S. Barnes & Co., for 6 gross steel pens and 4 dozen pen holders,		15
	Frank O'Donnell, for repairing locks and making keys for sundry locks in Capitol,		5 50
	A. M. McPheeters, for 2 hogsheads of coal for use of State Library and Supreme Court Clerk's Office,		23 96
	Southern Express Company, for freight on sundry packages for Executive and Treasury Department,		16 70
	John Armstrong, for 2 Record Books and 1 Executive Docket for Supreme Court,		45
	Isaac Alston, for services rendered to Keeper of Capitol,		6
	Southern Express Company, freight on package from Washington City,		6
	Sol. Bragg, for attendance on Supreme Court Room and State Library,		8
	Sundry persons for interest on State Coupon Bonds,		6,807
March	E. B. Haywood, for 7 days' services as Medical Examiner of disabled soldiers who applied for commutation,		35
	A. E. McNeill, commutation for an arm,		50
	Abner Ray, " " " "		50
	Lewis Martin, " " " "		50
	Wm. Kinkman, " " " "		50
	Wm. M. Parsons, " " " "		50
	John Thomas, " " " "		50
	Elkana Deal, " " " "		50
	Lawrence Lancaster, " " " "		50
	W. W. McCaddin, " " " "		50
	J. S. Brown, " " " "		50

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1858.			
March	Sundry officers and members of Convention as follows :		
	Calvin J. Cowles, President,	\$	300
	J. C. Abbott,		264
	do.		120
	do.		72
	J. P. Andrews,		40
	do.		72
	S. S. Ashley,		512
	M. J. Aydlott,		256
	J. H. Baker,		272
	Henry Barnes,		256
	E. Benbow,		168
	W. T. Blune,		512
	G. W. Bradley,		136
	J. Q. A. Bryan,		512
	T. J. Chandler,		88
	T. J. Chandler,		168
	Wilson Carey,		256
	S. Carter,		264
	H. C. Cherry,		256
	H. F. Chilson,		512
	D. D. Colgrove,		256
	A. Congleton,		256
	T. L. L. Cox,		232
	Willie Daniel,		541 20
	Geo. W. Dickey,		288
	H. A. Dowd,		248
	J. H. Duckworth,		512
	P. Durham,		208
	J. R. Ellis,		256
	Henry Eppes,		232
	Jasper Ethridge,		248
	A. W. Fisher,		512
	S. Forkner,		168
	S. D. Franklin,		256
	F. F. French,		256
	J. R. French,		256
	J. H. French,		304
	do.		208
	E. Fullings,		512

PUBLIC FUND DISBURSEMENTS.—(Continued)

1868.		
ch	G. W. Gahagan,	§ 632
	A. H. Galloway,	264
	J. S. Garland,	256
	W. G. B. Garrett,	512
	W. H. George,	512
	A. J. Glover,	488
	Geo. A. Graham,	256
	J. W. Graham,	192
	H. T. Grant,	256
	H. L. Grant,	256
	Nathan Gulley,	256
	W. T. Gunter,	136
	L. D. Hall,	556 40
	J. B. Hare,	270
	J. T. Harris,	192
	J. H. Harris,	256
	J. Hay,	392
	J. J. Hayes,	216
	do.	48
	O. S. Hayes,	256
	D. Heaton,	256
	Samuel Highsmith,	256
	M. Hobbs,	136
	P. Hodnett,	160
	Thomas D. Hofter,	256
	Jesse Hollowell,	472
	E. M. Holt,	216
	J. W. Hood,	232
	J. A. Hyman,	264
	Jacob Ing,	256
	C. C. Jones,	512
	E. W. Jones,	512
	R. W. King,	216
	J. H. King,	224
	J. Kinney,	512
	B. Laffin,	320 80
	Bryant Lee,	256
	Edwin Legg,	264
	Haynes Lennon,	176
	W. H. Logan,	256
	R. T. Long,	248

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$	
March	Wm. A. Mann,	616	
	J. G. Marler,	56	
	J. M. Marshall,	62	
	do	512	
	Mark May,	312	
	Cuffee Mayo,	256	
	J. S. McCubbins,	512	
	J. A. McDonald,	256	
	S. M. McDonald,	256	
	Wm. Merritt,	232	
	J. J. Moore,	232	
	L. C. Morton,	176	
	L. S. Mullican,	512	
	W. A. B. Murphey,	512	
	J. L. Nance,	256	
	Wm. Newsom,	208	
	Dr. Wm. Nicholson,	512	
	J. M. Patrick,	152	
	R. C. Parker,	256	
	J. L. Parks,	512	
	C. D. Pearson,	264	
	J. W. Peterson,	152	
	R. F. Petree,	256	
	C. C. Pool,	256	
	J. W. Ragland,	232	
	H. M. Ray,	256	
	John Read,	256	
	J. H. Renfrow,	144	
	Jesse Rhodes,	256	
	D. J. Rich,	264	
	P. D. Robins,	256	
	W. B. Rodman,	144	
	Allen Rose,	136	
	Thomas Sanderlin,	224	
	J. Smith,	512	
	Wm. Stilley,	512	
	L. N. Stillwell,	472	
	W. H. S. Sweet,	342	
	M. Taylor,	224	
	E. B. Teague,	512	
	A. W. Tourgee,	128	

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
March	A. W. Tourgee,	\$	144
	R. F. Trogden,		256
	Geo. Tucker,		512
	J. M. Turner,		512
	S. M. Watts,		256
	G. W. Welker,		256
	A. Williams,		168
	B. S. D. Williams,		512
	J. H. Williamson,		120
	J. H. Williamson,		136
	T. A. Byrnes, Secretary,		432
	J. H. Boner, Assistant Secretary,		296
	J. E. O'Hara, Clerk,		224
	Joel Ashworth, Engrossing Clerk,		432
	J. A. Peck, Sergeant at Arms,		512
	J. W. Holden, Reporter,		384
	J. H. Jones, Doorkeeper,		264
	J. T. Ball, "		136
	J. Heaton, Clerk,		292
	G. O. Spooner, "		56
	J. H. Eldridge, "		8
	Jas. Doyle,		128
	I. Hardie, Servant,		81
	I. Hardie, "		20
	Wm. Hardy, "		101
	J. T. Dewese, for wood furnished,		315
	Sol. Bragg,		6
	C. J. Cowles, President,		400
	W. W. Holden & Son, for Printing and Stationery furnished Convention,		971 14
	W. W. Holden & Son, for Printing and Stationery furnished the Convention,		562 97
	James H. Ennis, for sundry telegrams and thirty sheets Parchment,		57 25
	Lewis Ingram and Thomas R. Brown, for the arrest and delivery to the Sheriff of Buncombe County, Daniel L. Pressly, the alleged murderer of Mi- chael Sprout,		30
	Sundry persons, for interest on State Coupon Bonds,		23,388

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		
March	Coupons cut from Bonds issued under Funding Act to adjust balances in funding,	\$ 11,121
	Raleigh National Bank, for interest on State Coupon Bonds since maturity,	133 50
	John W. Cotton, interest on State Registered Bonds from July 1st, 1861, to March 22d, 1862,	43 67
	John W. Cotton, interest on State Registered Bonds since maturity,	260 83
	S. H. Rogers, Attorney General, 3 Certificates, 3d Circuit,	60
	Sentinel office, for printing 2,500 copies Revenue Law, and sundry printing done for Public Treasurer's office,	332 65
	Joseph Cobb, late Sheriff of Edgecombe County, on account of tax overpaid by him and ordered to be refunded,	34 28
	Sundry Sheriffs for settling taxes as follows:	
	W. G. Hicks, Sheriff of Wilkes County,	43
	J. L. Banks, Tax Collector, Johnston County,	6 60
	Rufus Page, for 5 copies Eaton's Forms, Lettering, &c.,	40
	Williams & Lambeth, for "Gibbons Debt," for Library,	2
	E. J. Hale & Son, for sundry books for Library,	17
	J. & J. M. Johnson, for sundry books for Library,	103 70
	Western Union Telegraph Company, for telegrams sent and received by Executive and Treasury Departments, and Secretary of State,	6 38
	Thos. Bashford, for 29 nights as Watchman in Capitol,	43 50
	Raleigh Gas Light Company, for gas consumed in Capitol from January 14th to February 1st,	51 20
	Briggs & Dodd, for sundry articles furnished for use of Capitol,	61 42
	Nichols, Gorman & Neathery, for printing for sundry officers in Capitol,	7
	Raleigh and Gaston Rail Road Company, for freight on 6 boxes stationery,	20 48
	Raleigh Gas Light Company, for gas consumed in Capitol from February 1st to March 1st,	68

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
March	Selby & Dulaney, for bill of stationery bought by Secretary of State,	\$	1,014
	Southern Express Company, freight on sundry packages and bill of merchandise from Baltimore,		48 80
	D. G. Conn, for expenses incurred in Capitol Square,		25
	K. P. Battle, Public Treasurer, for Commercial and Financial Chronicle,		1 80
	Southern Express Company, for freight on Tax Lists and 1 box for Executive Department,		13 60
	Raleigh and Gaston Rail Road Company, for freight on 2 boxes stationery,		9 68
	Selby & Dulaney, for bill of stationery bought by Secretary of State,		52 86
	D. G. Conn, for expenses incurred in Capitol,		31 37
	Sol. Bragg, for attendance on Supreme Court Room and State Library, one month,		8
	D. Hawes, for subscription for 4 year for Thompson's Bank Note Reporter,		3
	Raleigh National Bank, for principal of 1 past due State Coupon Bond,		1,000
	J. W. Cotton, for principal of 1 past due State Coupon Bond		1,000
April.	J. A. Gilmer, for his 1st quarter's salary for the year 1868 from 1st day of January to 31st March inclusive,		50
	Sam. E. Ledford, commutation for a leg,		50
	R. B. Blankenship, " " "		50
	B. B. Brady, " " arm,		50
	W. W. Richardson, " " leg,		70
	W. A. Dingle, " " arm,		50
	J. A. Roberts, " " "		50
	A. J. Nunn, " " leg,		70
	Dr. E. B. Haywood, for 3 days' services as Medical Examiner of disabled soldiers,		15
	D. G. Conn, Superintendent, for expenses incurred in Capitol Square,		58 12
	S. W. Burgin, Comptroller, his 1st quarter's salary for the year 1868,		375
	J. J. Sawyer, Clerk to Convention,		56

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
April.	Jonathan Werth, Governor, his 1st quarter's salary for the year 1868,	\$	1,000
	W. H. Bagley, Private Secretary, 1st quarter's salary for the year 1868,		250
	Geo. H. Snow, Chief Clerk, 1st quarter's salary for the year 1868,		300
	Johnson T. Busbee, Messenger, 1st quarter's salary for the year 1868,		125
	Prof. W. C. Kerr, for conducting Geological Survey, and purchasing instruments for making analysis,		2,500
	Sundry persons, interest on State Coupon Bonds,		20,274
	R. M. Pearson, Chief Justice of Supreme Court, his 1st quarter's salary for the year 1868,		625
	Will. H. Battle, Associate Justice, his 1st quarter's salary for 1868,		625
	E. G. Reade, Associate Justice, his 1st quarter's salary for 1868,		625
	M. L. Eure, Solicitor 1st Circuit, 5 Certificates Spring Term, 1868,		100
	Alex. Little, Judge of Superior Court, his first half-year's salary, 1868,		1,250
	J. Q. DeCarteret & Co., for a complete set of Supreme Court Reports,		366
	W. P. Caldwell, Solicitor 6th Circuit, Spring Term, 1868, 8 Certificates,		160
	John Kerr, Solicitor 4th Circuit, 7 Certificates,		140
	S. H. Rogers, Attorney General, 4 Certificates,		80
	Sentinel Office, for printing Comptroller's Report in pamphlet form,		682 55
	Geo. Steenken, New Hanover County, for tax overpaid by him,		10
	J. H. Davis, Sheriff of Carteret County, for tax overpaid by him,		44 50
	R. W. Best, Secretary of State, his 1st quarter's salary for 1868,		312 50
	Andrew Syme, Clerk to Secretary of State, 1st quarter's salary for 1868,		187 50
	H. D. Coley, State Librarian, salary from 15th January, 1868, to March 31st,		145 83

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
April.	D. G. Conn, Keeper of Capitol, salary from 6th January to 31st March inclusive,	\$	118 94
	Kemp P. Battle, Public Treasurer, his 1st quarter's salary for the year 1868,		500
	D. W. Bain, Chief Clerk, his 1st quarter's salary for the year 1868,		375
	E. F. Page, 2d Clerk, his 1st quarter's salary for the year 1868,		187 50
	R. S. Mason, Superintendent of weights and measures, his 1st quarter's salary for the year 1868,		50
	Paid for 22 sets bands and stamps for weights and measures and stationery, bought by Secretary of State,		115
	R. F. Simonton, Treasurer W. N. C. R. R. Company, part subscription for \$1,342,000, stock in said Company,		600,000
	R. F. Simonton, Treasurer as aforesaid, balance payment for \$2,142,000, stock subscribed for by the State in pursuance of certificate by the Board of Internal Improvements,		792,000
	American Bank Note Company, for printing 1,324 impressions of State Coupon Bonds, and altering plate for same,		622 60
	W. U. Telegraph Company for telegrams sent and received,		21 64
	Alex. Moore, for 3 months' services rendered Keeper of Capitol,		60
	D. G. Conn, Keeper of Capitol, for sundry persons for repairs in Capitol,		34 12
	Selby & Dulaney, for bill stationery for Secretary of State,		178 45
	Thomas Bashford, for services as watchman in Capitol 31 nights,		46 50
	Southern Express Company, for freight on sundry packages for Public Treasurer,		15 25
	W. H. & R. S. Tucker & Co., for one-half dozen spools office tape,		5
	Southern Express Company, for freight on packages to and from Treasury Department,		1
	J. K. Howell, for hauling 7 loads wood to Capitol,		2 33

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
April.	Southern Express Company, for freight on packages for Executive and Treasury Departments,	\$	3 50
	American Bank Note Company, for printing 200 Bonds and 68 Coupons,		80
	Raleigh Gas Light Company, for gas consumed in Capitol from March 1st to April 1st,		83 20
	W. H. Bagley, Private Secretary, for putting seal on two hundred Coupon Bonds,		20
	H. Mahler, for seals and presses for sundry Counties.		60
	A. Miller, Post Master, for postage for sundry offices in Capitol,		175 98
	Branson & Jones, for twelve copies of North Carolina Directory,		24
	Nichols, Gorman & Neathery, for printing and ruling tax lists for Comptroller's Department,		99
	J. Armstrong, lettering one hundred and twenty volumes in State Library,		6
	A. M. McPheeters, for four bags of Plaster,		5 20
	Solomon Bragg, for attendance on Supreme Court Clerk's office and State Library,		8
	Englehard & Price, for printing six hundred copies Proceedings of the Twentieth Annual Meeting of the Stockholders of the Wilmington and Manchester Rail Road,		110
May.	Robert Byrd, commutation for an arm,		50
	George Wilson, " " a leg,		70
	Benj. Merritt, " " an arm,		50
	H. L. Davis, " " " "		50
	John A. Snow, " " " "		50
	Dr. E. B. Haywood, for two days' services as Medical Examiner of disabled soldiers,		10
	W. M. Gibson, commutation for a leg,		70
	T. E. King, " " an arm,		50
	R. K. Long, " " a leg,		70
	J. A. McLure, " " an arm,		50
	Dr. E. B. Haywood, for seven days' services as Medical Examiner of disabled soldiers,		35
	D. G. Conn, Superintendent Capitol, for sundry repairs by sundry persons in Capitol Square,		107 51
	G. O. Spooner, Clerk to Convention for 8 days' services,		48

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
May.	T. A. Byrnes, Secretary to Convention, for 26 days' services,	\$	156
	C. J. Cowles, President Convention,		118
	D. A. G. Palmer, State Agent, for expenses incurred in effort to capture Allen Carter, a fugitive from justice and the supposed murderer of B. W. Washington,		175 25
	Prof. W. C. Kerr, for expenses in conducting' Geological Survey of the State,		2,500
	W. E. Anderson, Treasurer Insane Asylum of North Carolina, under resolution of General Assembly of North Carolina, ratified December 19th, 1866, authorizing the payment of \$250 for each and every patient treated in said Asylum above the annual average of 160,		6,854 19
	Sundry persons, interest on State Coupon Bonds,		37,668
	Sundry persons, interest on State Coupon Bonds since maturity,		1,218 50
	R. P. Buxton, his first half-year's salary as Judge, Spring Term, 1868,		1,250
	John Kerr, Solicitor 4th Circuit, 1 Certificate,		20
	W. P. Bynum, Solicitor 7th Circuit, 10 Certificates,		200
	M. L. Eure, Solicitor 1st Circuit, 5 Certificates,		100
	S. H. Rogers, Attorney General, 1 Certificate,		20
	R. B. Gilliam, Judge 1st Circuit, his first half-year's salary,		1,250
	J. H. Dillard, Solicitor 1 Certificate, Fall Term, 1867,		20
	D. A. Barnes, Judge, his first half-year's salary, and 2 extra Courts,		1,430
	J. A. Cilley, Judge, his first half-year's salary, less \$100 for failure to hold Granville Superior Court,		1,150
	Wm. Cocke, Solicitor 8th Circuit, 4 Certificates, Spring Term,		80
	John Kerr, Solicitor 4th Circuit, 3 Certificates, Spring Term,		60
	Neill McKay, Solicitor 5th Circuit, 13 Certificates, Spring Term,		280
	J. G. Martin, Solicitor 8th Circuit, 2 Certificates, Spring Term,		40

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
May.	R. W. Best, Secretary of State, for duties performed in accordance with section 5, chapter 10 $\frac{1}{2}$, Revised Code,	\$	100
	E. H. Ray, Sheriff of Wake County, for taxes overpaid by him, and ordered to be refunded by County Court of said County,		415
	Sundry past due State Coupon Bonds, as follows :		
	A. S. Clarke, one bond for		1,000
	J. W. Burke, four bonds for \$1,000 each,		4,000
	B. M. Makepeace, one bond for		1,000
	T. B. Peterson & Bro., for Counterfeit Detector and Bank Note List,		3
	Western Union Telegraph Company, for telegrams sent and received in April,		5 69
	Nichols, Gorinan & Neathery, for printing Law and Equity Reports,		459 37
	J. N. Bunting, Superior Court Clerk, cost in suit of State of North Carolina <i>vs.</i> Tax Collector of Cherokee County,		8 75
	Thomas Bashford, for thirty nights as watchman in Capitol,		45
	Oscar Hooks, for bottoming two chairs for Capitol,		2
	Alex. Moore, for services rendered Keeper of Capitol in April,		20
	E. H. Hay, former Sheriff of Wake County, for bill of cost in case of State <i>vs.</i> Fannie Bowen and others,		6 40
	Henderson Index, for publishing Public Treasurer's notice to Sheriffs and Tax Collectors,		5
	John Armstrong, for binding sundry books for State Library,		69
	Southern Express Company, for freight on packages for Executive and Comptroller's Departments,		3 10
	J. H. Enniss, for one blank book for Treasurer's office,		4 75
	Southern Express Company, for freight on package for State Library,		2
	Selby & Dulaney, for bill of stationery, as per account rendered,		1,105 23
	Raleigh & Gaston Rail Road Company, freight on fifty bundles paper,		33

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
May.	Raleigh & Gaston Rail Road Company, freight on three boxes of stationery for Secretary of State,	\$	7 65
	John Armstrong, for one dozen Blank Books for Judges of Supreme Court,		18
	Sol. Bragg, for attendance one month in Supreme Court Clerk's office and State Library,		8
	Sentinel Office, for printing for Public Treasurer,		19 50
	D. G. Conn, Superintendent, for sundry expenses incurred in Capitol,		8 50
June.	Sol. Davis, commutation for an arm,		50
	Jas. W. Callaway, " " " "		50
	Nicholas Bolling, " " a leg,		70
	Chas. L. Johnson, " " an arm,		50
	Jno. A. Waters, commutation for a leg,		70
	W. W. Lenoir, " " " "		70
	Dr. E. B. Haywood, for four days' services as Examiner of disabled soldiers,		20
	W. H. Bagley, Private Secretary, for the expenses of the Board of Internal Improvements,		108
	R. H. Battle, for two days as Commissioner of Claims,		10
	H. W. Husted, for two days as Commissioner of Claims,		10
	R. H. Battle, for two days as Commissioner of Claims,		10
	H. W. Husted, for two days as Commissioner of Claims,		10
	T. H. Hill, for four days as Clerk to Commissioners,		12
	S. W. Burgin, Comptroller, his second quarter's salary for 1868,		375
	W. W. Holden & Son, for printing for Convention,		1,534 15
	Jas. Heaton, Clerk to Convention,		288
	J. C. Harrison, for publishing the address of Rodman and Gahagan, and advertising new Constitution, &c.,		421
	C. A. Frasier, agent Union Republican, for publishing the Constitution and ordinances of the Convention,		386 56
	Jonathan Worth, Governor, his second quarter's salary for the year 1868,		1,000

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
June.	W. H. Bagley, Private Secretary, his second quarter's salary for the year 1868,	\$	250
	Geo. H. Snow, Clerk, his second quarter's salary for the year 1868,		300
	J. T. Busbee, Messenger, his second quarter's salary for the year 1868,		125
	S. H. Young, Treasurer, balance of appropriation for the Institution of the Deaf and Dumb and the Blind, for the present year,		4,650
	W. P. Caldwell, Solicitor 6th Circuit, 2 double and 1 single Certificates,		100
	Anderson Mitchell, Judge, his 1st half-year's salary, and 2 extra Courts,		1,430
	J. G. Martin, Solicitor <i>pro tem.</i> 8th Circuit 2 Certificates,		40
	E. J. Warren, Judge Superior Court, his 1st half-year's salary, less \$100 failure to attend one Court,		1,150
	W. T. Fairecloth, Solicitor 2d Circuit, 11 Certificates,		220
	E. B. Freeman, Supreme Court Clerk, his 1st half-year's salary and recording 2,015 pages,		1,131 75
	S. H. Rogers, Attorney General, for his services June Term Supreme Court,		100
	W. M. Shipp, Judge Superior Court, his 1st half-year's salary,		1,250
	J. G. Martin, Solicitor 8th Circuit, 3 Certificates,		80
	E. H. Ray, former Sheriff Wake County, tax overpaid by him and ordered to be refunded by County Court of said County,		11
	R. W. Hardie, Sheriff of Cumberland County, tax overcharged and ordered to be refunded by County Court of said County,		190 07
	Russell, Ellis & Co., of New Hanover County, tax overpaid by them and ordered to be refunded by County Court of said County,		71 82
	Russell & Ellis, of New Hanover County, tax overpaid by them and ordered to be refunded by County Court of said County,		140 43
	S. M. Warren, Tax Collector Wilson County, tax		

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868. June.	overpaid by him and ordered to be refunded by said County,	\$	100 95
	R. W. Best, Secretary of State, his 2d quarter's salary for 1868,		312 50
	Andrew Syme, Clerk to Secretary of State, his 2d quarter's salary for 1868,		188 50
	E. J. Hale & Son, New York, for Revised Statutes at large for State Library,		29
	D. G. Conn, Keeper of Capitol, his 2d quarter's salary for 1868,		125
	K. P. Battle, Public Treasurer, his 2d quarter's salary for the year 1868,		500
	E. F. Page, Clerk, his 2d quarter's salary for the year 1868,		187 50
	Sundry persons, for interest on State Coupon Bonds,		25,074
	Hesselbach and Mahler, for sundry weights and measures as per bill rendered,		1,203 80
	W. U. Telegraph Company, for telegrams sent and received by Public Treasurer,		12
	Thomas Bashford, as Watchman in Capitol 31 nights,		46 50
	Raleigh Gas Light Company, for gas consumed in Capitol from April 1st to June 1st,		23 20
	Southern Express Company, for freight on package for Public Treasurer,		4 40
	Nichols, Gorman & Neathery, for printing index and title page to Phillips' Supreme Court Reporter,		186
	Nichols, Gorman & Neathery, for printing for sundry officers in Capitol,		43
	T. H. Hill, as Clerk in Executive Department in collecting public archives and arranging same,		108
	D. G. Conn, for sundry repairs in Capitol,		18 50
	Thomas H. Briggs, for repairing and painting book case in Supreme Court room,		14 25
	Selby & Dulany, for stationery as per bill rendered,		2,061 50
	K. B. Waitt, for repairing Arsenal,		445
	J. W. Johnston, for balance of his account for surveying and making plots of the City of Raleigh,		

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
June.	and sundry lots belonging to the State around Raleigh,	\$	84
	D. F. Caldwell, for subscription for Greensboro Patriot,		1 80
	J. B. Neathery, for binding 6 vols. Phillips' Supreme Court Reports for Judges, and 1 vol. each of Phillips' Law and Equity,		17
	H. Mahler, for seals and press for Warren Superior and County Courts,		30
	Sentinel Office, for printing for Treasury Department,		4 50
	D. G. Conn, for expenses incurred in Capitol,		25 50
	Briggs & Dodd, for material and work done in Capitol,		39 62
	Lougee & Bro., for tin box for Treasurer's office,		6
	K. B. Waitt, for balance of account for repairs in Arsenal,		92
	H. Bell, for repairing sundry locks and making keys for doors in Capitol,		13 50
	D. C. Murray, for one-half dozen microscopes,		8 25
	Nichols & Gorman, for printing abstracts for Clerks of Courts and Sheriffs,		36
	J. H. Enniss, for one-half ream account paper for Treasurer's office,		5
	A. Miller, P. M., for postage account for sundry officers in Capitol,		161 90
	Solomon Bragg, for services in Supreme Court Clerk's office and State Library for 1 month,		8
	Selby & Dulany, for stationery as per bills rendered,		463 27
	John Armstrong, for lettering 75 volumes in State Library, and binding 2 volumes Phillips' Reports,		5 75
	Alex. Moore, for 2 months' services rendered Keeper of Capitol,		40
July.	George H. Snow, for services rendered as Superintendent of the Artificial Limb Department,		50
	Edward F. Burkhart, commutation for an arm,		50
	W. W. Holden & Son, for composition on Journals, and on Ordinances, paper and covers for same, press work, binding, &c.,		4,276 48

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868. July.	A. H. Jones, Publisher Asheville Pioneer, for advertising Constitution of North Carolina,	\$	522
	Geo. Z. French, Publisher Wilmington Post, for publishing the Constitution and Ordinances,		315
	R. M. Pearson, Chief Justice of the Supreme Court, for his second quarter's salary for the year 1868,		625
	W. H. Battle, Associate Justice of the Supreme Court, his second quarter's salary for the year 1868,		625
	E. G. Reade, Associate Justice of the Supreme Court, for his second quarter's salary for the year 1868,		625
	James Litchford, for services rendered by him as Marshal of the Supreme Court,		72
	Samuel F. Phillips, for first half-year's salary as Reporter to the Supreme Court,		300
	Johnston Jones, for services rendered Supreme Court,		20
	R. W. Best, Secretary of State, for balance of salary to 4th July, 1868,		13 88
	H. D. Coley, State Librarian, his second quarter's salary for the year 1868,		175
	E. J. Hale & Sons, for sundry books for the Supreme Court Library,		7.15
	D. W. Bain, Chief Clerk to Public Treasurer, for second quarter's salary for the year 1868,		375
	R. J. Mason, keeper of weights and measures, for second quarter's salary for the year 1868,		50
	Nichols & Gorman, for printing Commissions for Executive Department,		2 50
	Western Union Telegraph Company, for telegrams sent and received by Public Treasurer and Secretary of State,		15 36
	R. W. Best, for contingent expenses from January 1st to June 30th, 1868,		25 45
	D. G. Conn, Superintendent, for expenses incurred in Capitol,		10 25
	Thos. Bashford, for 30 nights as Watchman in Capitol,		45
	S. M. Parrish, for painting roof of Arsenal,		35

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
July.	D. G. Conn, Superintendent, to pay sundry persons for assistance in Capitol on 4th July,	\$	42
	Southern Express Company, for freight on packages for Public Treasurer and State Library,		2
	R. W. Best, for one bucket,		1 50
	Sundry persons, interest on State Coupon Bonds:		
	John C. Washington,	1,170	
	T. H. Lassiter, for Wm. Gordon,	420	
	Jacob Eller, commutation for an arm,	50	
	Sol. Bragg and others, for labor and expenses incurred in Capitol,	53	37
	S. W. Burgin, Comptroller, balance due him on his third quarter's salary for the year 1868,	74	90
	Geo. O. Spooner, Clerk, for 16 days' services as Clerk to the Convention,	60	
	T. A. Byrnes, Secretary, for getting up Journals, superintending printing and distributing same,	240	
	W. R. Richardson, Private Secretary to Governor,	44	32
	Thos. Hartfield, for 11 days' services as Clerk in Executive Department,	36	66
	H. B. Guthrie, Sheriff of Orange County, for taxes overpaid by him and refunded by the Treasurer,	86	96
	H. B. Guthrie, Ex-Sheriff of Orange County, being penalty of \$1,000 and commissions \$257.98 allowed him by Convention of North Carolina, ratified March 6th, 1868,	1,267	98
	W. B. Rodman, for labor performed in preparing Code during month ending June 30th, 1868,	200	
	V. C. Barringer, for labor performed in preparing Code during month ending June 30th, 1868,	200	
	A. W. Tourgee, for labor performed in preparing Code during month ending June 30th, 1868,	200	
	H. B. Guthrie, for mileage and per diem for settling taxes due the State for the year 1865 from Orange County,	15	67
	Andrew Syme, for special services in the office of Secretary of State, 22 days, at \$4 per day,	88	
	D. G. Conn, for balance of salary due him as Keeper of State House,	20	83
	Kemp P. Battle, Public Treasurer, for balance of salary to 8th July, 1868,	38	85

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
July.	E. F. Page, Clerk to Treasurer, for balance of salary to 8th July, 1868,	\$	14 70
	Western Union Telegraph Company, for telegrams sent and received by Secretary of State,		6 74
	Frank O'Donnell, for repairing lamp in Capitol Square,		2 40
	Raleigh and Gaston Rail Road Company, for freight on sundry packages for Secretary of State,		51 30
	D. G. Conn, Superintendent, for expenses incurred in Capitol,		6 25
	Maguire & Nolan, for building stand and superintending 4th of July celebration,		268 19
	Nichols & Gorman, for printing letter heads for Secretary of State, parchments for Legislature, and blanks for Supreme Court Clerk's office,		38 50
	Selby & Dulany, for bill of stationery bought by H. J. Meminger, Secretary of State,	1,846	02
	Sol. Bragg, for services rendered in Supreme Court Clerk's office and State Library,		3
	Raleigh and Gaston Rail Road Company, for freight on stationery,		33 05
	North Carolina Institution for the Deaf, Dumb and the Blind, for printing and binding sundry documents for use of offices in Capitol during the year 1868,		644 38
	Raleigh and Gaston Rail Road Company, for freight on 17 packages and 4 boxes for Secretary of State,		8 08
	Southern Express Company, for freight on election returns forwarded from Charleston, South Carolina,		30 30
	Square & Compass, for printing done for Secretary of State,		7 15
	W. H. Thompson, for 1 Clock for Senate Chamber,		25
	Raleigh and Gaston Rail Road Company, for freight on 3 boxes for Secretary of State,		5 83
	Wm. Simpson, for drafting Map of City of Raleigh, per order of Board of Public Buildings,		30
	Raleigh Gas Light Company, for gas consumed in Capitol during the month of June, 1868,		45 60

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
July.	Thos. Bashford, for services as night Watchman in Capitol from 1st to 16th July, 1868,	\$	22 50
	Southern Express Company, for freight on 5 boxes from Charleston, South Carolina,		39 10
	G. W. Perry, for moving belfry and cleaning ground,		35 75
	W. W. Holden & Son, for printing done for sundry officers in Capitol, and printing sundry documents for General Assembly,		283 42
	Hart & Lewis, for Water Cooler for Secretary of State,		5 50
	R. T. Boshier, for paints, oil, &c., for Capitol,		58 50
	R. T. Boshier, for painting rooms in State House,		90
	J. H. Emiss, for account book for Treasurer's Office,		2
	Southern Express Company, for freight on packages for use of State Library,		4 25
	Rufus R. Harrison, for five days' services in Executive and other Departments,		5
	Branson & Jones, for two Record Books,		12
	C. W. D. Hutchings & Bro., for one Mail Bag,		6
	John J. Maguire, for moving weights and measures,		15
Aug.	Jacob Franklin, commutation for a leg,		70
	Henderson Adams, Auditor, on account of salary to August 1st, 1868,		113 33
	Henderson Adams, Auditor, as salary for the month ending August 31st, 1868,		200
	Solomon Bragg and others, for services rendered on Capitol Square,		82 25
	Sundry members of the General Assembly as follows:		
	J. C. Abbott, Member,		172 20
	John J. Sawyer, Engrossing Clerk,		42
	Benjamin Durrfee, " "		42
	J. W. Bowman, Member,		448
	David Proffitt, "		452
	S. W. Wilson, "		434
	P. Hodnett, "		392
	Jno. O. Hicks, "		536
	W. W. Gilbert, "		438 80

AUDITOR'S STATEMENT.

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$
Aug	Robert Crossan, Messenger,	21
	D. S. Ellington, Member,	384
	J. W. Clayton, “	476
	J. W. Etheridge, “	446
	R. P. Matheson, “	408
	J. B. Respass, Senator,	406
	J. R. Ellis, Member,	416
	J. H. Renfrow, “	376
	Edwin Legg, Senator,	402 80
	A. H. Galloway, “	399 60
	J. T. Harris, Member,	350
	H. C. Cherry, “	382 40
	J. H. McLaughlin, Senator,	400
	Thomas J. Chandler, Reading Clerk,	455 60
	R. D. Whitley, Member,	409 20
	W. Ames, “	366
	P. D. Robins, “	428
	J. B. Abbott, Assistant Doorkeeper,	332
	W. T. J. Hayes, Member,	377 60
	F. G. Moring, “	341 60
	W. W. Grier, “	406
	J. Dixon, “	372
	L. D. Wilkie, “	387 20
	J. M. Lindsey, Senator,	378 80
	J. J. Rea, Member,	440 40
	Matt. Carson, “	426
	Edgar Miller, Doorkeeper,	338
	J. J. Smith, Member,	440
	E. T. Snipea, “	396
	Cuffee Mayo, “	360
	J. M. Justice, “	438 80
	J. H. Williamson, “	350 80
	E. W. Pou, “	346
	D. Hodgkin, “	370 80
	L. A. Mason, Senator,	416
	E. K. Proctor, Member,	417 20
	J. S. Leary, “	392
	Isam Sweat, “	392
	R. Short, “	406 40
	S. P. Smith, Senator,	416
	T. M. Argo, Member,	342

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$	
Aug	Jonas Hoffman, Member,	416	
	J. B. Evans, Senator,	440	
	Hugh Downing, Member,	412	40
	D. Ingram, “	440	
	J. P. Vest, “	383	
	W. B. Siegrist, “	420	
	W. G. Candler, “	457	20
	J. A. Moore, “	360	
	Byron Laffin, “	406	40
	T. A. Sykes, “	434	80
	R. C. Parker, “	390	
	J. T. Reynolds, “	395	60
	S. C. Barnett, “	361	60
	J. R. Simonds, “	616	
	J. R. Mendenhall, “	378	
	W. B. Ferebee, “	426	40
	J. W. Ragland, “	346	40
	John Gatling, “	416	
	G. W. Stanton, “	370	40
	E. T. Blair, “	378	80
	T. C. Humphries, “	428	80
	Jo. W. Holden, Speaker of the House,	480	
	Jeptha White, Member,	336	
	Plato Durham, “	428	40
	L. G. Estes, “	386	
	W. D. Justus, “	455	20
	A. S. Seymour, “	380	
	J. E. A. Waldrop, “	448	
	B. D. Morrill, “	402	
	R. Falkner, “	361	60
	Sundry persons, for expenses in escorting the body of the late Hon. Lorenzo D. Hall to its final rest- ing place as follows:		
	W. L. Love,	9	
	James L. Harrington,	20	75
	J. S. Leary,	13	05
	J. H. Boner, Principal Clerk in House,	386	
	E. A. White, Senator, for expenses incurred in ac- companying the corpse of Hon. L. D. Hall to Warsaw,		14 05
	Henry Barnes, Member,	438	20

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$	
Aug.	D. Ingram, Member,	49	
	T. M. Argo, "	49	
	S. D. Wilkie, "	49	
	D. D. Colgrove, Senator,	437	40
	T. Farrow, Member,	411	
	A. L. Hendricks, "	465	80
	T. M. Shaver, "	445	
	J. M. Lindsay, Senator,	49	
	Parker D. Robbins, Member,	49	
	James Sinclair, "	465	
	J. J. Rea, "	49	
	John Gatlin, "	49	
	J. P. Gibson, "	446	20
	J. J. Smith, "	49	
	G. A. Graham, "	455	80
	T. C. Humphries, "	49	
	D. P. Higgin, "	455	80
	S. D. Franklin, "	387	40
	P. F. Beeman, Senator,	470	
	W. Ames, Member,	49	
	J. B. Long, "	395	
	W. B. Ferebee, "	49	
	J. C. Williams, "	429	
	W. L. Love, Senator,	582	60
	W. M. Moore, "	495	
	P. Hodnett, Member,	49	
	T. J. Jarvis, "	499	
	J. L. Robinson, "	582	60
	R. I. Wynne, Senator,	399	80
	A. W. Stevens, Member,	437	
	E. K. Proctor, "	49	
	Joel Ashworth, "	436	20
	R. T. Long, "	453	80
	M. Carson, "	49	
	J. S. Leary, "	49	
	G. W. Price, "	401	80
	J. P. Vest, "	49	
	B. D. Morrill, "	49	
	Jno. L. Smith, "	475	
	J. A. Hawkins, "	445	
	G. P. Peck, "	431	80

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$	
Aug.	Isam Sweat, Member,	49	
	W. T. Gunter, "	395	
	J. A. Kelley, "	445	50
	J. G. Hort, for clerical services,	56	
	B. W. Morriss, Member,	429	
	Israel Abbott, Assistant Doorkeeper to House,	42	
	J. T. Harris, Member,	49	
	J. H. Crawford, "	405	
	J. W. Beasley, Senator,	483	
	E. Miller, Doorkeeper,	42	
	A. S. Seymour, Member,	49	
	J. T. Reynolds, "	49	
	R. C. Parker, "	49	
	E. T. Snipes, "	49	
	J. R. Mendenhall, "	49	
	J. H. Renfrow, "	49	
	J. Hoffman, "	49	
	J. A. Moore, "	49	
	J. R. Simonds, "	49	
	W. W. McCandless, "	444	60
	L. B. Banner, "	496	60
	J. T. Pearson, "	405	
	W. B. Richardson, Senator,	415	
	T. A. Sykes, Member,	49	
	J. T. Pearson, for expenses incurred in accompany- ing remains of Senator Hall to their final resting place,		4 ⁷⁵
	W. T. J. Hayes, Member,	49	
	J. E. O'Hara, Engrossing Clerk,	370	40
	W. A. Moore, Senator,	444	20
	B. R. Hinman, Member,	399	80
	Byron Laffin, "	49	
	J. A. Hymen, Senator,	410	20
	R. W. Lassiter, "	407	20
	J. H. Boner, Principal Clerk,	49	
	N. B. Bellamy, Senator,	436	20
	P. A. Wilson, "	429	
	P. A. Long, "	434	20
	G. W. Welker, "	417	
	Wm. M. Robbins, "	437	
	H. E. Stilley, Member,	443	40

PUBLIC FUND RECEIPTS.—(Continued.)

1868.			
Aug.	Henry Eppes, Senator,	8	425
	W. W. Boddie, Member,		427
	T. M. Shoffner, Senator,		418
	Geo. Kinney, Member,		432 60
	T. W. Vestal, "		454 20
	J. W. Purdie, Senator,		463 40
	S. Forkner, "		447
	T. J. Candler, Assistant Clerk,		49
	R. D. Whitley, Member,		49
	J. W. Ragland, "		49
	Wilson Carey, "		445
	Wm. Barrow, Senator,		429
	W. W. Grier, Member,		49
	Plato Durham, "		49
	T. Farrow, "		49
	S. G. Horney, "		423
	T. A. Nicholson, "		457 40
	R. Short, "		49
	A. C. Wiswall, "		469
	W. D. Justus, "		49
	G. W. Stanton, "		49
	G. F. Davidson, "		449
	Jno. G. Allison, "		403
	Joseph Dixon, "		49
	J. B. Respass, Senator,		49
	Silas Burns, "		397 80
	E. F. Martin, Page to the Senate,		218 60
	T. L. Moring, Member,		49
	L. G. Estes, "		49
	Wm. Hardie, Page to the House,		165
	David W. Harris, Page to the House,		165
	Edward Miller, Doorkeeper to the House,		55
	E. W. Pou, Member,		49
	W. Cawthorn, "		410 60
	Ivy Hudgins, "		428 20
	Abel Kelley, "		401
	Cuffee Mayo, "		49
	J. H. Williamson, "		49
	S. C. Barnett, "		49
	R. Forkner, "		49
	F. Thompson, "		429 50

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.		\$	
Aug.	D. Hodgkin, Member,	49	
	N. E. Armstrong, "	423	80
	W. C. Siegrist, "	49	
	D. S. Ellington, "	49	
	C. Melchor, Senator,	449	
	Lafayette Green, Member,	449	
	W. D. Jones, Senator,	391	
	J. Barnes, "	415	40
	D. J. Rich, "	455	40
	James Blythe, "	591	80
	O. S. Winstead, "	409	
	J. C. L. Harris, Assistant Secretary,	385	
	F. G. Martindale, Senator,	489	
	O. S. Hayes, "	474	20
	W. H. S. Sweet, "	428	20
	F. W. Gibbs, Assistant Doorkeeper to Senate,	444	20
	W. G. Candler, Member,	49	
	G. W. Gahagan, "	509	
	H. C. Cherry, "	49	
	R. P. Matheson, "	49	
	J. J. Sawyer, Assistant Engrossing Clerk,	98	
	J. B. Abbott, Doorkeeper,	55	
	F. W. Foster, Member,	461	
	Charles Proctor, Page,	165	
	Hugh Downing, Member,	49	
	E. J. Smith, Assistant Engrossing Clerk,	98	
	A. H. Galloway, Senator,	49	
	T. A. Byrnes, Secretary of Senate,	559	
	Jeptha White, Member,	49	
	E. A. White, Senator,	485	
	J. B. Cook, "	395	
	J. W. Osborne, "	453	
	J. W. Stevens, "	491	
	W. B. Rich, Engrossing Clerk,	455	40
	Mary Hall, widow of late S. D. Hall, Senator,	380	80
	E. Legg, Senator,	49	
	J. F. Waldrop, Member,	49	
	D. W. Harris, Page to the House,	46	40
	J. S. Harrington, Senator,	491	
	J. T. Ball, Doorkeeper to Senate,	385	

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868. Aug.	J. G. Hort, Assistant Engrossing Clerk to the House,	\$	63	60
	Isaac Alston, for 6 days' services in House of Representatives,			9
	J. H. Harris, Member,		385	
	J. M. Justice, "		49	
	J. C. Rhodes, "		408	20
	J. A. McDonald, Enrolling Clerk,		407	
	Charles Hatfield, Assistant Enrolling Clerk,		98	
	Richard Clayton, Member,		477	
	J. W. Holden, Speaker of the House,		70	
	J. H. Boner, for transcribing Journals,		100	
	James Buncombe, for extra services in House,		50	
	C. H. Brogden, Senator,		405	
	J. G. Hort, Assistant Enrolling Clerk,		21	
	J. H. Davis, Senator,		457	
	C. H. Drum, Clerk, for 3 days' services,		21	
	Albert Kilmer, " " 3 " "		21	
	I. Hardie, for 2 days' services in House of Representatives,			6
	C. W. Horner, Treasurer Insane Asylum, for the use of said Asylum,		2,798	43
	Dr. Eugene Grissom, Superintendent of Insane Asylum, for amount over paid August 20th, 1868, for board of Mrs. A. M. Kirkland in said Asylum,			11 01
	W. R. Cox, Solicitor, for attendance at Court in Halifax County August 1st, 1868,			20
	Anderson Mitchell, Judge, for holding a Court of Oyer and Terminer, in Halifax County, in July,			90
	S. H. Walkup, Solicitor, <i>pro tem.</i> , 6th Circuit, for attendance at Superior Court, Spring Term,			20
	W. M. Coleman, Attorney General, on account of salary to August 1st, 1868.		116	68
	W. M. Coleman, Attorney General, as salary for the month ending August 31st, 1868,		125	
	Samuel F. Phillips, for balance due him as Reporter of the Supreme Court of North Carolina,		300	
	R. S. McLean, for tax erroneously charged him on purchase of liquors in Onslow County, during the year 1866,			160

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868. Aug.	S. R. Bunting, former Sheriff of New Hanover County, for errors, over charges, &c., as per certificates,	\$	324	08
	Johnston Jones, Deputy Clerk Supreme Court, on account of license granted T. A. McNeil,			75
	W. H. & R. S. Tucker, as per their receipt for F. J. Hutchings, under resolution of General Assembly,		893	
	R. W. Best, for N. Paige & Co., for printing as per bill rendered,		157	12
	R. K. Ferrell, for amount of claim allowed by an act of General Assembly, ratified August 11th, 1868,		191	13
	H. E. Stilley, for expenses incurred in investigating Caswell County election frauds,		186	50
	P. F. Pescud, for amount of his claim against Insane Asylum,		978	76
	R. W. Best, for N. Paige & Co., for printing as per bill rendered,		78	57
	J. M. Towles, for amount due him as per his receipt,		89	35
	Sundry persons for services as Commissioners of the Code, as follows :			
	V. C. Barringer, for 1 month ending July 31st, 1868,		200	
	W. B. Rodman, for 1 month ending July 31st, 1868,		200	
	A. W. Tourgee, for 1 month ending July 31st, 1868,		200	
	A. W. Tourgee, for 1 month ending August 30th, 1868,		200	
	W. B. Rodman, for 1 month ending August 30th, 1868,		200	
	Nelson Slough, Sheriff of Cabarrus County, for mileage and settling public taxes for the year 1868,			33
	H. J. Menninger, Secretary of State, on account of salary to August 1st, 1868,		173	36
	H. J. Menninger, Secretary of State, as salary for the month ending August 31st, 1868,		200	
	Francis J. Menninger, Clerk in the office of the			

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868. Aug.	Secretary of State, for services from July 4th to August 22d, 1868,	\$	102	08
	S. S. Ashley, Superintendent of Public Instruction, for 29 days' services to August 1st, 1868,		193	33
	S. S. Ashley, Superintendent of Public Instruction, his salary for the month ending August 31st, 1868,		200	
	C. L. Harris, Superintendent Public Works, on account of salary to August 1st, 1868,		193	34
	C. L. Harris, Superintendent Public Works, as salary for the month ending August 31st, 1868,		200	
	A. D. Jenkins, Clerk in Treasury Department, as salary from July to August 22d, 1868,		93	75
	N. Paige & Co., for printing for the State Department,		158	30
	W. B. Starke, Manager Western Union Telegraph Company, for messages sent and received by Executive and State Departments,		73	81
	John Harrison, for making 2 screens for offices of Superintendent of Public Works and Attorney General,		7	
	Alex. Moore, for services rendered to the several Departments as servant in month of July, 1868,		22	50
	Southern Express Company, for freight on package of books,		4	85
	N. Paige & Co., for printing for Code Commissioners,		78	56
	Southern Express Company, for freight on sundry packages,		11	80
	N. Paige & Co., printing for State Department,		125	90
	Eli Williams, for repairing 4 gates around Capitol Square,		11	50
	C. H. Belvin, for Post Master, for postage stamps furnished Treasury Department,		6	
	Southern Express Company, for freight on package of Bonds from New York, and 2 boxes from Charleston, &c.,		36	30
	Solomon Bragg, for services rendered in Supreme Court Rooms and State Library,		5	
	Handy Lockhart, for 45 desk locks for Senate			

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
Aug.	Chamber, and 24 desk locks for House of Representatives,	\$	52
	Southern Express Company, for freight on packages from Charleston,		2
	American Bank Note Company, for alterations to plates of Coupons, furnishing Bonds, &c., as per bill,		1,820 30
	N. Paige & Co., for printing for Code Commissioners,		373 15
	Friday Jones, for services rendered as Watchman at Capitol,		45
	E. Busbee, for removing wood and cleaning out wood house on Capitol Square,		6
	Jacob Horne, for 12 days' painting in office of Secretary of State,		30
	Raleigh Gas Light Company, for gas consumed in Capitol from July 1st to August 1st, 1868,		71 20
	W. H. Morris & Co., for 3 yards oil cloth and covering desk,		4
	K. B. Waitt, for 1 metallic casket for L. D. Hall, and putting up body, &c.,		1 30
	Jacob Horne, for 9 days' painting in Secretary's office,		22 50
	Williams & Lambeth, for 1 extra bound blank book,		1 10
	John Armstrong, for 1 letter and 1 bond book for Executive office,		32 50
	D. J. Prunyn, for 105 cords wood and delivering, cutting, splitting and piling same,		525
	M. Rosenbaum, for shrouding for the late L. D. Hall,		24 75
	Phil. Thiem, for ice furnished Capitol, 9 office caskets, drawing instruments, &c.,		222 08
	Southern Express Company, for 1 seal of State and freight on seal and books,		29 45
	N. Paige & Co., for printing for State Department,		194 80
	A. W. Fraps, for ice furnished House of Representatives,		89 05
	C. Irvin, for repairs on door of office of Superintendent of Public Works,		1
	R. R. Harrison, for taking up and putting down		

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.	carpets in office of Superintendent of Public Instruction,	3 50
	H. T. Clawson, for furnishing rings for damask curtains in House of Representatives,	2 50
	E. Miller, for services rendered in removing furniture in sundry rooms in Capitol,	16
	Phil. Thiem, for 960 pounds ice,	48
	S. Pocher, 6 days' work on Library,	6
	E. Miller and others for services rendered in offices of Auditor and Superintendent of Public Instruction,	4 50
	Raleigh & Gaston Rail Road Company, for freight on 12 bundles chairs and 1 box of office furniture,	72 07
	H. J. Menninger, for expenses in purchasing stationery in New York,	72
	A. Hardie, for 2 gilt signs for Auditor's office and 2 for Attorney General's office,	10 50
	James Simmons, for cleaning out well at Capitol,	5 50
	W. H. Thompson, for cleaning out and repairing clock,	3
	W. H. & R. S. Tucker & Co., for goods furnished the State by order of Secretary of State, as per bill rendered,	1,018 66
	Southern Express Company, for freight on packages for State Library,	5 80
	J. H. Eaniss, for map of North Carolina,	10
	Sol. Bragg and others, for labor on Capitol Square,	17 50
	Raleigh & Gaston Rail Road Company, for freight and cartage on 2 boxes stationery,	5
Sep.	L. Pulliam for S. J. Sexton, commutation for an arm,	50
	David Burkhart, for commutation for an arm,	50
	John Armstrong, for binding, stitching, &c., Journals and Documents,	655 50
	Solomon Bragg and others, for 24 days' labor on Capitol Square,	17 50
	Solomon Bragg and others, for labor in Capitol Square 67 days,	62 25
	W. R. Richardson, Clerk of Executive Department, salary from July 15th to September 30th,	243 33

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868. Sept.	Henry Sauls, Messenger for Executive Department, his salary from 8th July to September 30th,	\$	115 06
	W. W. Holden, Governor, amount of appropriation made by General Assembly for the purpose of furnishing the Executive Mansion,		5,000
	J. H. Davis, Representative from Carteret County,		444 20
	C. W. Horner, Treasurer Insane Asylum,		11,208 34
	Sundry persons, interest on State Coupon Bonds,		23,598
	A. H. Joyce, Solicitor 8th Circuit Fall Term, 1868,		40
	Q. F. Neal, Solicitor <i>pro tem.</i> 11th Circuit,		40
	J. J. Martin, Solicitor Tyrrell County,		40
	W. R. Cox, Solicitor for Franklin, Johnston and Warren Counties,		120
	Wm. M. Coleman, Attorney General, for 1 month's salary to 30th Sept.,		125
	Wm. M. Coleman, for expenses incurred in going and returning to Halifax County on business connected with the Adjutant General's Department,		44
	N. Paige & Co., for printing as per bill rendered,		1,230 96
	E. Hunt, for amount tax overpaid by him on colored polls,		3
	W. H. Brown, for amount tax overpaid by him on merchandise,		9 45
	Paid sundry persons sums allowed them under a resolution of the General Assembly, ratified August 24th, 1868, as follows:		
	W. E. Anderson,		208 33
	Jno. Tighe,		75
	R. K. Ferrell,		208 33
	F. T. Fuller,		354 16
	John F. Curfman,		291 66
	Mrs. Lucy Thomas,		70
	Eliza Bell,		50
	Kate Dunlop,		208 33
	John McAlister, Admr.,		113 33
	F. Y. Fuller,		84
	W. Stell,		58 16
	E. C. Fisher,		1,041 66
	J. R. Walker,		87 50
	Jas. Dupree,		58 16

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868.			
Sept.	R. W. Hobgrove,	\$	58 16
	Wm. Yates,		58 16
	Elizabeth Smith,		35
	Martha Burnett,		20
	M. S. Ferrell,		58 16
	W. A. Markham,		58 16
	Joseph T. Backalan, Coroner, under Resolution of General Assembly,		17 40
	James W. M. Grayson, for the arrest of Thomas Dula,		62 50
	V. C. Barringer, for services as Code Commis- sioner,		200
	Sundry Sheriffs, for settling taxes as follows :		
	D. A. Spivey, Tax Collector Greene County,		17 40
	R. M. White, Sheriff Mecklenburg County,		38
	M. C. Brinkley, " Chowan "		53
	M. Masten, " Forsyth "		27
	W. F. Wasson, " Iredell "		34 60
	R. Stafford, " Guilford "		22 40
	Bland Wallace " Duplin "		23 20
	J. C. Jones, " Alleghany, "		49
	J. Z. Falls, " Cleveland "		50 40
	J. J. Hasty, " Union "		46
	W. Haymore, " Surry "		34 20
	J. Marshall, " Stanly "		39
	A. S. C. Powell, " Sampson "		24 60
	J. Cline, " Catawba, "		38
	H. W. Mays, " Alexander "		38
	R. R. McCall, " Caldwell "		47 20
	W. E. Piercy, " Yancey "		61
	J. C. Griffith, " Caswell "		17
	Jno. Turner, " Orange "		11
	A. Murray, " Alamance "		15
	T. W. Parterson, " Rockingham "		29
	A. G. Tweed, " Madison "		65
	Jno. Barnett, " Person "		15 80
	R. B. Salesbury, " Martin "		31
	V. V. Richardson, " Columbus "		38 40
	J. B. Hare, " Hertford "		41
	W. H. Gentry, " Stokes "		30 60
	W. A. Walton, " Rowan "		29
	S. A. Kelley, " Davie "		33 50

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868					
Sept.	N. R. Jones,	Sheriff	Warren	County,	15 80
	M. Walker,	"	Rutherford	"	55
	J. J. Bradley,	"	McDowell	"	49
	G. N. Lewis,	"	Nash	"	27
	B. F. Briggs,	"	Wilson	"	18
	H. T. Grant,	"	Northampton	"	27
	O. R. Colgrove,	"	Jones	"	32 20
	H. Menninger, Secretary of State, his salary for month of September,				200
	F. J. Menninger, Clerk, his salary for one month and nine days,				107 52
	C. L. Harris Superintendent of Public Works, on account of salary,				200
	A. D. Jenkins, Disbursing Clerk for Treasury Department, salary to September 30th, 1868,				113 38
	S. D. Harrison, for brooms, bowls, pitchers, &c.,				11 55
	John Flagg, for one week's work,				7
	C. L. Harris, for expenses incurred in moving furniture from Ex-Governor Worth's to Executive Mansion,				9 50
	Western Union Telegraph Company, for telegrams for sundry Departments,				26 05
	Raleigh and Gaston Rail Road Company, for freight,				2 38
	D. J. Prunyn, for one hundred cords of wood at \$4.25, cutting fifty cords do. \$37.50,				462 50
	R. M. Douglas, Private Secretary, for sealing twelve hundred State Coupon Bonds,				120
	W. H. & R. S. Tucker & Co., for Carpeting,				423
	W. H. & R. S. Tucker & Co., for Damask and Crape,				82 42
	B. F. Moore, for one dozen Index Digested of Acts of North Carolina,				12
	McPheeters & Co., for stationery, as per bill rendered,				1,185 72
	Southern Express Company, freight on packages from New York,				1
	Nichols & Gorman, for printing ninety-two pages Phillips' Report, &c.,				149 46
	Lubum Thomas and Thomas Skinner, for cleaning halls of Capitol, &c.,				10 50

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868. Sept.	Simon Porcher, for 12 days' work on Libraries,	\$	12
	Raleigh & Gaston Rail Road Company, for freight on four boxes of stationery,		9 58
	Thomas H. Briggs, for glasses, dippers, buckets, &c.,		72 55
	Southern Express Company, freight on sundry packages,		2 25
	Asheville Pioneer, for advertising duties of Clerks of Superior Courts,		135
	Raleigh & Gaston Rail Road Company, for freight on sundry packages,		30 43
	Williams & Haywood, for paint, oil, zinc, &c., as per bill,		47 13
	A. Buncombe, for services in various offices from July 24th to September 1st, 1868,		27 75
	Raleigh Gas Light Company, for gas for Capitol and lamps, from August 1st to September 1st, 1868,		56
	J. Miller and others, for thirty-one and a half days' services in Capitol square,		23 62
	J. C. Harrison, for advertising circulars of Adjutant General in relation to militia,		51
	Southern Express Company, for freight on sundry packages,		9 55
	W. H. Morris & Co., for 2½ yards oil cloth and covering desk,		4 38
	Hatch, Estes & Co., for stationery purchased by Secretary of State,		1,237 58
	W. M. Robbins, for 7 days' services in attendance on Committee to locate Penitentiary,		63 10
	R. W. Lassiter, for services in attendance on Committee to locate Penitentiary,		48 10
	J. H. Harris, for services in attendance on Committee to locate Penitentiary,		43 10
	J. H. Renfrow, for services in attendance on Committee to locate Penitentiary,		62
	J. A. Hyman, for services in attendance on Committee to locate Penitentiary,		55 10
	Raleigh & Gaston Rail Road Company, for freight on sundry packages,		6 56
	McPheeters & Co., for amount of bill of stationery purchased in August and September,		611 16

PUBLIC FUND DISBURSEMENTS.—(Continued.)

1868. Sept.	Handy Lockhart, for making and repairing book stands and sundry other repairs as per bill rendered,	\$	146
	Handy Lockhart, for making 1 case for Superintendent of Public Instruction,		36
	R. R. Harrison, for sewing and putting down carpet in sundry offices in Capitol,		97 50
	Raleigh and Gaston Rail Road Company, for freight on 1 case curtains,		2 57
	Cassy Irvin, for repairing windows in sundry rooms in Capitol,		13
	Southern Express Company, freight on sundry packages,		31 35
	Raleigh & Gaston Rail Road Company, for freight on 32 bundles paper,		28 35
	Frank O'Donnell, for lock and keys for water closet and gas pipe,		62
	E. D. Haynes, for making desk \$30, oil cloth, \$2.89,		32 89
	A. Hardie, for varnishing and graining book cases in sundry offices in Capitol,		33 50
	W. H. & R. S. Tucker & Co., for carpets, damask cornices, &c., as per bill rendered,		573 66
	Williams & Lambeth, for 2 blank books, and binding Roster of North Carolina,		45
	Phil. Theim, for ice and sundry other articles furnished various Departments,		269 65
	Raleigh and Gaston Rail Road Company, for freight on 9 bales paper,		54 81
	Southern Express Company, for freight on packages from various points,		49 40
	R. T. Boshier, for painting and graining furniture in office of Superintendent of Public Instruction,		30
	Mitchell, Allen & Co., for portables with eight feet tubes to each,		60
	Hatch, Estes & Co., for clocks, stationery, &c., purchased by Secretary of State,		1,604 26
	H. Mahler, for seals and press for Superior Courts for sundry Counties,		60

STATEMENT E,

Showing the gross tax for the year 1868, derived from the several subjects of taxation in the Counties of the State, the returns of which are on file in this Department :

NOTE.—The Sheriffs of the Counties of Bladen, Brunswick, Buncombe, Carteret, Cumberland, Gaston, Greene, Haywood, Henderson, Jackson, Johnston, Macon, New Hanover, Onslow, Pasquotank, Pitt, Tyrrell, Wake and Wilkes failed to make settlement within the fiscal year, and the statement of those Counties are omitted.

STATEMENT E.—(Continued.)

1868.	No. 1.—ALAMANCE COUNTY.		
	A. MURRAY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,364 33
	Town Property,		44 23
	White Polls, 391.00, Colored Polls, 131.00,		522
	Wagons and other Farming Implements, 1.46,		
	Household Furniture, 1.40,		2 86
	Agricultural Products,		2 20
	Solvent Credits,		97 21
	Public Bonds and Stocks and Rail Road Shares,		
	123.72, Money, 11.20,		134 92
	Capital in any other Business,		2 70
	Watches, 36.36, Merchandize, 110.74,		147 10
	Gold and Silver Plated Ware,		7 09
	Jewelry, 20c; Pleasure Carriages, 33.43		33 63
	Pleasure Horses,		5 62
	Harps, Pianos, Violins, &c.,		12 53
	Salaries and Fees,		80 91
	Net Income,		66 12
	Purchases of Liquors made in the State,		151 05
	Ready-made Clothing,		21 13
	Hotels, &c., 11.21, Playing Cards, 2.75,		13 96
	Stud Horses and Jackasses,		17 50
	Dirks, Pistols, &c.,		6
	Circus Exhibitions,		25
	Retailers of Spirituous Liquors,		100
	Marriage Licenses,		86 45
	Mortgages, Deeds in Trust, &c.,		3 80
	Deeds for Conveyance of Real Estate,		20 85
	Taxes Levied for State Convention,		774 83
	Gross Amount,	\$	3,744 02
	<i>County Taxes.</i>		
	All County Purposes,	\$	7,051 58

STATEMENT E.—(Continued.)

1868.	No. 2.—ALEXANDER COUNTY.		
	H. W. MAYS, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	639 36
	Town Property,		23 55
	White Polls,		222 50
	Colored Polls,		13
	Wagons and other Farming Implements,		27
	Horses, Mules and other stock,		17
	Household Furniture,		10
	Solvent Credits,	10	
	Public Bonds and Stocks and Rail Roads Shares,		9
	Money,		2 88
	Capital in any other Business,		15
	Watches,		5
	Pleasure Carriages,		5 50
	Harps, Pianos, Violins, &c.,		4 87
	Purchases of Liquors made in the State,		11 25
	Merchandise,		8 96
	Stud Horses and Jackasses,		13
	Dicks, Pistols, &c.,		2
	Circus Exhibitions,		12 50
	Marriage Licenses,		42 75
	Mortgages, Deeds in Trust, &c.,		2 85
	Arrears for Insolvents,		7 50
	Taxes Levied for State Convention,		338 29
	Gross Amount,	\$	1,366 54
	<i>County Taxes.</i>		
	All County Purposes,	\$	2,579 90

STATEMENT E.—(Continued.)

1868.	No. 3.—ALLEGHANY COUNTY.		
	J. C. JONES, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	333 48
	White Polls,		124 50
	Colored Polls,		2 50
	Horses, Mules and other stock,		2 14
	Agricultural Products,		03
	Solvent Credits,		15 47
	Public Bonds and Stocks and Rail Road Shares,		25
	Money,		79
	Watches,		55
	Merchandise,		6 60
	Stud Horses and Jackasses,		6
	Dirks, Pistols, &c.,		3
	Marriage Licenses,		38
	Mortgages, Deeds in Trust, &c.,		1
	Deeds for Conveyance of Real Estate,		4 75
	Taxes Levied for State Convention,		173 37
			712 43
	Gross Amount,	\$	712 43
	<i>County Taxes.</i>		
	All County Purposes,	\$	2,077 95

STATEMENT E.—(Continued.)

1868.	No. 4.—ANSON COUNTY.		
	J. W. WILLOUGHBY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,474 69
	Town Property,		64 37
	White Polls,		270 50
	Wagons and other Farming Implements,		38
	Household Furniture,		1 30
	Solvent Credits,		23 90
	Public Bonds and Stocks and Rail Road Shares,		18 16
	Money,		28 13
	Watches,		34 60
	Gold and Silver Plated Ware,		3 60
	Pleasure Carriages,		59 50
	Harps, Pianos, Violins, &c.,		26 77
	Net Income,		18 40
	Purchases of Liquors made out of the State,		7 30
	Purchases of Liquors made in the State,		38 60
	Merchandize,		34 06
	Ready-made Clothing,		25 80
	Stud Horses and Jackasses,		10
	Dirks, Pistols, &c.,		56
	Deadheads on Rail Roads,		1
	Marriage Licenses, &c.,		102 13
	Arrears for Insolvents,		19
	Taxes levied for State Convention,		809 40
	Gross amount,	\$	3,127 59
	<i>County Taxes.</i>		
	All County purposes,	\$	12,033 05

STATEMENT E.—(Continued.)

1868.	<p>No. 5.—ASHE COUNTY.</p> <p>WM. LATHAM, Sheriff.</p> <p><i>State Taxes.</i></p>	
	Land,	622 54
	Town Property,	18 23
	White Polls,	335 50
	Colored Polls,	19
	Wagons and other Farming Implements,	27
	Horses, Mules and other stock,	8 68
	Solvent Credits,	25 56
	Watches,	3 65
	Gold and Silver Plated Ware,	29
	Pleasure Carriages,	3 02
	Harps, Pians, Violins, &c.,	1 50
	Salaries and Fees,	4 95
	Net Income,	8 25
	Purchases of Liquors made out of the State,	3
	Purchase of Liquor made in the State,	15
	Merchandize,	30 07
	Ready-made Clothing,	1 98
	Stud Horses and Jackasses,	13
	Dirks, Pistols, &c.,	6
	Ten Pin Alleys,	12 50
	Retailers of Spirituous Liquors,	50
	Marriage Licenses,	13 50
	Deeds for Conveyance of Real Estate,	1
	Taxes Levied for State Convention,	320 62
	Gross Amount,	\$ 1,518 18
	<p><i>County Taxes.</i></p> <p>All County Purposes,</p>	

STATEMENT E.—(Continued.)

1868.	No. 6.—BEAUFORT COUNTY.		
	S. T. CARROW, Sheriff.		
	<i>State Taxes.</i>		
	Land, 800.70 ; Town Property, 312.85,	\$	1,113 55
	White Polls, 254.50 ; Colored Polls, 30.50,		285
	Wagons and other farming implements,		85
	Horses, Mules and other stock,		41
	Household Furniture,		3 10
	Solvent Credits,		28 12
	Public Bonds and Stocks and Rail Road Shares,		
	1.00 ; Money, 10.07,		11 07
	Ships, Boats, &c.,		14 58
	Capital in any other Business,		4 84
	Watches, 34.00 ; Jewelry, 2 cents.,		34 02
	Gold and Silver Plated Ware,		3 55
	Pleasure Carriages,		31 30
	Pleasure Horses,		75
	Harps, Pianos, Violins, &c.,		15 82
	Salaries and Fees,		1
	Net Income, 48.04 ; Merchandize, 327.16,		375 20
	Purchases of Liquors made out of State,		559
	Toll Gates, Ferries and Bridges,		133 70
	Commission Merchants,		18 77
	Ready-made Clothing,		53 78
	Brokers, 30.00 ; Playing Cards, 50 cents,		30 50
	Stud Horses and Jackasses,		7 50
	Dirks, Pistols, &c.,		21
	Livery Stables,		9 50
	Retailers of Spirituous Liquors,		300
	Marriage Licenses,		203 30
	Mortgages, Deeds in Trust, &c.,		10 15
	Deeds for Conveyance of Real Estate,		76 24
	Taxes Levied for State Convention,		645 41
	Gross Amount,		3,998 01
	<i>County Taxes.</i>		
	All County Purposes,	\$	10,739 11

STATEMENT E.—(Continued.)

1868.

No. 8.—BURKE COUNTY.

J. T. PATTERSON, Sheriff.

State Taxes.

Land,	\$	782	02
Town Property,		95	65
White Polls, 272; Colored Polls, 101,		373	
Household Furniture,			70
Solvent Credits,		44	02
Public Bonds and Stocks and Railroad Shares,			
5.80; Money, 2.50,		8	30
Capital in any other Business,		8	23
Watches,		21	46
Gold and Silver Plated Ware,		4	23
Pleasure Carriages,		9	85
Pleasure Horses,			45
Harps, Pianos, Violins, &c.,		15	63
Salaries and fees, 10; Net income, 7.50,		17	50
Merchandize,		68	68
Commission Merchants,			1 60
Ready-made Clothing,		17	44
Hotels, &c., 7.75; Playing Cards, 2.25,		10	00
Stud Horses and Jackasses,			6
Dirks, Pistols, &c.,			7
Circus Exhibitions,			25
Ten Pin Alleys,			12 50
Retailers of Spirituous Liquors,		200	
Marriage Licenses,			67
Mortgages, Deeds in Trust, &c.,			2
Deeds for Conveyance of Real Estate,			4 75
Taxes Levied for State Convention,		439	68
Gross Amount,	\$	2,242	68

County Taxes.

All County Purposes, \$ 4,907 91

STATEMENT E.—(Continued.)

1868.	No. 9.—CABARRUS COUNTY.		
	NELSON SLOUGH, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,696 97
	Town Property,		138 29
	White Polls, 400.50 ; Colored Polls, 163,		563 50
	Horses, Mules and other stock,		30
	Household Furniture,		3 97
	Agricultural Products,		28 17
	Solvent Credits,		252 55
	Public Bonds and Stocks and Rail Road Shares, 12.10 ; Money 82.16,		94 26
	Watches,		52 20
	Gold and Silver Plated Ware,		7 71
	Jewelry 15c ; Pleasure Carriages 82.96,		83 11
	Pleasure Horses,		1 50
	Harp, Pianos, Violins, &c.,		22 02
	Salaries and Fees, 13 ; Net Income. 196.45,		209 45
	Purchases of Liquors made out of State,		59 50
	Purchases of Liquors made in the State,		75 15
	Merchandize,		143 88
	Ready-made Clothing,		36 80
	Stud Horses and Jackasses,		23 25
	Dirks, Pistols, &c.,		4
	Circus Exhibitions,		20
	Livery Stables,		16 50
	Retailers of Spirituous Liquors,		100
	Marriage Licenses,		133
	Mortgages, Deeds in Trust, &c.,		13 30
	Deeds for Conveyance of Real Estate,		78 37
	Delinquents for 1867,		5 36
	Taxes Levied for State Convention,		1,187 71
	Gross Amount,	\$	5,050 82
	<i>County Taxes.</i>		
	All County purposes,	\$	8,334 33

STATEMENT E.—(Continued.)

1868.

No. 10.—CATAWBA COUNTY.

J. CLINE, Sheriff.

State Taxes.

Land,	\$	1,422	36
Town Property,		51	33
White Polls,		362	50
Colored Polls,		8	50
Wagons and other Farming Implements,		1	15
Horses, Mules and other stock,			32
Agricultural Products,		1	22
Solvent Credits,		43	87
Public Bonds and Stocks and Rail Road Shares, 5.48; Money, 26.09,		31	57
Capital in any other Business,		10	70
Watches,		19	24
Gold and Silver Plated Ware,			56
Pleasure Carriages,		16	80
Harps, Pianos, Violins, &c.,		8	13
Purchases of Liquors made out of State,		11	30
Purchases of Liquors made in the State,		5	80
Merchandize,		50	76
Ready-made Clothing,		5	58
Hotels, &c.,		14	50
Playing Cards,			50
Stud Horses and Jackasses,		20	
Auctioneers,		10	95
Circus Exhibitions,		25	
Marriage Licenses,		91	20
Mortgages, Deeds in Trust, &c.,		10	20
Taxes Levied for State Convention,		751	31
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Gross Amount,	\$	2,975	35

County Taxes.

All County Purposes,	\$	5,941	93
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STATEMENT E.—(Continued.)

1868.

No. 11.—CASWELL COUNTY.

J. C. GRIFFITH, Sheriff.

State Taxes.

Land,	\$ 2,210 50
Town Property,	137 20
White Polls, 322.50; Colored Polls, 461,	783 50
Household Furniture,	3 95
Agricultural Products,	1 15
Solvent Credits,	125 61
Public Bonds and Stocks and Rail Road Shares, 37.70; Money, 52.81,	90 51
Capital in any other Business,	40
Watches,	50
Gold and Silver Plated Ware,	6 95
Jewelry,	37
Pleasure Carriages,	66 34
Pleasure Horses,	1
Harps, Pianos, Violins, &c.,	27 10
Salaries and fees, 12; Net income, 2.50,	14 50
Purchases of Liquors made out of State,	79 10
Purchases of Liquors made in the State,	40 85
Merchandize,	156 55
Commission Merchants,	60
Ready-made Clothing,	60
Stud Horses and Jackasses,	2 50
Dirks, Pistols, &c.,	10
Retailers of Spirituous Liquors,	50
Non-resident Horse and Mule Drivers,	5
Pedlers,	20
Marriage Licenses,	170
Deeds for Conveyance of Real Estate,	10 50
Taxes levied for State Convention,	1,388 11

Gross amount,	\$ 5,512 30
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County Taxes.

All County purposes,	\$ 11,434 20
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STATEMENT E.—(Continued.)

1868.

No. 12.—CALDWELL COUNTY.

R. R. McCALL, Sheriff.

State Taxes.

Land,	\$	843.24
Town Property,		32.87
White Polls,		249.50
Colored Polls,		38.50
Wagons and other farming implements,		40
Horses, Mules and other stock,		71
Household Furniture,		90
Agricultural Products,		11
Solvent Credits,		38.02
Public Bonds and Stocks and Rail Road Shares,		1.99
Money,		6.15
Watches,		8.23
Gold and Silver Plated Ware,		2.73
Pleasure Carriages,		4.82
Harps, Pianos, Violins, &c.,		13.22
Net Income,		3
Purchases of Liquors made out of the State,		29.97
Purchases of Liquors made in the State,		3.42
Ready-made Clothing,		3.33
Stud Horses and Jackasses,		10
Circus Exhibitions,		12.50
Liquor Distillers,		2.13
Non-resident Dentists and Daguerreotypists,		10
Marriage Licenses,		69
Mortgages, Deeds in Trust, &c.,		2
Deeds for Conveyance of Real Estate,		5.50
Taxes levied for State Convention,		51.81

Gross Amount, \$ 1,844.05

County Taxes.

All County Purposes, \$ 2,513.80

STATEMENT E.—(Continued.)

1868.

No. 14.—CAMDEN COUNTY.

A. G. GRANDY, Sheriff.

State Taxes.

Land,	\$	533 56
White Polls,		186 50
Colored Polls,		44 50
Solvent Credits,		28 80
Money,		1 61
Ships, Boats, &c.,		3
National Bank Shares,		13 31
Pleasure Carriages,		9 53
Harps, Pianos, Violins, &c.,		2 62
Net Income,		5
Purchases of Liquors made out of the State.		88 53
Purchases of Liquors made in the State,		12 55
Merchandize,		39 50
Ready-made Clothing,		1 07
Stud Horses and Jackasses,		17
Dirks, Pistols, &c.,		14
Marriage Licenses,		42 75
Mortgages, Deeds in Trust, &c.,		6 65
Deeds for Conveyance of Real Estate,		13 60
Taxes Levied for State Convention,		308 35
		1,372 73
Gross Amount,	\$	1,372 73

County Taxes.

All County Purposes,	\$	3,486 06
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STATEMENT E.—(Continued.)

1868.	No. 15.—CHATHAM COUNTY.		
	G. I. WILLIAMS, Sheriff.		
	<i>State Taxes.</i>		
	Land, 1,944.56; Town Property, 61.84,	\$	2,006.40
	White Polls, 491.00; Colored Polls, 12.00,		503
	Wagons and other Farming Implements,		05
	Household Furniture,		1 40
	Agricultural Products,		28
	Solvent Credits,		31 18
	Public Bonds and Stocks and Rail Road Shares,		
	20c; Money, 14.22,		14 42
	Capital in any other Business,		80
	National Bank Shares,		68
	Watches, 28.25; Hotels, &c., 50c,		28 75
	Gold and Silver Plated Ware,		20 07
	Pleasure Carriages,		35 43
	Pleasure Horses,		1 75
	Harps, Pianos, Violins, &c.,		18 25
	Salaries and Fees,		24
	Net Income,		28 17
	Purchases of Liquors made in the State,		20
	Gates across Highways,		20
	Merchandise,		50 83
	Commission Merchants,		47
	Ready-made Clothing,		21 72
	Stud Horses and Jackasses,		18
	Dirks, Pistols, &c.,		10
	Dead heads on Rail Roads,		2 55
	Retailers of Spirituous Liquors,		150
	Marriage Licenses,		17 10
	Mortgages, Deeds in Trust, &c.,		1 90
	Taxes Levied for State Convention,		1,010 18
	Gross Amount,	\$	4,028.40
	<i>County Taxes.</i>		
	All County Purposes,	\$	10,417.75

STATEMENT E.—(Continued.)

1868.	No. 16.—CHOWAN COUNTY.		
	M. C. BRINKLEY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	714 66
	Town Property,		154 41
	White Polls,		187 50
	Colored Polls,		48
	Household Furniture,		3 90
	Solvent Credits,		19 47
	Public Bonds and Stocks and Rail Road Shares,		17 02
	Money,		5 36
	Capital in any other Business,		3 50
	Watches,		23 60
	Gold and Silver Plated Ware,		9 30
	Pleasure Carriages,		15 46
	Harps, Pianos, Violins, &c.,		9 30
	Salaries and Fees,		16
	Net Income,		8 65
	Purchases of Liquor made out of State,		189 30
	Purchases of Liquor made in the State,		38 55
	Gates across Highways,		10
	Merehandize,		56 64
	Ready-made Clothing,		22 80
	Dirks, Pistols, &c.,		2
	Retailers of Spirituous Liquors,		50
	Non-Resident Dentists and Daguerreotypists,		10
	Marriage Licenses,		86
	Mortgages, Deeds in Trust, &c.,		16 45
	Deeds for Conveyance of Real Estate,		17 81
	Subjects Unlisted,		100
	Taxes Levied for State Convention,		436 31
	Gross Amount,	\$	2,256 09
	<i>County Taxes.</i>		
	All County Purposes,	\$	5,320 23

STATEMENT E.—(Continued.)

1868.

No. 17.—CLEVELAND COUNTY.

J. Z. FALLS, Sheriff.

State Taxes.

Land,	\$	972	48
Town Property,		89	08
White Polls,		333	50
Colored Polls,		26	50
Wagons and other Farming Implements,			74
Horses, Mules and other stock,			20
Household Furniture,			50
Solvent Credits,		30	32
Public Bonds and Stocks and Rail Road Shares,		8	45
Money,		8	80
Watches,		12	98
Gold and Silver Plated Ware,		3	25
Jewelry,			1
Pleasure Horses,		9	68
Harps, Pianos, Violins, &c.,		5	63
Salaries and Fees,			5
Net Income,		28	93
Merchandize,		36	68
Stud Horses and Jackasses,			16
Dirks, Pistols, &c.,			1
Marriage Licenses,		102	62
Mortgages, Deeds in Trust, &c.,			22 09
Taxes Levied for State Convention,		522	97
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Gross Amount,	\$	2,238	40

County Taxes.

All County Purposes,	\$	8,603	53
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STATEMENT E.—(Continued.)

1868.	No. 18.—CLAY COUNTY.		
	JOHN PATTERSON, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	141 45
	Town Property,		1 85
	White Polls,		124
	Colored Polls,		3 50
	Money,		1 65
	Watches,		1 47
	Pleasure Carriages,		75
	Harps, Pianos, Violins, &c.,		38
	Stud Horses and Jackasses,		5
	Dirks, Pistols, &c.,		2
	Distress,		1
	Marriage Licenses, &c.,		21 85
	Taxes Levied for State Convention,		74 80
	Gross Amount,	\$	379 70
	<i>County Taxes.</i>		
	All County Purposes,		

STATEMENT E.—(Continued.)

1868.

No. 19.—COLUMBUS COUNTY.

V. C. RICHARDSON, Sheriff.

State Taxes.

Land,	\$	644	79
Town Property,		24	91
White Polls,		277	50
Colored Polls,		146	50
Wagons and other Farming Implements,			95
Household Furniture,			90
Agricultural Products,			47
Solvent Credits,		23	96
Public Bonds and Stocks and Rail Road Shares,		9	90
Money,		3	27
Watches,		11	77
Gold and Silver Plated Ware,		2	53
Pleasure Carriages,		9	50
Pleasure Horses,		1	37
Harps, Pianos, Violins, &c ,		1	50
Salaries and Fees,		11	57
Net Income,		17	20
Purchases of Liquors made out of the State,		15	05
Purchases of Liquors made in the State,		2	15
Merchandise,		44	49
Commission Merchants,			75
Ready-made Clothing,		11	49
Hotels, &c.,			73
Dirks, Pistols, &c.,		15	
Retailers of Spirituous Liquors,		100	
Marriage Licenses,		120	65
Arrears for Insolvents,		4	
Taxes levied for State Convention,		360	49

Gross Amount, \$ 1,863 39

County Taxes.

All County Purposes, \$ 3,861 39

STATEMENT E.—(Continued.)

1868.	No. 20.—CURRITUCK COUNTY.		
	THOS. F. BAXTER, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	549 79
	White Polls,		305
	Colored Polls,		52 50
	Horses, Mules and other stock,		1 33
	Household Furniture,		20
	Agricultural Products,		50
	Solvent Credits,		3 96
	Money,		4 97
	Watches,		10
	Pleasure Carriages,		12
	Harps, Pianos, Violins, &c.,		37
	Net Income,		5
	Purchases of Liquors made out of the State,		313
	Merchandize,		45
	Commission Merchants,		66
	Ready-made Clothing,		4 75
	Stud Horses and Jackasses,		4
	Dirks, Pistols, &c.,		25
	Marriage Licenses,		49 50
	Mortgages, Deeds in Trust, &c.,		6 65
	Deeds for Conveyance of Real Estate,		16 38
	Taxes Levied for State Convention,		280 06
	Gross Amount,	\$	1,690 62
	<i>County Taxes.</i>		
	All County Purposes,	\$	4,484 31

STATEMENT E.—(Continued.)

1868	No. 21.—CRAVEN COUNTY.		
	A. R. DENNISON, Sheriff.		
	<i>State Taxes.</i>		
	Land, 674.32; Town Property, 640.70,	\$,315 02
	White Polls, 452; Colored Polls, 87.50,		539 50
	Wagons and other Farming implements,		10
	Horses, Mules and other stock,		98
	Household Furniture,		10 05
	Solvent Credits,		85 10
	Public Bonds and Stocks and Rail Road Shares,		17 17
	Money,		9 46
	Ships, Boats, &c.,		7 10
	Capital in any other Business,		40 70
	National Bank Shares, 58.38; Watches, 52.08,		110 46
	Gold and Silver Plated Ware,		11 95
	Jewelry, 18c; Pleasure Carriages, 11.67,		11 85
	Pleasure Horses,		6 30
	Harps, Pianos, Violins, &c.,		46 36
	Salaries and Fees, 146.98, net income, 144.32,		291 30
	Purchases of Liquors made out of State,		381 10
	Purchases of Liquors made in the State,		22 25
	Merch'ndize, 770.09; Commission Merch'ts, 68.67,		838 76
	Ready-made Clothing,		77 03
	Hotels, &c., 31.25; Gas Companies, 44.25		75 50
	Stud Horses and Jackasses,		5
	Auctioneers, 93.02; Dirks, Pistols, &c., 56		149 02
	Dead-heads on Rail Roads,		29
	Traveling Theatrical Companies,		20
	Circus Exhibitions, 25; Brokers, 125,		150
	Itinerants for Amusements,		5
	Retailers of Spirituous Liquors,		120
	Marriage Licenses,		400
	Mortgages, Deeds in Trust, &c.,		28 50
	Delinquents for 1867,		153 43
	Taxes Levied for State Convention,		789 02
	Gross Amount,	\$	5,747 01
	<i>County Taxes.</i>		
	All County Purposes,	\$	12,618 21

STATEMENT E.—(Continued.)

1868.	No. 22.—DAVIDSON COUNTY.		
	J. A. SOWERS, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,899 04
	Town Property,		114 12
	White Polls,		618
	Colored Polls,		70 50
	Wagons and other Farming implements,		61
	Horses, Mules and other stock,		28
	Household Furniture,		45
	Agricultural Products,		16
	Solvent Credits,		95 38
	Public Bonds and Stocks and Rail Road Shares,		4 17
	Money,		19 34
	Watches,		47 50
	Gold and Silver Plated Ware,		1 60
	Pleasure Carriages,		49 08
	Pleasure Horses,		37
	Harps, Pianos, Violins, &c.,		16 85
	Salaries and Fees,		9 60
	Net Income,		9
	Purchases of Liquors made in the State,		34 15
	Merchandise,		78 08
	Ready-made Clothing,		28 61
	Stud Horses and Jackasses,		6 50
	Dinks, Pistols, &c.,		5
	Circus Exhibitions,		20
	Retailers of Spirituous Liquors,		50
	Marriage Licenses,		199
	Taxes Levied for State Convention,		1,082 61
	Gross Amount,	\$	4,459 40
	<i>County Taxes.</i>		
	All County Purposes,	\$	8,693 86

STATEMENT E.—(Continued.)

1868.	No. 23.—DAVIE COUNTY.		
	S. A. KELLY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,445 75
	Town Property,		66 14
	White Polls,		328
	Colored Polls,		140 50
	Household Furniture,		25
	Solvent Credits,		20 90
	Money,		6 10
	Ships, Boats, &c.,		2 78
	Capital in any other Business,		30
	Watches,		45 29
	Gold and Silver Plated Ware,		45
	Pleasure Carriages,		17 50
	Pleasure Horses,		75
	Harps, Pianos, Violins, &c.,		10 30
	Salaries and Fees,		12 25
	Net Income,		10
	Purchases of Liquors made in the State,		120
	Merchandize,		42 23
	Ready-made Clothing,		10 96
	Hotels, &c.,		1
	Playing Cards,		75
	Stud Horses and Jackasses,		14
	Dirks, Pistols, &c.,		9
	Circus Exhibitions,		12 50
	Retailers of Spirituous Liquors,		50
	Liquor Distillers,		80
	Marriage Licenses,		65 55
	Mortgages, Deeds in Trust, &c.,		9 50
	Taxes Levied for State Convention,		645 38
	Gross Amount,	\$	3,168 13
	<i>County Taxes.</i>		
	All County Purposes,	\$	3,220 55

STATEMENT E.—(Continued.)

1868.	No. 24.—DUPLIN COTNTY.		
	BLAND WALLACE, Sheriff.		
	<i>State Taxes.</i>		
	Land, 1,188.46; Town Property, 77.68,	\$	1,266 14
	White Polls, 384; Colored Polls, 235,		619
	Household Furniture,		90
	Agricultural Products,		38
	Solvent Credits,		49 16
	Public Bonds and Stocks and Rail Road Shares,		10
	Money,		6 68
	Capital in other Business,		2 55
	Watches, 36.45; Jewelry, 12c,		36 57
	Gold and Silver Plated Ware,		1 40
	Pleasure Carriages,		35 96
	Harps, Pianos, Violins, &c.,		24 82
	Salaries and Fees,		24 48
	Net Income,		3 50
	Purchases of Liquors made out of State,		43 25
	Purchases of Liquor made in the State,		35 57
	Merchandize,		99 60
	Commission Merchants,		17 08
	Ready-made Clothing,		22 16
	Playing Cards,		75
	Stud Horses and Jackasses,		5
	Auctioneers,		1 03
	Dirks, Pistols, &c.,		29
	Circus Exhibitions,		25
	Non-Resident Horse and Mule Drivers,		67
	Marriage Licenses,		190 95
	Deeds for Conveyance of Real Estate,		4 28
	Delinquents for 1866-'67,		55 26
	Taxes Levied for State Convention,		688 61
	Gross Amount,	\$	3,289 85
	<i>County Taxes.</i>		
	All County Purposes,	\$	9,313 64

STATEMENT E.—(Continued.)

1868.	No. 25.—EDGECOMBE COUNTY.		
	BATTLE BRYAN, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	3,304 27
	Town Property,		244 92
	White Polls, 458.50; Colored Polls, 6.92,		465 42
	Wagons and other Farming Implements,		93
	Horses, Mules and other stock,		18
	Household Furniture,		17 42
	Agricultural Products,		6 30
	Solvent Credits,		287 96
	Public Bonds and Stocks and Rail Road Shares,		4 05
	Money,		103 14
	Ships, Boats, &c., 15c.; Hotels, &c., 29.50,		29 65
	Watches, 110.08; Jewelry, 90 cts.,		110 98
	Gold and Silver Plated Ware,		33 94
	Pleasure Carriages,		149 25
	Pleasure Horses,		21 68
	Harps, Pianos, Violins, &c.,		63 25
	Salaries and fees, 83.62; net income 259.90,		343 52
	Purchases of Liquors made out of State,	1,502	15
	Purchases of Liquors made in the State,	282	46
	Gates across Highways,		20
	Merchandise, 293.31; Playing Cards, 5.75,		299 06
	Commission Merchants,		24 48
	Ready-made Clothing,		146 16
	Stud Horses and Jackasses,		15
	Auctioneers, 8.18; Billiard Tables, 50,		58 18
	Dirks, Pistols, &c., 228; Circus Exhibitions, 25,		253
	Dead-heads on Rail Roads,		2 84
	Retailers of Spirituous Liquors,		350
	Marriage Licenses,		208 05
	Mortgages, Deeds in Trust, &c.,		71 96
	Deeds for Conveyance of Real Estate,		35 15
	Taxes Levied for State Convention,		1,912 64
	Gross Amount,	\$	11,053 07
	<i>County Taxes.</i>		
	All County Purposes,	\$	12,665 43

STATEMENT E.—(Continued.)

1868.

No. 26.—FORSYTH COUNTY.

M. MASTEN, Sheriff.

State Taxes.

Land,	\$	1,210	20
Town Property,		331	62
White Polls,		484	50
Colored Polls,		123	
Wagons and other Farming Implements,		11	58
Horses, Mules and other stock,			45
Household Furniture,		4	55
Agricultural Products,		3	55
Solvent Credits,		224	42
Public Bonds and Stocks and Rail Road Shares,		9	74
Money,		52	03
Capital in any other Business,			7 08
National Bank Shares,		100	
Watches, 43.63, Net Income, 150.35,		193	98
Gold and Silver Plated Ware,			3 42
Pleasure Carriages,		49	58
Pleasure Horses,			2 30
Harps, Pianos, Violins, &c.,		75	45
Salaries and Fees,		73	70
Purchases of Liquors made out of State,			6
Purchases of Liquors made in the State,		98	40
Merchandize,		168	57
Ready-made Clothing,		18	21
Hotels, &c., 5.82; Gas Companies, 7.13,		12	95
Stud Horses and Jackasses,			9
Dirks, Pistols, &c.,			8
Dead-heads on Rail Roads,			6 50
Circus Exhibitions,			50
Marriage Licenses,		130	15
Deeds for Conveyance of Real Estate,			8 55
Taxes Levied for State Convention,		1,107	12

Gross Amount, \$ 4,585

County Taxes.

All County Purposes, \$ 9,810.13

STATEMENT E.—(Continued.)

1868.	No. 27.—FRANKLIN COUNTY.		
	E. A. GUPTON, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,322 31
	Town Property,		151 70
	White Polls, 317; Colored Polls, 22,		339
	Household Furniture,		2 25
	Solvent Credits,		52 03
	Public Bonds and Stocks and Rail Road Shares,		10
	Money,		10 55
	National Bank Shares,		05
	Watches, 34.70; Jewelry, 1.50,		36 20
	Gold and Silver Plated Ware,		11 07
	Pleasure Carriages,		46 85
	Pleasure Horses,		1 25
	Harps, Pianos, Violin, &c ,		30 07
	Salaries and Fees,		6
	Purchases of Liquors made out of State,		77
	Purchases of Liquors made in the State,		69 10
	Merchandize,		96 39
	Commission Merchants,		2 67
	Ready-made Clothing,		35 80
	Hotels, &c., 1.50; Playing Cards, 1.50,		3
	Stud Horses and Jackasses,		3 25
	Dirks, Pistols, &c.,		39
	Circus Exhibitions,		20
	Retailers of Spirituous Liquors,		50
	Marriage Licenses,		172
	Mortgages, Deeds in Trust, &c.,		8
	Deeds for Conveyance of Real Estate,		15
	Taxes levied for State Convention,		785 63
	Gross Amount,	\$	3,386 27
	<i>County Taxes.</i>		
	All County Purposes,	\$	5,522 43

STATEMENT E.—(Continued.)

1868.	No. 28.—GRANVILLE COUNTY.		
	J. I. MOORE, Sheriff.		
	<i>State Taxes.</i>		
	Land, 2,975.13 ; Town Property, 284.57,	\$	3,259 70
	White Polls, 426.50 ; Colored Polls, 26,		452 50
	Wagons and other Farming implements,		77
	Household Furniture,		4 34
	Agricultural Products,		2 64
	Solvent Credits,		105 39
	Public Bonds and Stocks and Rail Road Shares,		1 25
	Money,		21 94
	Capital in any other Business,		4 60
	Watches,		66 57
	Gold and Silver Plated Ware,		11 54
	Pleasure Carriages,		71 92
	Pleasure Horses,		3 37
	Harps, Pianos, Violins, &c.,		50 50
	Salaries and Fees,		50 49
	Net Income,		39 40
	Purchases of Liquors made out of State,		510 20
	Purchases of Liquors made in the State,		79 70
	Merchandize,		179 34
	Ready-made Clothing,		87 98
	Hotels, &c., 9.25 ; Playing Cards, 4.25,		13 50
	Stud Horses and Jackasses,		49
	Dirks, Pistols, &c.,		66
	Dead-heads on Rail Roads,		4 04
	Retailers of Spirituous Liquors,		250
	Non-Resident Dentists and Daguerreotypists, 10 ;		
	Marriage Licenses, 116,		126
	Mortgages, Deeds in Trust, &c.,		7
	Deeds for Conveyance of Real Estate,		20 50
	Taxes Levied for State Convention,		1,784 62
	Gross Amount,	\$	7,324 80
	<i>County Taxes.</i>		
	All County Purposes,	\$	19,000

STATEMENT E.—(Continued.)

1868.	No. 29.—GATES COUNTY.		
	B. F. WILLEY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	753 92
	Town Property,		15 85
	White Polls,	208	
	Colored Polls,	41	50
	Wagons and other Farming Implements,		41
	Horses, Mules and other Stock,		59
	Household Furniture,		27
	Agricultural Products,		60
	Solvent Credits,	13	28
	Public Bonds and Stocks and Rail Road Shares,		32
	Money,		4 50
	Capital in any other Business,		7
	Watches,		17 57
	Pleasure Carriages,		13 40
	Pleasure Horses,		1 25
	Harps, Pianos, Violins, &c.,		8 63
	Salaries and Fees,		10 50
	Net Income,		2 50
	Purchases of Liquors made out of State,		22 18
	Purchases of Liquors made in the State,		29 72
	Merchandize,		28 18
	Ready-made Clothing,		3 87
	Hotels, &c.,		1 75
	Stud Horses and Jackasses,		7 50
	Dirks, Pistols, &c.,		11
	Retailers of Spirituous Liquors,		100
	Marriage Licenses,		86 45
	Deeds for Conveyance of Real Estate,		24 94
	Taxes Levied for State Convention,		423 35
	Gross Amount,	\$	1,839 03
	<i>County Taxes.</i>		
	All County Purposes,	\$	2,413 78

STATEMENT E.—(Continued.)

1868.	No. 30.—GUILFORD COUNTY.		
	R. M. STAFFORD, Sheriff.		
	<i>State Taxes.</i>		
	Land, 2,174.14; Town Property, 371.70,	\$	2,545 84
	White Polls, 677.50; Colored Polls, 233,		910 50
	Wagons and other Farming Implements,		30
	Horses, Mules and other Stock,		15
	Household Furniture,		5 48
	Agricultural Products,		96
	Solvent Credits,		153 79
	Public Bonds and Stocks and Rail Road Shares,		21 03
	Money,		53 69
	Capital in any other Business,		20 10
	Gold and Silver Plated Ware,		9 12
	Pleasure Carriages,		100 10
	Pleasure Horses,		1 25
	Harps, Pianos, Violins, &c.,		47 88
	Salaries and Fees,		135 25
	Watches, 57.40; Net Income, 121.50,		178 90
	Purchases of Liquors made out of State,		40 10
	Purchases of Liquors made in the State,		50 80
	Merchandize, 243.50; Hotels, &c., 5,		248 50
	Commission Merchants,		5 35
	Ready-made Clothing,		23 80
	Brokers, 50; Playing Cards, 1.50,		51 50
	Stud Horses and Jackasses,		22 50
	Dirks, Pistols, &c.,		8
	Dead-heads on Rail Roads,		25 50
	Circus Exhibitions,		145
	Billiard Tables,		50
	Non-Resident Horse and Mule Drivers,		2 87
	Marriage Licenses,		251 75
	Deeds for Conveyance of Real Estate,		9 98
	Delinquents for 1867,		17
	Taxes Levied for State Convention,		1,584 12
	Gross Amount,	\$	6,704 28
	<i>County Taxes.</i>		
	All County Purposes,	\$	12,611 10

STATEMENT E.—(Continued.)

1868.	No. 31.—HALIFAX COUNTY.		
	JOHN A. REID, Sheriff.		
	<i>State Taxes.</i>		
	Land, 2,751.67; Town Property, 210.53,	\$	2,962 20
	White Polls, 53.50; Jewelry, 25c,		53 75
	Wagons and other Farming Implements,		40
	Household Furniture, 5.75; Agricultural Pro-		
	ducts, 2.52; Solvent Credits, 94.74,		103 01
	Public Bonds and Stocks and Rail Road Shares,		67
	Money,		25 88
	Capital in any other Business,		70
	Watches, 58.38; Pleasure Horses, 5.55,		63 93
	Gold and Silver Plated Ware,		19 92
	Pleasure Carriages, 74.60; Merchandize, 192.37;		
	Salaries and Fees, 34.80,		301 77
	Harps, Pianos, Violins, &c.,		29 20
	Net Income, 88.60; Hotels, &c., 8.00,		96 60
	Purchases of Liquors made out of the State,		645 40
	Purchases of Liquors made in the State,		218 65
	Gates across Highways,		20
	Commission Merchants,		90
	Ready-made Clothing,		93 26
	Stud Horses and Jackasses,		5 50
	Dirks, Pistols, &c.,		133
	Circus Exhibitions,		20
	Billiard Tables,		50
	Retailers of Spirituous Liquors,		300
	Gipsies,		50
	Marriage Licenses, &c.,		277 40
	Deeds for Conveyance of Real Estate,		67 93
	Subjects Unlisted,		4
	Taxes Levied for State Convention,		1,584 93
	Gross Amount,	\$	7,128 80
	<i>County Taxes.</i>		
	All County Purposes,	\$	17,620 50

STATEMENT E.—(Continued.)

1868.	No. 32.—HARNETT COUNTY.		
	J. R. GRADY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	648 21
	Town Property,		10 21
	White Polls,		253
	Colored Polls,		38
	Horses, Mules and other stock,		02
	Household Furniture,		40
	Agricultural Products,		20
	Solvent Credits,	13	64
	Money,		94
	Capital in any other Business,	1	80
	Watches,	8	29
	Gold and Silver Plated Ware,		15
	Pleasure Carriages,	13	72
	Harps, Pianos, Violins, &c.,	3	75
	Net Income,		5
	Purchases of Liquors made out of the State,	11	40
	Gates across the Highways,		20
	Merchandize,	21	73
	Ready-made Clothing,		7 35
	Stud Horses and Jackasses,		3
	Dirks, Pistols, &c.,		9
	Marriage Licenses,	67	45
	Mortgages, Deeds in Trust, &c.,		4 52
	Taxes Levied for State Convention,	336	09
	Gross Amount,	\$	1,479 87
	<i>County Taxes.</i>		
	All County Purposes,	\$	7,076 88

STATEMENT E.—(Continued.)

1868.	No. 33.—HERTFORD COUNTY.		
	J. B. HARE, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	981 74
	Town Property,		149 90
	White Polls,		210
	Colored Polls,		68 50
	Wagons and other Farming implements,		14
	Household Furniture,		2 70
	Agricultural Products,		35
	Solvent Credits,		90 75
	Public Bonds and Stocks and Rail Road Shares,		14 82
	Money,		18 66
	Watches,		23 85
	Gold and Silver Plated Ware,		7 53
	Pleasure Carriages,		29 75
	Harps, Pianos, Violins, &c.,		18 50
	Salaries and Fees,		15
	Net Income,		12 50
	Purchases of Liquors made out of State,		101 10
	Purchases of Liquors made in the State,		53 45
	Merchandize.		97 73
	Ready-made Clothing,		34 52
	Hotels, &c.,		3 75
	Stud Horses and Jackasses,		21
	Dirks, Pistols, &c.,		23
	Retailers of Spirituous Liquors,		50
	Marriage Licenses,		51 30
	Mortgages, Deeds in Trust, &c.,		95
	Deeds for Conveyance of Real Estate,		9 74
	Taxes Levied for State Convention,		706 58
	Gross Amount,	\$	2,797 83
	<i>County Taxes.</i>		
	All County Purposes,	\$	2,478

STATEMENT E.—(Continued.)

1868.

No. 34.—HYDE COUNTY.

J. B. WATSON, Sheriff.

State Taxes.

Land,	\$	900	88
White Polls,		324	50
Colored Polls,		92	
Household Furniture,		1	11
Agricultural Products,		37	45
Solvent Credits,		23	06
Money,		2	40
Ships, Boats, &c.,		19	44
Watches,			92
Gold and Silver Plated Ware,		41	40
Pleasure Carriages,		2	40
Harps, Pianos, Violins, &c.,		8	57
Salaries and Fees,		31	50
Net Income,		199	85
Purchases of Liquors made out of State,		28	93
Purchases of Liquors made in the State,		28	93
Merchandize,		41	75
Ready-made Clothing,		15	74
Hotels, &c.,		2	25
Stud Horses and Jackasses,		2	50
Dirks, Pistols, &c.,		45	
Non-resident Horse and Mule Drivers,		10	
Marriage Licenses,		54	
Mortgages, Deeds in Trust, &c.,		19	
Deeds for Conveyance of Real Estate,		11	
Taxes Levied for State Convention,		499	52
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Gross Amount,	\$	2,415	25

County Taxes.

All County Purposes,	\$	3,738	16
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STATEMENT E.—(Continued.)

1868.	No. 35.—IREDELL COUNTY.		
	W. F. WASSON, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,675 07
	Town Property,		163 78
	White Polls,		529
	Colored Polls,		194 50
	Wagons and other Farming Implements,		05
	Household Furniture,		2 08
	Agricultural Products,		16
	Solvent Credits,		123 03
	Public Bonds and Stocks and Rail Road Shares,		18 68
	Money,		14 18
	Watches,		53 87
	Gold and Silver Plated Ware,		1 60
	Jewelry,		25
	Pleasure Carriages,		70 50
	Harps, Pianos, Violins, &c.,		32 12
	Salaries and Fees,		33 40
	Net Income,		18 22
	Purchases of Liquor made in the State,		21 05
	Merchandize,		97 43
	Ready-made Clothing,		25 29
	Stud Horses and Jackasses,		29 75
	Dirks, Pistols, &c.,		5
	Dead-heads on Rail Roads,		8
	Livery Stables,		18
	Retailers of Spirituous Liquors,		100
	Marriage Licenses,		111 85
	Mortgages, Deeds in Trust, &c.,		17 10
	Taxes levied for State Convention,		1,073 68
	Gross Amount,	\$	4,437 64
	<i>County Taxes.</i>		
	All County Purposes,	\$	7,508 81

STATEMENT E.—(Continued.)

1868.	No. 36.—LINCOLN COUNTY.		
	J. H. KING, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,062 65
	Town Property,		156 94
	White Polls,		275 50
	Colored Polls,		106 50
	Wagons and other Farming Implements,		09
	Household Furniture,		4 45
	Agricultural Products,		05
	Solvent Credits,		48 30
	Public Bonds and Stocks and Railroad Shares,		12 13
	Money,		20 54
	Capital in any other Business,		5 50
	Watches,		31 92
	Gold and Silver Plated Ware,		6 46
	Pleasure Carriages,		22
	Harp, Pianos, Violins, &c.,		12 37
	Salaries and Fees,		24 50
	Net Income,		34 02
	Merchandise,		74 97
	Commission Merchants,		7 18
	Ready-made Clothing,		14 50
	Hotels, &c.,		3
	Stud Horses and Jackasses,		3 50
	Dirks, Pistols, &c.,		2
	Circus Exhibitions,		25
	Marriage Licenses,		47 35
	Taxes Levied for State Convention,		684 96
	Gross Amount,	\$	2,686 48
	<i>County Taxes</i>		
	All County Purposes,	\$	6,041 91
	Pub. Sch.]		

STATEMENT E.—(Continued.)

1868.

No. 37.—JONES COUNTY.

O. R. COLGROVE, Sheriff.

State Taxes.

Land,	\$	696 57
Town Property,		18 75
White Polls,		159
Colored Polls,		106 50
Solvent Credits,		9 64
Money,		1 17
Watches,		10 66
Pleasure Carriages,		11 25
Pleasure Horses,		75
Harps, Pianos, Violins, &c.,		1 75
Purchases of Liquors made out of the State,		53 50
Purchases of Liquors made in the State,		20 20
Merchandize,		6 36
Stud Horses and Jackasses,		3
Dirks, Pistols, &c.,		17
Retailers of Spirituous Liquors,		50
Marriage Licenses,		68 40
Mortgages, Deeds in Trust, &c.,		11 40
Deeds for Conveyance of Real Estate,		15 67
Taxes Levied for State Convention,		386 58
Gross Amount,	\$	1,648 15

County Taxes.

All County Purposes,	\$	5,661 88
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STATEMENT E.—(Continued.)

1868.

No. 38.—LENOIR COUNTY.

E. F. Cox, Sheriff.

State Taxes.

Land, 1,150.40 ; Town Property, 130.56,	\$	1,280	96
White Polls, 269 ; Colored Polls, 152,		421	
Wagons and other Farming Implements,		2	
Horses, Mules and other stock,		1	50
Household Furniture,		1	40
Agricultural Products,		2	02
Solvent Credits,		92	54
Public Bonds and Stocks and Rail Road Shares,		9	21
Money,		11	07
Watches, 34.76 ; Net Income, 14.04,		48	80
Gold and Silver Plated Ware,		3	27
Pleasure Carriages,		33	93
Pleasure Horses,		4	87
Harps, Pianos, Violins, &c.,		25	05
Salaries and Fees,		7	53
Purchases of Liquors made out of State,		304	50
Purchases of Liquors made in the State,		107	20
Merchandise, 150.89 ; Hotels, &c., 2.50 ;		153	39
Ready-made Clothing,		38	60
Commission Merchants,		5	46
Stud Horses and Jackasses,		22	50
Auctioneers, 21.21 ; Dirks, Pistols, &c., 72,		93	21
Dead-heads on Rail Roads,		13	
Circus Exhibitions,		55	
Billiard Tables, 50 ; Livery Stables, 6.50,		56	50
Retailers of Spirituous Liquors,		10	75
Marriage Licenses,		140	60
Mortgages, Deeds in Trust, &c.,		9	50
Deeds for Conveyance of Real Estate,		13	50
Taxes Levied for State Convention,		649	62

Gross Amount, \$ 3,618 28

County Taxes.

All County purposes, \$ 8,518 47

STATEMENT E.—(Continued.)

1868.

No. 39.—MARTIN COUNTY.

R. B. SALSBUURY, Sheriff.

State Taxes.

Land,	\$	1,086	59
Town Property,		126	15
White Polls,		279	50
Colored Polls,		156	50
Household Furniture,		3	40
Agricultural Products,			20
Solvent Credits,		42	07
Public Bonds and Stocks and Rail Road Shares,			70
Ships, Boats, &c.,		5	42
Watches,		26	89
Gold and Silver Plated Ware,		4	70
Pleasure Carriages,		34	65
Harps, Pianos, Violins, &c.,		9	87
Salaries and Fees,		29	87
Net income,		30	
Purchases of Liquors made out of State,		829	80
Merchandise,		135	14
Ready-made Clothing,		47	26
Stud Horses and Jackasses,		2	50
Dirks, Pistols, &c.,			25
Marriage Licenses,		122	55
Mortgages, Deeds in Trust, &c.,		15	20
Taxes levied for State Convention,		704	16

Gross amount, \$ 3,718 12

County Taxes.

All County purposes, \$ 2,853 15

STATEMENT E.—(Continued.)

1868.

No. 40.—MADISON COUNTY.

A. G. TWEED, Sheriff.

State Taxes.

Land,	\$	358	22
Town Property,			6 91
White Polls,		336	
Colored Polls,		14	
Horses, Mules and other stock, †			54
Solvent Credits,			3 19
Money,			1 83
Watches,			2 37
Pleasure Carriages,			1 25
Harps, Pianos, Violins, &c.,			1 25
Salaries and Fees,		17	
Purchases of Liquors made in the State,			17 50
Gates across Highways,			10
Merchandize,			12 47
Hotels, &c.,			2 25
Dirks, Pistols, &c.,			6
Marriage Licenses,			91
Deeds for Conveyance of Real Estate,			3
Taxes Levied for State Convention,			187 57
Gross Amount,	\$	1,072	35

County Taxes.

All County Purposes, \$ 3,547.73

STATEMENT E.—(Continued.)

1868.	No. 41.—MCDOWELL COUNTY.		
	J. J. BRADLEY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	721	63
	Town Property,	19	54
	White Polls,	225	50
	Colored Polls,	43	
	Horses, Mules and other stock,		05
	Household Furniture,		15
	Solvent Credits,	9	46
	Watches,	10	59
	Pleasure Carriages,	6	22
	Harps, Pians, Violins, &c.,	8	27
	Merchandize,	26	68
	Ready-made Clothing,	3	10
	Stud Horses and Jackasses,	2	50
	Dirks, Pistols, &c.,	7	
	Circus Exhibitions,	12	50
	Retailers of Spirituous Liquors,	50	
	Marriage Licenses,	24	
	Mortgages, Deeds in Trust, &c.,	2	50
	Taxes Levied for State Convention,	378	21
	Gross Amount,	\$	1,550 90
	<i>County Taxes.</i>		
	All County Purposes,	\$	1,625 53

STATEMENT E.—(Continued.)

1868.	No. 42.—MECKLENBURG COUNTY.		
	R. M. WHITE, Sheriff.		
	<i>State Taxes.</i>		
	Land, 1,967.66; Town Property, 734.48,	\$	2,702 14
	White Polls, 549; Colored Polls, 77.50,		626 50
	Wagons and other farming implements,		04
	Horses, Mules and other stock,		10
	Honschold Furniture,		20 85
	Agricultural Products,		8 32
	Solvent Credits, 274.16; Livery Stables, 13.50,		287 66
	Public Bends and Stocks and Rail Road Shares,		120 94
	Money,		72 10
	Capital in any other Business,		53 82
	National Bank Shares, 150; Watches, 76.97,		226 97
	Gold and Silver Plated Ware,		21 50
	Jewelry, 2 50; Pleasure Carriages, 101.18,		103 68
	Pleasure Horses, 1.43; Billiard Tables, 100,		101 43
	Harps, Pianos, Violins, &c.,		62 62
	Salaries and Fees, 220.30; Net Income, 264.73,		485 03
	Purchases of Liquors made out of the State,		66
	Purchase of Liquor made in the State,		338
	Merchandize, 1,108.96; Com'n Merchants, 17.80,		1,126 76
	Ready-made Clothing,		121 49
	Hotels, &c., 1.50; Gas Companies, 20,		31 50
	Stud Horses and Jackasses,		14
	Auctioneers, 14.33; Dirks, Pistols, &c., 5,		19 33
	Concert and Musical Entertainments,		20
	Circus Exhibitions, 110; Brokers, 150,		260
	Retailers of Spirituous Liquors,		600
	Non-resident Horse and Mule Drivers,		6 66
	Marriage Licenses,		252 70
	Mortgages, Deeds in Trust, &c.,		20 90
	Deeds for Conveyance of Real Estate,		55 10
	Delinquents for 1867,		47 79
	Taxes Levied for State Convention,		1,617 78
	Gross Amount,	\$	9,491 71
	<i>County Taxes.</i>		
	All County Purposes,	\$	12,776 98

STATEMENT E.—(Continued.)

1868.	No. 43.—MITCHELL COUNTY.		
	W. M. McKINNEY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	242 19
	Town Property,		1 14
	White Polls,		174
	Colored Polls,		11
	Household Furniture,		98
	Solvent Credits,		45
	Money,		30
	Watches,		1 65
	Harps, Pianos, Violins, &c.,		40
	Merchandize,		3 50
	Stud Horses and Jackasses,		10
	Dirks, Pistols, &c.,		2
	Marriage Licenses,		42
	Deeds for Conveyance of Real Estate,		5 50
	Delinquents for 1867,		12 40
	Taxes Levied for State Convention,		74 64
	Gross Amount,	\$	582 15
	<i>County Taxes.</i>		
	All County Purposes,	\$	4,628 82

STATEMENT E.—(Continued.)

1868.

No. 44.—MOORE COUNTY.

K. H. WORTHY, Sheriff.

State Taxes.

Land,	\$	967 42
Town Property,		20 31
White Polls,		368
Colored Polls,		44
Wagons and other Farming Implements,		25
Solvent Credits,		14 59
Money,		1 25
Watches,		12 16
Jewelry,		60
Pleasure Carriages,		36 35
Harps, Pianos, Violins, &c.,		3 88
Purchases of Liquors made out of State,		59 50
Merchandise,		29 82
Commission Merchants,		1 17
Ready-made Clothing,		8 75
Stud Horses and Jackasses,		6 50
Dirks, Pistols, &c.,		10
Dead-head on Rail Roads,		4 80
Retailers of Spirituous Liquors,		50
Marriage Licenses,		120 28
Mortgages, Deeds in Trust, &c.,		1
Deeds for Conveyance of Real Estate,		14 52
Taxes Levied for State Convention,		512 90
		Gross Amount,
	\$	2,288 05

County Taxes.

All County Purposes,	\$	6,982 99
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STATEMENT E.—(Continued.)

1868.	No. 45.—MONTGOMERY COUNTY.		
	P. C. RILEY, Sheriff		
	<i>State Taxes.</i>		
	Land,	\$	530 31
	Town Property,		6 50
	White Polls,		226
	Colored Polls,		91
	Household Furniture,		20
	Agricultural Products,		2 95
	Solvent Credits,		12 87
	Money,		19 64
	Capital in any other Business,		15
	Watches,		8 43
	Pleasure Carriages,		15 02
	Harps, Pianos, Violins, &c.,		2
	Purchases of Liquors made out of State,		59 10
	Merchandize,		11 70
	Ready-made Clothing,		2
	Stud Horses and Jackasses,		7 50
	Dirks, Pistols, &c.,		6
	Retailers of Spirituous Liquors,		50
	Marriage Licenses,		88
	Mortgages, Deeds in Trust, &c.,		8
	Deeds for Conveyance of Real Estate,		3
	Subjects Unlisted,		15 49
	Taxes Levied for State Convention,		291 73
	Gross Amount,	\$	1,457 59
	<i>County Taxes.</i>		
	All County Purposes,	\$	4,038 08

STATEMENT E.—(Continued.)

1868.

No. 46.—NASH COUNTY.

G. N. LEWIS, Sheriff.

State Taxes.

Land,	\$	1,435	58
Town Property,		12	96
White Polls,		307	
Colored Polls,		232	50
Household Furniture,		1	92
Agricultural Products,			22
Solvent Credits,		17	39
Money,		10	42
National Bank Shares,			10
Watches,		18	46
Gold and Silver Plated Ware,		3	35
Pleasure Carriages,		35	41
Pleasure Horses,		5	
Harps, Pianos, Violins, &c.,		16	40
Salaries and Fees,		14	25
Net Income,		12	
Purchases of Liquors made out of the State,		51	
Purchases of Liquors made in the State,		19	
Merchandize,		37	07
Ready made Clothing,		19	81
Playing Cards,		1	50
Stud Horses and Jackasses,		3	
Dirks, Pistols, &c.,		51	80
Circus Exhibitions,		25	
Retailers of Spirituous Liquors,		100	
Marriage Licenses,		54	15
Mortgages, Deeds in Trust, &c.,		11	40
Deeds for Conveyance of Real Estate,		19	95
Taxes levied for State Convention,		759	56

Gross Amount, \$ 3,276 20

County Taxes.

All County Purposes, \$ 8,683 35

STATEMENT E.—(Continued.)

1868.	No. 47.—NORTHAMPTON COUNTY.		
	H. T. GRANT, Sheriff.		
	<i>State Taxes.</i>		
	Land, 2,087.68; Town Property, 36.61,	\$	2,124 29
	White Polls, 389.50; Colored Polls, 467,		856 50
	Wagons and other Farming Implements,		08
	Horses, Mules and other stock,		02
	Household Furniture,		5 76
	Agricultural Products,		1 08
	Solvent Credits,		48 40
	Money,		22 13
	Ships, Boats, &c.,		5
	Watches,		40 86
	Gold and Silver Plated Ware,		6 84
	Pleasure Carriages,		72 40
	Harps, Pianos, Violins, &c.,		18 40
	Salaries and Fees,		7 70
	Net Income,		27 50
	Purchases of Liquors made out of the State,		364 30
	Purchases of Liquors made in the State,		32 95
	Gates across Highways,		40
	Merchandize,		69 15
	Ready-made Clothing,		29 18
	Hotels, &c.,		3
	Stud Horses and Jackasses,		21 50
	Auctioneers,		3 15
	Dirks, Pistols, &c.,		79
	Collateral Descents,		150
	Distress,		5 95
	Marriage Licenses,		168 15
	Mortgages, Deeds in Trust, &c.,		2 85
	Deeds for Conveyance of Real Estate,		40 14
	Taxes Levied for State Convention,		1,165
	Gross Amount,	\$	5,411 28
	<i>County Taxes.</i>		
	All County Purposes,	\$	7,929 66

STATEMENT E.—(Continued.)

1868.	No. 48.—ORANGE COUNTY. JOHN TURNER, Sheriff. <i>State Taxes.</i>	
	Land,	\$ 2,050 79
	Town Property,	334 38
	White Polls,	525 50
	Colored Polls,	278 50
	Wagons and other Farming Implements,	10
	Household Furniture,	4 95
	Agricultural Products,	1
	Solvent Credits,	176 48
	Public Bonds and Stocks and Rail Road Shares,	60 76
	Money,	12 48
	Capital in any other Business,	6 70
	Watches,	42 56
	Net Income,	108 07
	Gold and Silver Plated Ware,	18 70
	Pleasure Carriages,	37 89
	Pleasure Horses,	1 62
	Harps, Pianos, Violins, &c.,	34 65
	Salaries and Fees,	47 25
	Purchases of Liquors made out of State,	18 10
	Purchases of Liquors made in the State,	94 20
	Merchandize,	181 52
	Hotels, &c.,	7 50
	Commission Merchants,	2 23
	Ready-made Clothing,	28 92
	Playing Cards,	75
	Stud Horses and Jackasses,	32
	Dirks, Pistols, &c.,	3
	Dead heads on Rail Roads,	9 25
	Circus Exhibitions,	40
	Retailers of Spirituous Liquors,	50
	Marriage Licenses,	168 15
	Mortgages, Deeds in Trnst, &c.,	22 57
	Taxes Levied for State Convention,	1,212 73
	Gross Amount,	\$ 5,613 30
	<i>County Taxes.</i>	
	All County Purposes,	\$ 9,834 31

STATEMENT E.—(Continued)

1868.	No. 49.—PERQUIMANS COUNTY.		
	HENRY WHITE, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	947 94
	Town Property,		46 89
	White Polls,		255 50
	Colored Polls,		107 50
	Wagons and other Farming Implements,		62
	Horses, Mules and other stock,		1 05
	Household Furniture,		1 94
	Agricultural Products,		46 57
	Solvent Credits,		22 30
	Money,		6 21
	Watches,		17 30
	Gold and Silver Plated Ware,		3 12
	Pleasure Carriages,		25 50
	Pleasure Horses,		3
	Harps, Pianos, Violins, &c ,		6 75
	Salaries and Fees,		9
	Net Income,		10
	Purchases of Liquors made out of the State,		135
	Purchases of Liquors made in the State,		10 52
	Gates across Highways,		20
	Merchandize,		67 03
	Commission Merchants,		6
	Ready-made Clothing,		22 59
	Stud Horses and Jackasses,		6
	Dirks, Pistols, &c.,		15
	Marriage Licenses,		74 10
	Taxes levied for State Convention,		573 50
	Gross Amount,	\$	2,440 93
		/	
	<i>County Taxes.</i>		
	All County Purposes,	\$	5,478 88

STATEMENT E.—(Continued.)

1868.	No. 50.—PERSON COUNTY.		
	JOHN BARNETT, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,308 56
	Town Property,		22 75
	White Polls,		286
	Colored Polls,		51
	Horses, Mules and other stock,		07
	Household Furniture,		40
	Agricultural Products,		5
	Solvent Credits,		59 46
	Public Bonds and Stocks and Rail Road Shares,		8 20
	Money,		8 84
	Capital in any other Business,		1
	Watches, 15.15 ; Pleasure Horses, 25c.,		15 40
	Gold and Silver Plated Ware,		5 40
	Pleasure Carriages,		22 17
	Merchandize,		52 63
	Harps, Pianos, Violins, &c.,		9 75
	Net Income,		10 75
	Hotels, &c.,		4 37
	Purchases of Liquors made out of the State,		38 30
	Purchases of Liquors made in the State,		50 80
	Gates across Highways,		10
	Toll Gates, Ferries and Bridges,		10
	Ready-made Clothing,		19 44
	Playing Cards,		1 50
	Stud Horses and Jackasses,		12 50
	Dirks, Pistols, &c.,		17
	Non-resident Horse and Mule Drivers,		9 07
	Marriage Licenses,		95
	Mortgages, Deeds in Trust, &c.,		24
	Taxes levied for State Convention,		728 25
			21
	Gross amount,	\$	2,880 21
	<i>County Taxes.</i>		
	All County purposes,	\$	4,371 58

STATEMENT E.—(Continued.)

1868.	No. 51.—POLK COUNTY.		
	H. B. HAMPTON, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	383 77
	Town Property,		13 21
	White Polls,		93 33
	Colored Polls,		27 50
	Household Furniture,		32
	Solvent Credits,		18
	Public Bonds and Stocks and Rail Road Shares,		3
	Money,		15
	Watches,		2 04
	Pleasure Carriages,		2
	Harps, Pianos, Violins, &c.,		2 50
	Stud Horses and Jackasses,		5 50
	Dirks, Pistols, &c.,		2
	Retailers of Spirituous Liquors,		6 75
	Marriage Licenses,		5
	Mortgages, Deeds in Trust, &c.,		2
	Deeds for Conveyance of Real Estate,		2
	Taxes Levied for State Convention,		237 02
	Gross Amount,	\$	790 27
	<i>County Taxes.</i>		
	All County Purposes,	\$	452 84

STATEMENT E.—(Continued.)

1868.

No. 52.—RANDOLPH COUNTY.

R. F. TROGDEN, Sheriff.

State Taxes.

Land, 1,738.47; Town Property, 55.18,	\$	1,783 65
White Polls, 660.75; Colored Polls, 140,		800 75
Wagons and other Farming Implements,		2 35
Horses, Mules and other stock,		20
Household Furniture,		1 92
Agricultural Products,		2 83
Solvent Credits,		73 21
Public Bonds and Stocks and Rail Road Shares,		1 47
Money,		20 82
Capital in any other Business,		4 30
National Bank Shares,		1
Watches, 23.84; Jewelry 56c.,		24 40
Gold and Silver Plated Ware,		40
Pleasure Carriages,		33 47
Pleasure Horses,		1 75
Harps, Pianos, Violins, &c.,		6 97
Salaries and Fees,		22 26
Net Income, 52.26; Merchandize, 45.38,		97 64
Purchases of Liquors made out of State,		10
Purchases of Liquors made in the State,		3 25
Commission Merchants,		2 88
Ready-made Clothing,		13 37
Stud Horses and Jackasses,		14 50
Dirks, Pistols, &c.,		2
Dead-heads on Rail Roads,		1 50
Retailers of Spirituous Liquors,		150
Non-resident Dentists and Daguerreotypists,		10
Marriage Licenses,		167 44
Taxes Levied for State Convention,		1,052 48

Gross Amount,

\$ 4,316 45

County Taxes.

All County Purposes.

\$ 9,017 94

PUB. 55.]

STATEMENT E.—(Continued.)

1868.	No. 53.—RICHMOND COUNTY.		
	H. G. TERRY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,038 08
	Town Property,		20 84
	White Polls,		200 50
	Colored Polls,		168
	Household Furniture,		80
	Agricultural Products,		9 32
	Solvent Credits,		34 54
	Public Bonds and Stocks and Rail Road Shares,		2 72
	Money,		51 94
	Capital in any other Business,		12 88
	National Bank Shares,		10
	Watches,		31 06
	Gold and Silver Plated Ware,		5 35
	Pleasure Carriages,		53 97
	Pleasure Horses,		2 17
	Harps, Pianos, Violins, &c.,		14 17
	Salaries and Fees,		39 50
	Net Income,		16 22
	Purchases of Liquors made out of State,		12
	Purchases of Liquors made in the State,		54 81
	Toll Gates, Ferries and Bridges,		20
	Merchandize,		76 02
	Ready-made Clothing,		44 56
	Hotels, &c.,		2
	Dirks, Pistols, &c.,		5
	Marriage Licenses,		77
	Mortgages, Deeds in Trust, &c.,		28 50
	Taxes Levied for State Convention,		598 15
	Gross Amount,	\$	2,620 20
	<i>County Taxes.</i>		
	All County Purposes,	\$	10,995 65

STATEMENT E.—(Continued.)

1868.	No. 54.—ROBESON COUNTY.		
	B. A. HOWELL, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,402 13
	Town Property,		49 60
	White Polls,		473 50
	Colored Polls,		338 50
	Household Furniture,		33
	Solvent Credits,		28 55
	Public Bonds and Stocks and Rail Road Shares,		6 80
	Money,		5 61
	Watches,		23 34
	Gold and Silver Plated Ware,		1 75
	Pleasure Carriages,		81 25
	Pleasure Horses,		5 45
	Harps, Pianos, Violins, &c.,		12 50
	Salaries and Fees,		8 50
	Purchases of Liquors made out of the State,		191 60
	Purchases of Liquors made in the State,		83 37
	Merchandize,		125
	Ready-made Clothing,		62 90
	Hotels, &c.,		5
	Stud Horses and Jackasses,		15
	Auctioneers,		30
	Retailers of Spirituous Liquors,		250
	Itinerant Liquor Sellers,		25
	Taxes Levied for State Convention,		838 94
	Gross Amount,	\$	4,064 62
	<i>County Taxes.</i>		
	All County Purposes,	\$	7,443 50

STATEMENT E.—(Continued.)

1868.	No. 56.—ROWAN COUNTY.		
	W. A. WALTON, Sheriff.		
	<i>State Taxes.</i>		
	Land, 1,990.34; Town Property, 478.27,	\$	2,468 61
	White Polls, 588; Colored Polls, 149,		737
	Wagons and other Farming Implements,		05
	Horses, Mules and other stock,		15
	Household Furniture,		10 55
	Agricultural Products,		56
	Solvent Credits, 163.15; Watches, 66.64,		229 79
	Public Bonds and Stocks and Rail Road Shares,		31 23
	Money,		56 80
	Capital in any other Business,		3 76
	Gold and Silver Plated Ware,		73
	Pleasure Carriages, 66.67; Collateral Descents, 1.96,		68 63
	Marriage Licenses,		184 30
	Harps, Pianos, Violins, &c.,		45
	Salaries and Fees, 154.73; Net Income, 24.76,		179 49
	Purchases of Liquors made out of the State,		5 40
	Purchases of Liquors made in the State,		156 75
	Gates across Highways,		10
	Merchandise, 187.69; Commission Merchants, 24.25,		211 94
	Ready-made Clothing,		47 50
	Hotels, &c., 30.77; Gas Companies, 20.13,		50 90
	Brokers, 50; Playing Cards, 4.50,		54 50
	Stud Horses and Jackasses,		8
	Auctioneers, 13.26; Dirks, Pistols, &c., 5,		18 26
	Dead-heads on Rail Roads,		15 80
	Concerts and Musical Entertainments,		5
	Circus Exhibitions, 90; Peddlers, 20,		110
	Ten Pin Alleys, 12.50; Livery Stables, 9,		21 50
	Retailers of Spirituous Liquors,		200
	Mortgages, Deeds in Trust, &c.,		8 55
	Deeds for Conveyance of Real Estate,		31 58
	Taxes Levied for State Convention,		1,390 70
	Gross Amount,	\$	6,363 03
	<i>County Taxes.</i>		
	All County Purposes,	\$	8,891 54

STATEMENT E.—(Continued.)

68.	No. 57.—RUTHERFORD COUNTY.		
	MARTIN WALKER, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,037 91
	Town Property,		75 40
	White Polls,		346
	Colored Polls,		99 50
	Horses, Mules and other stock,		58
	Agricultural Products,		1 45
	Solvent Credits,		24 13
	Public Bonds and Stocks and Rail Road Shares,		40
	Money,		6 67
	Watches,		8 17
	Gold and Silver Plated Ware,		12
	Peasure Carriages,		12 97
	Harps, Pianos, Violins, &c.,		22 37
	Salaries and Fees,		3 50
	Purchases of Liquors made out of the State,		1 20
	Purchases of Liquors made in the State,		2 80
	Gates across Highways,		50
	Merchandize,		47 08
	Ready-made Clothing,		85
	Hotels, &c.,		1 50
	Stud Horses and Jackasses,		17 50
	Dirks, Pistols, &c.,		3
	Circus Exhibitions,		12 50
	Retailers of Spirituous Liquors,		100
	Liquor Distillers,		5
	Marriage Licenses,		53 20
	Mortgages, Deeds in Trust, &c.,		22 05
	Taxes Levied for State Convention,		582 38
	Gross Amount,	\$	2,388 73
	<i>County Taxes.</i>		
	All County Purposes,	\$	9,599 87

STATEMENT E.—(Continued.)

1868.	No. 58.—SAMPSON COUNTY.		
	A. S. C. POWELL, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,445 63
	Town Property,		79 79
	White Polls,		446 73
	Colored Polls,		285
	Wagons and other Farming implements,		60
	Horses, Mules and other stock,		30
	Solvent Credits,		26 82
	Money,		7 43
	Watches,		29 88
	Capital in any other Business,		65
	Gold and Silver Plated Ware,		1 84
	Pleasure Carriages,		78 75
	Harps, Pianos, Violins, &c.,		24 25
	Salaries and Fees,		7 50
	Purchases of Liquors made out of State,		28 40
	Merchandize,		60 08
	Ready-made Clothing,		24 49
	Hotels, &c.,		3 68
	Playing Cards,		1 25
	Stud Horses and Jackasses,		41 25
	Auctioneers,		4 91
	Dirks, Pistols, &c.,		31
	Dead-heads on Rail Roads,		2 20
	Itinerants for Amusements,		2 50
	Retailers of Spirituous Liquors,		250
	Non-resident Horse and Mule Drivers,		10 82
	Marriage Licenses,		155
	Mortgages, Deeds in Trust, &c.,		4
	Deeds for Conveyance of Real Estate,		13 67
	Taxes Levied for State Convention,		786 31
	Gross Amount,	\$	3,854 73
	<i>County Taxes.</i>		
	All County Purposes,	\$	6,558 40

STATEMENT E.—(Continued.)

1868.	No. 59.—STANLY COUNTY. JOS. MARSHALL, Sheriff. <i>State Taxes.</i>		
	Land,	\$	521 74
	Town Property,		11 30
	White Polls,		191 50
	Colored Polls,		55 50
	Wagons and other Farming implements,		18
	Solvent Credits,		11 60
	Public Bonds and Stocks and Rail Road Shares,		10
	Money,		5 59
	Watches,		14 90
	Pleasure Carriages,		7 75
	Harps, Pianos, Violins, &c.,		3 25
	Net Income,		5 25
	Gates across Highways,		10
	Merchandise,		10 13
	Ready-made Clothing,		2 03
	Stud Horses and Jackasses,		10
	Retailers of Spirituous Liquors,		100
	Marriage Licenses,		51 68
	Taxes Levied for State Convention,		283 42
	Gross Amount,	\$	1,295 92
	<i>County Taxes.</i>		
	All County Purposes,	\$	3,687 41

STATEMENT E.—(Continued.)

1868.	No. 60.—STOKES COUNTY.		
	W. H. GENTRY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	925 77
	Town Property,		25 84
	White Polls,	308	
	Colored Polls,	93	50
	Wagons and other Farming implements,	1	44
	Household Furniture,		20
	Solvent Credits,	20	16
	Money,		7 57
	Capital in any other Business,		6 79
	Watches,	13	40
	Gold and Silver Plated Ware,		75
	Pleasure Carriages,		9 23
	Pleasure Horses,	1	
	Harps, Pianos, Violins, &c.,		6 33
	Net Income,		5
	Purchases of Liquors made out of State,		22
	Purchases of Liquors made in the State,		15
	Merchandize,		10 10
	Ready-made Clothing,		35
	Hotels, &c.,		1 88
	Stud Horses and Jackasses,		5 50
	Dirks, Pistols, &c.,		2
	Marriage Licenses,		83 60
	Mortgages, Deeds in Trust, &c.,		1 90
	Deeds for Conveyance of Real Estate,		4 99
	Taxes Levied for State Convention,		483 36
	Gross Amount,	\$	2,055 66
	<i>County Taxes.</i>		
	All County Purposes,	\$	5,678 34

STATEMENT E.—(Continued.)

1868.	No. 61.—SURRY COUNTY.		
	WM. HAYMORE, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,124 41
	Town Property,		53 79
	White Polls,		282 50
	Colored Polls,		28 50
	Household Furniture,		17
	Agricultural Products,		1 04
	Solvent Credits,		90 18
	Money,		25 46
	Capital in any other Business,		05
	Watches,		5 79
	Gold and Silver Plated Ware,		1 30
	Pleasure Carriages,		6 88
	Harps, Pianos, Violins, &c.,		9 70
	Net Income,		51
	Purchases of Liquors made in the State,		7 50
	Merchandize,		7 79
	Ready-made Clothing,		2 35
	Hotels, &c.,		2 25
	Playing Cards,		1 50
	Stud Horses and Jackasses,		11
	Dirks, Pistols, &c.,		3
	Collateral Descents,		12
	Retailers of Spirituous Liquors,		50
	Liquor Distillers,		29 50
	Marriage Licenses,		65
	Subjects Unlisted,		1 68
	Taxes Levied for State Convention,		656 03
	Gross Amount,	\$	2,530 37
	<i>County Taxes.</i>		
	All County Purposes,	\$	5,814 57

STATEMENT E.—(Continued.)

1868.	No. 62.—TRANSYLVANIA COUNTY.		
	G. W. WILSON, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	442 33
	Town Property,		4 17
	White Polls,		168 50
	Colored Polls,		20
	Horses, Mules and other stock,		17
	Agricultural Products,		15
	Solvent Credits,		1 98
	Watches,		3 26
	Pleasure Carriages,		4 32
	Harps, Pianos, Violins, &c.,		1 13
	Merchandize,		1 67
	Stud Horses and Jackasses,		4
	Dirks, Pistols, &c.,		9
	Collateral Descents,		1 36
	Retailers of Spirituous Liquors,		50
	Marriage Licenses,		29 45
	Mortgages, Deeds in Trust, &c.,		9 50
	Taxes Levied for State Convention,		222 54
	Gross Amount,	\$	973 52
	<i>County Taxes.</i>		
	All County Purposes,	\$	2,666 14

STATEMENT E.—(Continued.)

1868.	No. 63.—UNION COUNTY.		
	J. J. HASTY, Sheriff.		
	<i>State Taxes.</i>		
	Land,	\$	1,027 08
	Town Property,		49 74
	White Polls,		281 13
	Colored Polls,		17
	Agricultural Products,		44
	Solvent Credits,		37 29
	Money,		18 80
	Watches,		13 17
	Gold and Silver Plated Ware,		20
	Pleasure Carriages,		32 32
	Pleasure Horses,		80
	Harps, Pianos, Violins, &c.,		2 63
	Net Income,		10 75
	Purchases of Liquors made in the State,		17 55
	Merchandize,		18 49
	Stud Horses and Jackasses,		21
	Dirks, Pistols, &c.,		23
	Collateral Descents,		2 93
	Circus Exhibitions,		20
	Retailers of Spirituous Liquors,		100
	Marriage Licenses,		87 40
	Mortgages, Deeds in Trust, &c.,		2 85
	Deeds for Conveyance of Real Estate,		6 18
	Taxes Levied for State Convention,		541 69
	Gross Amount,	\$	2,332 44
	<i>County Taxes.</i>		
	All County Purposes,	\$	12,002 43

STATEMENT E.—(Continued.)

1868.

No. 65.—WASHINGTON COUNTY.

J. M. BATEMAN, Sheriff.

State Taxes.

Land,	\$	531	47
Town Property,		51	90
White Polls,		206	
Colored Polls,		81	50
Agricultural Products,			09
Solvent Credits,		17	02
Money,		4	70
Watches,		13	17
Gold and Silver Plated Ware,		2	24
Jewelry,			50
Pleasure Carriages,		11	55
Pleasure Horses,			30
Harps, Pianos, Violins, &c.,		3	90
Salaries and Fees,		20	25
Net Income,		3	
Purchases of Liquors made out of State,		109	75
Purchases of Liquors made in the State,		34	25
Merchandize,		119	61
Commission Merchants,		15	81
Ready-made Clothing,		32	06
Stud Horses and Jackasses,		5	
Dirks, Pistols, &c.,		2	
Marriage Licenses,		115	90
Mortgages, Deeds in Trust, &c.,		6	65
Deeds for Conveyance of Real Estate,		7	37
Taxes levied for State Convention,		397	10

Gross Amount, \$ 1,793 09

County Taxes.

All County Purposes, \$ 4,214 38

STATEMENT E.—(Continued.)

1868.

No. 66.—WAYNE COUNTY.

J. C. RHODES, Sheriff.

State Taxes.

Land, 1,840.93 ; Town Property, 195.89,	\$	2,036	82
White Polls, 219.50 ; Colored Polls, 27,		246	50
Wagons and other Farming Implements,			10
Horses, Mules and other Stock,			20
Household Furniture,		10	10
Agricultural Products,			03
Solvent Credits,		48	06
Public Bonds and Stocks and Rail Road Shares,		3	01
Money,		3	63
Capital in any other Business,			80
National Bank Shares,			05
Watches, 36.80 ; Jewelry, 55c,		37	35
Gold and Silver Plated Ware,		3	65
Pleasure Carriages, 36.45 ; Pleasure Horses, 3,		39	45
Harps, Pianos, Violins, &c.,		14	30
Salaries and Fees, 103.55 ; Net Income, 50.14,		153	69
Purchases of Liquors made out of State,		434	90
Purchases of Liquors made in the State,		75	20
Merchandize, 170.75 ; Hotels, &c., 28.50,		199	25
Commission Merchants,		7	87
Ready-made Clothing,		50	10
Stud Horses and Jackasses,		18	75
Dirks, Pistols, &c.,		62	
Dead-heads on Rail Roads,			15
Concerts and Musical Entertainments,		15	
Circus Exhibitions, 40 ; Biliard Tables, 10,		50	
Retailers of Spirituous Liquors,		300	
Marriage Licenses,		194	
Mortgages, Deeds in Trust, &c.,		62	
Deeds for Conveyance of Real Estate,		44	60
Taxes Levied for State Convention,		1,036	92
			48

Gross Amount, \$ 5,148 48

County Taxes.

All County Purposes, \$ 8,311 89

STATEMENT E.—(Continued.)

1868.

No. 67.—WATAUGA COUNTY.

JOHN HORTON, Sheriff.

State Taxes.

Land,	\$	387 76
Town Property,		3 50
White Polls,		240 50
Colored Polls,		8 50
Horses, Mules and other stock,		67
Household Furniture,		05
Agricultural Products,		7 79
Money,		63
Watches,		2 16
Salaries and Fees,		3
Merchandize,		9 14
Ready-made Clothing,		65
Stud Horses and Jackasses,		2 50
Dirks, Pistols, &c.,		1
Marriage Licenses,		25
Deeds for Conveyance of Real Estate,		3
Taxes Levied for State Convention,		205 30

Gross Amount,	\$	901 15
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County Taxes.

All County Purposes,	\$	2,892 51
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STATEMENT E.—(Continued.)

1868.

No. 68.—WILSON COUNTY.

J. W. WARREN, Tax Collector.

State Taxes.

Land,	\$ 1,120	24
Town Property,	159	45
White Polls,	307	
Colored Polls,	174	50
Wagons and other Farming Implements,	4	56
Household Furniture,	3	25
Agricultural Products,	1	45
Solvent Credits,	59	14
Public Bonds and Stocks and Rail Road Shares,		09
Money,	27	06
Capital in any other Business,	6	25
Watches.	31	42
Gold and Silver Plated Ware,	4	25
Pleasure Carriages,	42	40
Pleasure Horses,	1	25
Harps, Pianos, Violins, &c.,	18	38
Salaries and Fees,	12	87
Net Income,	42	81
Purchases of Liquors made out of State,	155	90
Purchases of Liquors made in the State,	75	85
Merchandize,	158	87
Commission Merchants,		70
Ready-made Clothing,	61	96
Playing Cards,		0
Stud Horses and Jackasses,	17	75
Auctioneers,		75
Dirks, Pistols, &c.,	49	
Circus Exhibitions,	20	
Retailers of Spirituous Liquors,	200	
Marriage Licenses,	113	05
Taxes Levied for State Convention,	687	49
Gross Amount,	\$ 3,571	59

County Taxes.

All County Purposes,	\$ 6,377	63
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PUB. 56.]

STATEMENT E.—(Continued.)

1868.

No. 69.—YADKIN COUNTY.

GEORGE NICKS, Sheriff.

State Taxes.

Land,	\$ 902	44
Town Property,		29 60
White Polls,	346	
Colored Polls,		36 50
Household Furniture,		1 40
Agricultural Products,		26 44
Public Bonds and Stocks and Rail Road Shares,		2
Money,		78
Watches,		6 83
Gold and Silver Plated Ware,		2 88
Pleasure Carriages,		10 50
Pleasure Horses,		1 75
Harps, Pianos, Violins, &c.,		6 63
Salaries and Fees,		4
Purchases of Liquors made in the State,		25
Merchandize,		10 49
Hotels, &c.,		87
Stud Horses and Jackasses,		9
Dirks, Pistols, &c.,		6
Marriage Licenses,		45
Mortgages, Deeds in Trust, &c.,		8
Deeds for Conveyance of Real Estate,		5
Subjects Unlisted,		7 06
Taxes Levied for State Convention,		462 62

Gross Amount,	\$ 1,956	79
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County Taxes.

All County Purposes,	\$ 5,962	76
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STATEMENT E.—(Continued.)

1868.

No. 70.—YANCEY COUNTY.

W. E. PERCY, Sheriff.

State Taxes.

Land,	\$	331	01
Town Property,			9 80
White Polls,		205	50
Colored Polls,		12	50
Wagons and other Farming implements,			12
Horses, Mules and other stock,			49
Solvent Credits,		2	07
Money,			75
Watches,		3	15
Pleasure Carriages,			37
Purchases of Liquors made out of the State,		15	
Purchases of Liquors made in the State,		22	05
Merchandise,		15	51
Ready-made Clothing,			1 87
Stud Horses and Jackasses,		12	50
Dirks, Pistols, &c.,			21
Marriage Licenses,		23	80
Deeds for Conveyance of Real Estate,			4 75
Taxes Levied for State Convention,		170	17
			41
Gross Amount,	\$	852	41

County Taxes.

All County Purposes,	\$	2,316	22
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STATEMENT F,

Showing the Aggregate amount of State Taxes derived from the various subjects of Taxation in the State, as taken from such lists as are on file:

1868.	Land,	\$ 82,217 33
	Town Property,	7,407 95
	White Polls,	22,218 50
	Colored Polls,	7,933 50
	Wagons and other Farming Implements,	36 44
	Horses, Mules and other stock,	23 05
	Household Furniture,	172 24
	Agricultural Products,	168 50
	Solvent Credits,	4,037 60
	Public Bonds and Stocks and Rail Road Shares,	607 96
	Money,	1,138 99
	Ships, Boats, &c.,	59 58
	Capital in any other Business,	225 20
	National Bank Shares,	324 76
	Watches,	1,837 01
	Gold and Silver Plated Ware,	306 46
	Jewelry,	9 87
	Pleasure Carriages,	2,255 56
	Pleasure Horses,	116 76
	Harps, Pianos, Violins, &c.,	1,145 96
	Salaries and Fees,	1,648 04
	Net Income,	2,190 93
	Purchases of Liquors made out of State,	9,175 03
	Purchases of Liquors made in the State,	3,031 68
	Toll Gates, Ferries and Bridges,	163 70
	Gates across Highways,	210 50
	Merchandize,	7,060 26
	Commission Merchants,	265 53
	Ready-made Clothing,	1,778 13
	Hotels, &c.,	236 66
	Gas Companies,	101 51
	Brokers,	405
	Playing Cards,	45
	Stud Horses and Jackasses,	770
	Auctioneers,	200 79

STATEMENT F.—(Continued.)

1868.	Dirks, Pistols, &c.,	\$	1,528	80
	Dead-heads on Rail Roads,		129	06
	Collateral Descents,		176	39
	Traveling Theatrical Companies,		20	
	Concerts and Musical Entertainments,		40	
	Circus Exhibitions,		912	50
	Itinerants for Amusements,		7	50
	Billiard Tables,		260	
	Ten Pin Alleys,		37	50
	Livery Stables,		73	
	Retailers of Spirituous Liquors,		5,537	50
	Liquor Distillers,		116	63
	Non-Resident Dentists and Daguerreotypists,		40	
	Non Resident Horse and Mule Drivers,		45	72
	Peddlers,		40	
	Itinerant Liquor Sellers,		25	
	Gypsies,		50	
	Distress,		6	95
	Marriage Licenses,		7,159	30
	Mortgages, Deeds in Trust, &c.,		577	39
	Dees for Conveyance of Real Estate,		829	94
	Subjects Unlisted,		147	78
	Arrears for Insolvents,		30	50
	Delinquents for 1866-67,		274	41
	Taxes Levied for State Convention,		49,173	27
		\$	226,765	10

STATEMENT G,

Showing the number of White and Colored Polls in the several Counties in the State on which taxes were paid :

COUNTIES.	WHITE POLLS.	COLORED POLLS.
Alamance,	782	262
Alexander,	445	26
Alleghany,	249	5
Anson,	541	
Ashe,	671	38
Beaufort,	509	61
Bertie,	575	344
Burke,	544	202
Cabarrus,	801	326
Catawba,	725	17
Caswell,	645	922
Caldwell,	499	77
Camden,	373	89
Chatham,	982	24
Cherokee,	514	13
Chowan,	375	96
Cleveland,	667	53
Clay,	248	7
Columbus,	555	293
Craven,	904	175
Currituck,	610	105
Davidson,	1,236	141
Davie,	656	281
Duplin,	786	470
Edgecombe,	917	1,394
Forsythe,	969	246
Franklin,	634	44
Gates,	416	83
Granville,	853	52
Guilford,	1,355	466
Halifax,	107	
Harnett,	506	76
Hertford,	420	136

STATEMENT G.—(Continued.)

COUNTIES.	WHITE POLLS.	COLORED POLLS.
Hyde,	649	184
Iredell,	1,058	389
Jones,	318	213
Lenoir,	538	304
Lincoln,	551	213
Madison,	672	28
Martin,	559	313
McDowell,	451	86
Mecklenburg,	1,098	155
Mitchell,	248	22
Moore,	736	88
Montgomery,	452	182
Nash,	614	465
Northampton,	679	934
Orange,	1,051	537
Perquimans,	511	215
Person,	472	102
Polk,	187	55
Randolph,	1,321	280
Richmond,	401	336
Robeson,	947	677
Rockingham,	794	250
Rowan,	1,176	298
Rutherford,	692	199
Sampson,	893	570
Stanly,	383	111
Stokes,	616	187
Surry,	565	57
Transylvania,	337	40
Union,	716	34
Warren,	505	1,127
Washington,	412	163
Wayne,	439	54
Watauga,	481	17
Wilson,	614	349
Yadkin,	692	73
Yancey,	411	25

STATEMENT II,

Showing the number of Acres of Land, Valuation of Land, and the Aggregate Valuation of Real Estate of every County in the State, from which returns were received prior to September 30th, 1868 :

COUNTIES.	NO. ACRES. LAND.	VALUATION LAND.	VALUATION TOWN PROPERTY.	AGGREGATE VALUE REAL ESTATE
Alamance,	250,467	\$ 1,364,335	\$ 44,227	\$ 1,408,562
Alexander,	151,100	635,100	23,550	658,650
Alleghany,	118,391	333,494		333,494
Anson,	298,228	1,474,695	64,375	1,539,070
Ashe,	245,675	622,514	18,225	640,739
Beaufort,	405,039	942,789	315,853	1,258,642
Bertie,	295,724	1,608,065	39,855	1,647,920
Burke,	191,953	781,198	95,650	876,848
Cabarrus,	227,850	1,691,708	138,268	1,829,976
Catawba,	241,802	1,421,926	31,332	1,453,258
Caswell,	253,337	2,210,509	137,200	2,347,709
Caldwell,	219,705	964,275	32,865	997,140
Camden,	115,608	533,556		533,556
Chatham,	480,048	1,949,209	61,848	2,011,057
Cherokee,	389,932	443,949	28,380	472,329
Chowan,	93,233	700,484	154,411	854,895
Cleveland,	329,771	975,470	89,081	1,064,551
Clay,	103,487	141,450	185	141,635
Columbus,	360,089	652,176	24,915	677,091
Craven,	418,328	634,724	640,700	1,275,424
Currituck,	128,906	545,797		545,797
Davidson,	358,343	1,899,040	114,122	2,013,162
Davie,	160,057	1,180,432	66,140	1,246,572
Duplin,	454,197	1,191,300	78,341	1,269,641
Edgecombe,	319,222	3,274,121	244,915	3,519,036
Forsyth,	206,609	1,208,090	331,615	1,539,705
Franklin,	255,943	1,322,306	151,695	1,474,001
Gates,	154,930	753,919	15,800	769,719
Granville,	424,050	2,975,125	284,547	3,259,672
Guilford,	403,205	2,175,653	371,705	2,547,358
Halifax,	364,146	2,741,107	221,229	2,962,336
Harnett,	329,461	646,965	10,210	657,175
Hertford,	189,078	981,825	149,904	1,131,729
Hyde,	141,077	888,242		888,242
Iredell,	358,473	1,676,674	163,785	1,840,459
Jones,	202,932	696,510	18,750	715,260
Lenoir,	212,897	1,141,283	130,565	1,271,848

STATEMENT H.—(Continued.)

COUNTIES.	NO. ACRES. LAND.	VALUATION LAND.	VALUATION TOWN PROPERTY.	AGGREGATE REAL ESTATE.
Lincoln,	151,403	\$ 1,062,658	\$ 156,948	\$ 1,219,606
Madison,	209,366	358,220	6,910	365,130
Martin,	223,627	1,071,101	126,015	1,197,116
McDowell,	209,932	721,634	15,542	737,176
Mecklenburg,	309,225	1,967,663	734,480	2,702,143
Mitchell,	184,284	242,189	1,139	243,328
Moore,	480,200	967,425	20,315	987,740
Montgomery,	282,099	534,331	8,625	542,956
Nash,	309,408	1,435,336	12,510	1,447,846
Northampton,	316,419	2,087,152	36,610	2,123,762
Orange,	357,095	2,050,798	334,382	2,385,180
Perquimans,	135,963	947,794	46,893	994,687
Person,	219,759	1,308,550	22,750	1,331,300
Polk,	192,674	460,525	13,218	473,743
Randolph,	459,479	1,744,675	55,183	1,799,858
Richmond,	368,107	1,038,080	20,845	1,058,925
Robeson,	570,123	1,401,013	49,605	1,450,618
Rockingham,	325,319	1,948,066	54,854	2,002,920
Rowan,	306,543	1,990,437	478,270	2,468,707
Rutherford,	295,675	1,041,015	75,400	1,116,415
Sampson,	487,106	1,436,007	79,787	1,515,794
Stanly,	223,331	521,732	11,130	532,862
Stokes,	249,651	935,775	25,835	961,610
Surry,	292,439	1,135,190	53,795	1,188,985
Transylvania,	154,952	442,334	4,176	446,510
Union,	343,009	1,029,474	49,745	1,079,219
Warren,	298,158	1,816,154	158,650	1,974,804
Washington,	163,392	531,480	51,905	583,385
Wayne,	314,521	1,863,002	186,893	2,049,895
Watauga,	190,174	387,761	3,505	391,266
Wilson,	203,705	1,120,235	159,455	1,279,690
Yadkin,	195,789	895,431	29,696	925,037
Yancey,	161,714	331,015	9,800	340,815
	19,029,034	\$ 82,204,267	\$ 7,386,019	\$ 89,590,286

I N D E X

TO THE

PUBLIC LAWS AND RESOLUTIONS.

INDEX

TO THE

PUBLIC LAWS AND RESOLUTIONS, SESSION 1868-'69.

A.

ADMINISTRATOR.	<i>Page.</i>	ADMINISTRATOR— <i>continued.</i>	
public, how appointed; bond	257	no lien created by commencement	
when enlarged; renewed,	257	of suit,	267
oath; when to obtain letters,	258	application to sell realty,	267
rights and powers; inventory,	259	the petition; heirs and devisees parties,	
judge to issue order; probate power		infant defendant; issue,	268
to vacate; new assets, &c.,	259	issue of title,	268
trust estate in personalty,	259	power of clerk; order of sale,	269
what proceeds deemed assets,	260	notice of sale; what realty sold,	269
what real assets; distinction abolished between legal and equitable assets,	260	proviso; judgment in case of fraudulent conveyance,	269
crops when assets,	260	intestate's estate how distributed	270
power to sell personalty,	261	advancements to be accounted for,	271
the same as to collector,	261	children advanced, &c.,	271
sales how made; for cash,	261	same refusing to account,	271
sales of evidences of debt,	261	illegitimate children; to be next of kin,	272
proceeds of sales how secured,	262	illegitimate children next of kin to each other,	272
hours of sale; power under will,	262	executor to pay over in two years sum's reserved,	272
order of payment; rate of,	263	gifts to issue, dying and leaving issue,	273
no preference allowed,	263	children born after will executed,	273
debts not due; those due,	264	general powers and duties, chap. 7,	274
advertising for claims,	264	rights in actions survive, &c.,	274
how made; how proved,	264	exceptions, (1, 2, 3, 4),	274
copy filed a record of court,	265	deed made by executor when	274
notice personally served,	265	proviso; land devised sold by ex. who ex. de sen tort; devastavit,	275
affidavits may be required,	265	right of action to survive to ex. for wrongful act, or neglect,	276
referring claim,	265	measure of damages therein,	276
limitation of action,	266	how recovery applied,	276
remedy against heirs, &c.,	266	recovery of assets and possession,	277
omission to prevent claim,	266		
costs against administrator,	266		
undivided real estate chargeable,	267		
debtor named executor not discharged,	267		

ADMINISTRATOR—*continued.*

executors, &c., to hold as joint tenants,	277
sales of realty under will,	277
when property paid to the University,	277
bidding in realty,	278
promises, &c., to charge ex. in writing,	278
all actions in a representative capacity,	278
appearance by one of several ex's,	279
actions against ex's by creditors,	279
legacies and distributive shares,	279
right of succeeding ex'r, &c.,	279
actions continued in cases where when ex'r to give bond (1, 2, 3,) remedy thereon,	280
bond prosecuted on revocation,	281
requiring new bonds, &c.,	281
surety in danger of loss,	281
surety entitled to relief,	282
revocation of letters for failure, &c. appointment of successor,	282
administering before letters,	282
service on absent ex'r,	283
commissions allowed; proviso,	283
may file petition for settlement,	283
payment of legacy, &c.,	284
liability and compensation of clerks	284
liability of heirs, legatees, &c., c. 7,	284
liabilities jointly for debt,	284
liability its limit; appointment of receiver,	285
priority of debts; defence, &c.,	285
debts paid estimated as unpaid,	286
conveyances by heir or devisee, void,	286
how to compel contribution,	286
specific devisee, when entitled,	287
of what lands, after born child, &c. of what personalty such share, &c. intestate estate to be applied, &c. decree of contribution; proviso,	287
how to proceed if no petition is filed,	288
miscellaneous: (chap. 9.)	289
right of dower saved,	289
what laws repealed,	289
AGRICULTURAL.	
Cape Fear Association,	532
body politic; name; powers, &c.,	533
county of New Hanover may aid,	533
city of Wilmington the same,	533
proviso; this a public act,	533
ALLEGHANY.	
county transferred to tenth district,	119
ALEXANDER.	
county to lay special tax,	329
(see tax, for other counties.)	

ASHE.

county authorizing sheriff to collect taxes,	133
(see relief and arrears for other acts.)	
ARREARS.	
of taxes from Joseph Cobb, of Edgecombe,	560
William Fields, of Lenoir,	573
J. W. C. Piercy, of Cherokee,	595
Rufus Galloway, Brunswick,	597
John L. Banks, of Johnston,	598
sheriff of Beaufort,	609
from James I. Moore, of Granville,	531
for county of Davidson,	483
ASSESSMENT.	
of property in 1869,	553
time extended; further extension,	553
proviso; sheriff's to renew bonds,	553
ASYLUM.	
Lunatic, act concerning; name,	139
government of and vacancies	139
supervisors; board to serve without reward,	140
annual meetings; superintendent,	140
term of office; assistant physician,	140
treasurer, steward and matron,	141
salaries; proviso; duties of sup't,	141
by-laws and regulations,	141
meetings of the board,	141
transfers from jail	142
criminal insane; committed,	142
admission; affidavit,	142
warrant; justices to examine,	143
removal by; form of warrant to sheriff,	143
report to clerk of court; questions and replies,	144
superintendent to convene board,	145
delivery of patient; discharge of insane,	145
affidavit of citizen, &c.; warrant,	146
examination and committal,	146
copy of proceedings returned, &c.,	146
judge's order for discharge; proviso,	146
bond payable to State,	146
damages for use of insane,	147
form of bond; when insane returned,	147
number and pay of guard; paid, how,	148
act to secure against fire,	113
no county to levy tax for,	148
moneys paid to treasurer of	149
when directed to be paid to State Treasurer,	146
Treasurer's duty; bond,	149
clerk, visitors, &c.,	149
fiscal year; board to settle claims,	150
appropriation for present year,	150

ASYLUM—continued.		ATLANTIC, TENN. & O. R. R.—continued.	
Asylum—deaf, dumb and blind, appropriation for,	56	proviso; security retained	100
ATLANTIC, TENN. & OHIO R. R.		act amended,	400
public Treasurer to deliver bonds, coupon bonds deposited; State's lien	97	Atlantic & N. C. R. R.—act of consolidation,	
failure to pay; entry upon,	97	to form one company; proviso,	77
tax levied; discharge of bonds,	97	question submitted to stockholders,	78
books to open; mode of valuation,	98	stock, how valued; directors,	78
amendments of August 9, 1868, repealed,	98	in force ninety years,	79
no discrimination; proviso,	98	consolidation, when,	79
rates, penalty, local rates, road guage,	99	no discrimination in rates,	79
interest, how applied,	99	ATTORNEY.	
		citizen to practice as, how,	118
		ATTACHMENT.	
		judgments in, valid since c. c. p.,	609

B.

BEAUFORT HARBOR.		BRIDGE—continued.	
steam ferry company,	113	John's river, in Burke,	413
powers and privileges,	114	corporators; ford; a highway	413
may build boats; capital,	114	assessors appointed; pet. not necessary,	413
directors; how shares shall vote, officers; how elected,	114	in force for fifty years,	414
BOARD OF EDUCATION.		toll across Haw River,	309
act in relation to property of,	184	BRIBERY.	
BONDS.		act to punish, at elections,	423
Jackson county to issue,	590	officers guilty of, a felony,	424
sufficiency of sheriff's,	596	bribery; accused may testify,	424
commissioner's to examine,	596	who liable to indictment,	424
to take new, or justify old,	596	forfeit, &c., at, &c.; solicitor prosecuted,	425
liability for loss, when,	596	paid by public Treasurer,	425
commissioners to call meeting,	596	BURIAL EXPENSES.	
BOUNDARY.		of Hon. Richard I. Wynne,	146
between Wilkes and Watauga,	565	of Hon. D. J. Rich,	452
BRIDGE.			
across Catawba river,	557		

C.

CAPITOL.		CAPE FEAR RIVER.	
assignment of rooms in,	128	obstructions in, removed,	190
CENTRAL N. C. R. R. CO.		CALDWELL AND WATAUGA TURN-PIKE.	
incorporation of; corporators,	135		153
corporate rights; capital,	135	CARTERET COUNTY.	
subscription of stock,	136	taxes; how collectable for 1868,	44
annual meetings; directors, &c.,	137	remedy against sheriff for failure,	45
proviso; board of directors; enforce payment,	139	CESSION.	
building contracts; guage of,	138	of certain lands in Wake to U. S.,	421
CHERAW AND COAL FIELD R. R. COMPANY.		CUMBERLAND COUNTY.	
authorized to continue construction, proviso to ordinance repealed,	46	to issue bonds,	201
name changed; no discrimination,	46	CONGRESSIONAL ELECTION.	
		act concerning,	129
		CLERK OF SUPREME COURT.	
		salary and fees,	350

CHARITIES—PUBLIC—ACT RESPECTING.

board, how elected by General Assembly,	415
meetings; to supervise public institutions,	415
pay; duty to report crimes, &c.,	415
special attention; visits and reports, the insane; may require report	416
annual report; special in 1870,	417

CODE OF CIVIL PROCEDURE.

act suspending in certain cases, all civil actions to begin with summons.	179
the summons; plaintiff to file complaint,	179
defendant to appear; issue to stand for trial,	180
summons now in hand to be returned, proviso; further proviso,	180
when sale is valid; value of property, proviso; when trust property sold, executions to be listed; proviso,	181
nothing herein repeals code, amendment of, as to commencement, of certain actions,	181
act amending,	182
revised; certain parts repealed,	225
amends secs. 498, 499, 143, 505, 428, 117, 118, 495,	351
amended; docketing justices judgment,	351
repeals what; pub. of justice's attachment,	388-84
act to amend title of,	219
title 68 amended,	219
also chap. 2, title 19,	220
section added to,	182
furnished to county commissioners, title XXI amended, see fees,	134
title XX do,	550
	608
	643
	643

COURTS.

change in Hyde and Martin,	123
transfer of military business to,	611
special terms of Superior,	644
notice to chairman of county commissioners,	645
power of court; terms to last,	645
judge to report; clerk ditto,	645
subpoenas; grand jurors,	646
judges transferred, how,	646
county; power of commissioners,	584
special for Wilmington and Newberne,	604
county; act legalizing chairman's acts,	107
time of holding superior,	120, 21, 22
see times of changing in,	127
criminal cases transferred from the docket of Craven county to Superior Court docket,	59

COUNTIES.

government of; survey when made,	57
act relating to government of,	606
CATAWBA RIVER.	
act as to felling trees therein,	117
CRIMINAL ACTIONS.	
returnable to next term,	122
secretary of State to furnish sheriff,	122
CONTEMPT.	
proceedings in,	420
what constitutes; punishment,	426
courts may punish summarily,	427
who may punish; commissioners also,	427
offender to appear and show cause, clerk, sheriff, register, &c., punished,	427
parties to suits; acting without authority,	428
refusing or neglecting; jurors convicting,	428
inferior officers; other cases,	428
proceedings conducted,	428
to sustain action, what necessary,	429
CRIMINAL CASES.	
proceedings in,	429
by persons at a riot, &c.,	429
summoned before a judge,	429
peace officers in certain cases,	430
may break open doors to prevent a felony,	430
who, and when to arrest a felon, suspected persons, &c.,	430
arrest without warrant,	431
outlaws; who, and how outlawed,	431
CRIMES.	
commission of, proceedings,	432
peace officers; chief justice, &c.,	432
complaint to magistrates,	432
when warrant to issue,	432
to whom directed; on its return, party complained of,	433
how discharged; recognized,	434
breach of peace, &c.; recognizance, if complainant does not appear,	434
recognizance; when deemed broken, evidence of breach; costs,	435
chap. III, the arrest and examination, commitment for trial and bail,	435
what officers to act; duty of justice, on examination; when warrants to run,	436
how endorsed; justice not liable for, duty of persons arresting,	437
when offence not capital,	438
duty of magistrate on bailing,	438
refusing to bail; capital offence, before what magistrate to be brought,	438
his duty; to examine prisoners, prisoner to be informed,	439
	439

CRIMES—*continued.*

answer in writing; witnesses examined,	440
may be separated; testimony reduced to writing,	440
duty of magistrates; recognizance,	440
refusal of witness to give name,	441
bail, when allowed,	441
examination to be certified,	442
penalty for failure; magistrate associate another with him,	442
who may be let to bail,	442
who let; officers letting to file, &c.,	443
what commitment shall state,	443
(name; offence; officer; discharge; court,)	443
to what jail commitment made,	444
fugitives; justice to report to Governor,	444
his duty therein; duty of sheriff,	445
of search warrants,	445
forms; costs, &c.,	446
chap. iv, final jurisdiction, &c.,	447
jurisdiction; assault and battery,	447
indictable trespasses; stolen goods,	447
offences punishable by penalty only,	447
what gives jurisdiction,	447
where no jurisdiction,	448
if no jury be asked for,	449
trial by; appeal; papers sent to clerk,	449
copies furnished on request,	450
finding and sentence; fines and costs,	450
party to pay costs before discharged,	450
what commitment to set forth,	450
what fees allowed justice,	451
who to pay costs,	451
CONVICTS.	
act employing to build penitentiary repealed,	123
CATTLE.	
to protect from distemper,	124
CONTENTNEA CREEK.	
falling trees therein prevented,	532

COMMISSIONERS.

of navigation and pilotage,	554
power of board; authority, &c.,	554
harbor master; charges, &c.,	555
rates set up; commissioners,	555
oath; Governor appoints,	556

CORPORATIONS.

act authorizing formation of,	
for manufacturing, mining, mechanical, chemical and other purposes,	669
what companies authorized and how,	669
proviso as to banking and insurance,	670
certificate attested by clerk,	670
form of; duration of company,	671
officers; business in other States,	672
when declared a body politic,	672
stock, &c., how managed,	672
failure to elect trustees,	673
president and other officers,	673
trustees may demand, &c.,	673
may purchase,	674
to make laws,	674
stock deemed personalty,	674
annual report,	674
certificate; legal evidence,	675
stockholders liable; certificate,	675
dividend; loans; false certificate,	676
liability of stockholder,	677
executors, &c., representing shares,	677
stockholders liable for debts,	677
company may increase or diminish,	677
trustees to publish notice of meeting,	678
organization of meeting, &c.,	679
when indebtedness exceeds capital,	679
corporation may secure payment of debts,	679
private property personally liable,	680
duty of trustees,	680
penalty for neglect; Treasurer's duty,	681
penalty as to Treasurer,	681

D.

DEEDS MORTGAGE.

act concerning,	551
registry of deeds required October 1, 1869,	610
PUB. 57.]	

DIVORCE.

chap. 39, s. 3, Rev. Code amended,	323
court power to issue writ,	323
proviso; conflicting laws repealed,	323

E.

EDUCATION.

board of, to sell stock,	310
public instruction,	458
who the board; the fund,	458
studies; text-books, &c.	458
auditor to keep a separate account,	458
who treasurer of board,	458
fund distributed; paid to County Treasurer,	459
moneys paid to Treasurer,	459
commissioners to levy tax; proviso county treasurer to hold funds,	460
keep account with townships,	460
fund disbursed; teachers how paid,	460
treasurer to report; school committee,	460
a body politic; school houses how located,	461
report of committee; maps, &c.,	462
duties of committee generally,	462
not to receive funds; visit school,	463
failure of township to provide,	464
committee to hire teachers,	464
payment of wages; report annually,	465
report read; committee make estimate,	465
settlement with county treasurer,	466
arrangement with adjacent township,	466
committee to take census; report,	466
county examiner; superintendent nominates,	467
per diem of examiner; powers,	467
examines teachers; keeps record,	468
report of superintendent,	468
enforce course of study, &c.,	468
preserve reports; make committee repair,	469
certificate; who admitted to school,	469
course of study; school day for children,	469
teachers dismissed for violation,	470
minors; pupils how admitted,	470
defacing school house; teachers,	470
shall keep register; salary,	470
pupil accountable, expulsion,	470
appeal; reinstated; separate schools	471
capitation tax; how collected,	471
appropriation otherwise,	471
distribution of funds; proviso,	472
school money how used,	472
committee to appoint clerk,	472
duty; pay; liable for damages,	472
school officers to deliver property to successors,	473
penalty for neglect; oath of office,	473
finer how collected; disputes,	473
office of superintendent,	474

EDUCATION—continued.

seal; disbursements,	474
furniture, fuel and stationery,	474
enforce regulations; report to Gov.	474
what the report shall contain,	474
apportion school fund, &c,	475
prepare and print forms,	475
deliver on demand,	476
no child excluded; forfeitures,	476
refusal to qualify; penalties,	476
diseased children; reasons for excluding; may recover damages,	477
school day, and term; year,	477
ELECTIONS.	
act authorizing in certain towns,	104
time; registry of votes; certificates	105
term of office; elections legalized,	105
municipal to validate,	483
ENTRY TAKER.	
act concerning,	223
ditto,	420
who to be; when a vacancy; bond,	420
where office to be kept,	420
oaths and fees; validates certain entries,	421
ENDORRSERS.	
act to benefit, and securities,	581
written notice by; proviso,	581
negligence to operate as a discharge	582
proviso; notice to be in writing,	582
EXECUTIVE MANSION.	
act to furnish, repealed,	105
EXECUTORS. (SEE ADMINISTRATORS.)	
to return inventory,	258
power of, to sell personalty, &c.	261
payment of debts; debts due,	263-4
advertising for claims; costs,	264-6
debtor named, not discharged,	266
to pay over at the end of two years,	272
general powers and duties of,	274
who chargeable as ex. de son tort,	275
devastavit by; right of action survives,	276
recovery of assets and possession,	277
ex'rs to hold in joint tenancy,	277
appearance by one of several,	279
actions against and by creditor,	279
legacies and distributive shares,	279
right of succeeding ex'r, &c.,	280
when to give bond (1, 2, 3,)	280
remedy on bond, new bonds,	281
service on absent ex'r, how made,	283
commissions allowed; proviso,	283
may file petition for settlement,	283
payment of legacy or distributive shares,	284
EXECUTION.	
act establishing days and places	

EXECUTION—continued.
 for selling real estate under, . . . 585
 chap. 45 Rev. Code repealed, . . . 585
 repealed all private acts allowing
 land to be sold, . . . 585
 when not to invalidate, . . . 585
 sold at court house door; when, . . . 586
 sheriff may postpone; advertised, . . . 586
 to serve a copy, &c., . . . 586

EXECUTION—continued.
 to ratify stays of, granted by jus-
 tices in certain cases, . . . 643
EXEMPTION.
 of property held for educational
 purposes, . . . 568
 trustees to transmit affidavit, . . . 568
 affidavit; superintendent's duty, . . . 568
 certificate; transmitted, exemption, . . . 569

F.

FAYETTEVILLE.
 town of, to issue bonds, . . . 201
FENCE.
 Neuse River a lawful; proviso, . . . 559
 also Reedy Fork of Haw River, . . . 580
FENCES DIVISION.
 general rule; when one owner has
 put up fence, . . . 647
 value of, how ascertained, . . . 647
 what the report further to state, . . . 648
 returned to register of deeds, . . . 648
 who bound by judgment therein, . . . 648
 remedy in case of delinquency, . . . 649
 how owner may relieve himself, . . . 649
FERRY.
 across Neuse River in Craven co., . . . 59
 across Peedee River, . . . 291
 also the Yadkin, . . . 577
 re-opened from Wiggins Creek to
 Newberne, . . . 603
 public, across East Branch of Cape
 Fear, . . . 604
FELONY.
 going masked, disguised, or painted, . . . 613
FEES.
 taking, illegally, prevented, . . . 353
 Code Civil Procedure, title XXI
 amended, . . . 657
 of officers, by whom and how paid, . . . 657

FEES—continued.
 copy sheet defined; fees on return
 to secretary, . . . 658
 clerk to furnish blank writs, . . . 658
 who pays cost in criminal actions, . . . 658
 if convict be insolvent, . . . 659
 how received by officers, . . . 659
 of solicitor, . . . 659
 clerks of Superior Court in civil
 actions, . . . 662
 clerks criminal actions, . . . 663
 register of deeds, . . . 663
 sheriff, . . . 664
 coroners, . . . 666
 justices of the peace, . . . 666
 constables, . . . 667
 jurors, . . . 668
 and salary of clerk of Supreme
 Court, . . . 668
 of witnesses, . . . 668
FISHERIES.
 in Carteret county, . . . 583
 obstructing fish in Little River,
 Johnston county, . . . 228
FUGITIVES.
 from justice, act respecting, . . . 126
 Governor may issue reward, . . . 126
 to whom paid; officers indictable, . . . 126
 detective force; pay for arrest, . . . 127

G.

GUARDIAN AND WARD.
 father may appoint; effect, . . . 535
 by deed or will; powers and lia-
 bilities, . . . 535
 tutor and guardian, support, &c., . . . 535
 disbursements and commissions, . . . 536
 divorce; in case of divorce, . . . 536
 guardian when father living, . . . 536
 bond; action thereon, . . . 537
 property in common, return, . . . 537
 compelling return; new assets, . . . 538
 annual amount; renewal of bond, . . . 538
 guardian failing to renew, . . . 538

GUARDIAN AND WARD—continued.
 power and duty of probate courts, . . . 539
 suit to be brought by solicitor, . . . 540
 property, how obtained from re-
 ceiver, . . . 540
 to take charge of ward's estate, . . . 540
 sale of perishable property, . . . 540
 sales and rentals, how made, . . . 541
 may lease when, . . . 541
 compound interest; liability of, . . . 541
 may invest in bonds; liability of
 land, . . . 542
 may sell timber; plate to be kept, . . . 542

GUARDIAN AND WARD—continued.	
foreign guardian may remove estate,	542
what pet. must show,	543
who defendants; courts' power,	543
estates of wards, when sold,	543
property substituted; ward's debts,	546
sureties in danger of loss,	545

GUARDIAN AND WARD—continued.	
interlocutory order; resignation,	545
duty of grand jury; orphan's estate,	546
costs and fees; disbursements,	546
commissions; liability of judges,	547
for other defaults; punishment,	547
old guardians, repeals,	548

H.

HABEAS CORPUS.	
in what cases application made,	291
when denied, (1, 2, 3, 4,)	292
by whom application made,	292
move of making same,	292
what to contain, (1, 2, 3, 4, 5,)	293
when not granted,	293
defect of form; when sufficient,	294
penalty for refusing to grant,	294
writ may issue without application,	294
notice to parties interested,	295
to district solicitor,	295
production of the body,	296
attachment on failure to obey,	296
when a sheriff fails to return,	296
precept to bring in a party,	297
power of the courts,	297
proceedings on the return of writ,	297
party to be discharged, when,	297
remanded, when,	298
bailed or remanded, when,	299
proceedings in case of sickness,	299
penalty for disobedience to order,	299
officer not liable; penalty for committing,	300
for neglecting to obey writ,	300
false return; penalty for concealing,	300
aiders and abettors,	301
writ, returnable, when,	301
by whom served and manner of service,	301
persons committing for capital offences,	302
subpoenas for witnesses,	302
cost; custody and disposition of infants,	202
ad testificandum,	303
justices of the peace and judges of probate,	303
application, and what to contain,	303
service of writ, and by whom,	304
fees, and bond on service,	304

HABEAS CORPUS—continued.	
duty of officers; prisoners remanded,	304
HENDERSONVILLE.	
mayor and commission'rs appointed,	133
HOMESTEAD.	
act creating homestead, when and how exempted,	331
sheriff to summon appraisers,	332
their duty; return,	332
levy made on the excess,	333
appraisers to elect; assessors,	333
to set apart property; register to endorse,	334
dying without homestead set apart,	334
petition filed before a justice,	334
appraisal of personal property,	335
return of same; who appraisers,	334
tracts not contiguous included,	335
costs, how charged; liability of officer,	336
of appraiser; misdemeanor,	336
judgments, creditor dissatisfied,	337
who disqualified to act as officer,	337
when exemption made or re-allotted,	337
cost hereof; how paid,	338
how vacated; fees; laying off exemption,	338
act repealed; forms,	339
form of appraisers return,	339
petition for, before a justice,	340
personally appraised,	341
certificate of qualification,	341
forms on minute docket,	342
HUNTING.	
on Sabbath prohibited,	59
penalty, and proviso,	60
wild fowl with fire in Carteret and other counties,	601
HALIFAX COUNTY.	
act respecting public buildings and bridges therein,	453

I.

IMPEACHMENT.

trial for; quorum; article exhibited,	409
powers of court; of presiding officer,	410
chief justice to preside, when,	410
accused to appear; two-thirds to convict,	411
judgment on conviction,	411
officers suspended; of president of senate,	412
indictment after conviction,	412
officers liable, when,	412

INSANE ASYLUM.

(see asylum.)

INSOLVENT AND IMPRISONED DEBTORS.

act,	388
petition of; schedule and affidavit,	388
schedule to contain, what,	389
order to show cause; notice,	389
proceedings before clerk,	390
fraud suggested; proceedings,	390
order of discharge,	390
(chap. 2,) proceedings by debtor,	391

IN. AND IM. DEBTORS—*continued.*

who entitled; application, when,	391
nature of; oath,	391
notice; suggestion of fraud,	392
when no fraud suggested,	393
debtor may give bond,	393
in case of sickness or death,	393
order of discharge; judgment,	394
proceedings after issue; surrender of,	394
false swearing; penalty,	394
prison fees; prison bounds,	395
(chap. 3,) who entitled to discharge,	396
application, how made; notice,	396
warrant to bring prisoner,	396
proceeding before the court,	397
oath; who may suggest fraud,	397
(chap. 4,) when application made,	398
to whom; trustee appointed,	398
duty of trustee,	398
(chap. 5,) general powers and duty,	399
when returns made; oath;	399
disability of trustee; repeals chap. 59, R. C.,	400

J.

JURY TRIALS.

for second week of court,	442
---------------------------	-----

JUSTICES OF THE PEACE.

civil proceedings; forms proper,	485
summary forms; release,	486
affidavit in attachment,	487
second form; against foreign corporation,	489
undertaking upon attachment,	489
warrant of; officers' return	491
inventory of property attached,	491
notice of levy on property not deliverable; certificate,	492
order directing third person to appear,	493
attachment to enforce obedience,	494
undertaking on discharge of,	495
acknowledgment and affidavit of sureties,	495
order vacating, on security,	496
publication; on arrest of bail,	497
affidavit for arrest on fraud, debt, where defendant is non-resident or about to move,	499
undertaking on arrest,	499
order of arrest; undertaking of bail,	499
notice of exception to,	501
of justification of bail,	502

JUSTICES OF THE PEACE—*continued.*

notice of other bail,	502
justification of bail,	503
allowance of bail; subpoena to testify; duces tecum; oaths of ex. defaulting witness; proceedings,	506
trial by jury; forms; venire,	508
juror's oath; constable,	508
summons against defaulting juror,	509
forms in demurrer and proceedings to complaint; answer,	510
judgment on the same,	511
entries on justice's docket,	512
forms of appeal; of notice of return to notice, &c.,	515
notice, where new trial is had,	517
return to above notice,	518
forms of judgment in certain cases, where sum exceeds \$200 dollars,	520
where real estate is in question,	520
offer of judgment; acceptance,	521
form of judgment thereto,	522
form of execution,	522
general form; in attachment,	524
proceedings for contempt,	524
warrant of commitment for,	525
forms of transcripts, &c.,	526
forms of justice's judgments,	527

L.

LANDLORD AND TENANT.

guardian may lease, &c.,	355
when to be in writing,	356
lessors not partners,	356
formal demand unnecessary,	356
right to recover, when,	357
when person entitled to rents,	357
rents apportioned, when	359
land ler for farming,	358
tenancy terminates by notice,	358
not liable for damage,	358
agreement to repair,	358
when lessee may surrender,	359
possession of crops deem vested, &c	359
when rent a lien on property,	360
removal of crop a misdemeanor,	360
lessor entitled to reversion, &c.	361
rights of grantees of reversions,	361
summary proceedings,	361
tenants may be removed,	361
when tenant holds over,	362
omission; justice to issue summons,	362
servng summons, and how,	362
justice to give judgment,	363
summon jury and assess damage,	363
to record verdict; justice's powers,	364
<i>appeals</i> ; bond how given,	364
when action shall cease,	364
when court shall restore possession	364
damages recovered for occupation,	365
costs recovered; defendant may r.	365
purchaser of land under execution,	365
remedy when lessee deserts,	366
acts, and parts of acts repealed,	366
what forms sufficient,	367
oath of plaintiff; justice's summons,	368
forms of entry; of return,	368

LANDLORD AND TENANT—*continued.*

record of justice; when appeal,	370
bond of defendant to suspend ex.	371
justification of sureties,	372
execution; supersedeas,	373
certificate; costs in the cause,	374
LICENCE.	
to practice law,	43
persons heretofore practicing in	
county courts may practice in all,	43
when act to take effect,	43
LAND GRANTS.	
in Ashe and Alleghany,	153
entry and grant confirmed,	157
LIEN LAW.	
of mechanics and laborers,	305
where labor is performed,	305
materials furnished; labor on crops,	305
proviso, on what lien attaches,	305
notice of; when filed,	306
when filed; requisites of,	306
duties of township clerk and reg-	
ister	307
proceedings to enforce lien,	307
defendant entitled to set-off,	307
executions upon judgments,	307
costs; order in which liens are	
paid,	308
how discharged; justice's judg-	
ments,	308
when remedy by attachment,	308
act of August 22, 1869, repealed,	309
when this takes effect,	309
LIQUORS, SPIRITUOUS.	
sale forbid in on certain roads,	311
LIVE STOCK.	
penalty for injuring or killing,	603

M.

MAGISTRATES.

recovery before; writs, to whom	
returnable, and when,	193
defendant to enter pleas; jury,	193
appeal granted; stay of execution,	194
proviso; when execut'n returnable,	194
how summons returnable	184
judgments set aside,	194
docket to keep; process,	194
not applicable to attachment,	195

MILLS.

special proceedings concerning,	377
water mills; commis'rs appointed,	378
third commissioner to preside,	378
duty; report; when will not allowed,	379
court to return report; duty of	
persons to whom leave is granted,	379

MILLS—*continued.*

time to build; remedy for injuries,	380
court to appoint commissioners,	380
to view the premises,	381
parties to be witnesses,	381
act concerning builders of public,	55
MITCHELL RIVER.	
act against felling trees in,	132
McDOWEL COUNTY.	
transferred to the 11th judicial dist.,	119
MUNICIPAL.	
elections; qualification of voters,	47
ten days residence sufficient,	47
eligible to any municipal office,	47
three persons appointed by com-	
missioners to hold,	55

N.

NEW HANOVER COUNTY.

county commissioners to examine books,	75
parties failing to obey summons, punished and how; proviso,	75

NORTH WESTERN R. ROAD.

State's loan; principal, when paid, loan to Yadkin Valley Division, bonds issued, when; first mortgaged, tax for interest; comp'y. may pay,	101
	101
	102
	102

NORTHWESTERN R. ROAD—*continued.*

president shall pay when, and how, State's security; repealing clause,	103
	103

NORTH WESTERN N. C. R. ROAD.

right to raise subscription in realty, subscriptions by Surry county, trespass; excess of loan State, supplemental to other acts directors,	199
	199
	200
	200

O.

OFFICERS, STATE.

who public; legal powers undefined, elections and term of office	615
duty of Lieutenant Governor,	616
committees may take testimony, how application made; appeal,	616
contested elections,	616
subpoena and notice, how served, secretary to have laws printed,	617
names to be prefixed; distribution, transmit to publisher's &c.,	618
when publication to be completed, paper filed; statutes in pamphlet f., when statutes to take effect,	618
how parts of acts amended to be construed,	618
statute may be repealed,	618
executive officer's, civil and military, Governor's duties defined,	619
may direct Attorney General to appear for the State,	620
other powers and duties,	620
copies of statutes sent to each State, what record kept by him; where preserved,	620
his residence; private secretary, Secretary of State, his other duties defined,	623
Auditor, his duties,	628

OFFICERS, STATE—*continued.*

Treasurer's,	631
Attorney General's,	633
Superintendent of Public Instruction,	633
Superintendent of Public Works,	638

OXFORD BRANCH.

of Raleigh & Gaston Rail Road, charter amended; corporate powers,	84
books opened; power to receive subscription,	85
when opened; when incorporated, rules and regulations; general meetings,	86
directors, how elected; books open till,	86
directors may fill vacancies, &c., stock transferable; money how borrowed,	87
further powers; proviso,	87
land to vest in company,	87
proviso; right to use road,	87
when to begin; State subscription, tax levied to pay interest,	88
company purchase stock,	88
equipping road; president pays treasurer,	89
to retain security; proviso,	89

P.

PARTITION.

of real estate; affidavit of commissioners,	311
oath; duty; surveyor; report,	312
decree; when land lies in several counties,	312
sums to be interest; pay of commissioners,	313

PARTITION—*continued.*

costs; sale of real estate, &c.,	314
when sale to be ordered; notice of, who to sell; lands required for p. p. vacant lands secured to certain p., dower apportioned; when,	315
compensation of officer,	316
when lands lie partly in and out of S.	316

PARTITION—*continued.*

court decree; partition,	317
commissioners appointed; duty of,	317
proviso; court compel to execute,	318
decree for p. in another state,	319
judge to decide in reference to law,	320
time allowed married women,	320
pay of commissioners; partition of	321
personalty,	321
report, and its confirmation,	321
when sale ordered; notice of; effect	322
of deed,	322
compensation fixed by court,	322
procedure as in special proceed-	322
ings,	322
PENITENTIARY.	
to erect; near Raleigh,	587
stockade and cells for convicts,	587
walls, &c; lands may be taken,	587
commissioners; proviso; treasurer,	588
requisitions signed by commis-	588
sioners,	588
labor of convicts; bond of commis-	589
sioners,	589
architect and other officers,	589
Governor to fill vacancies,	590
to order convicts; proviso,	590
PIIT COUNTY.	
act to rebuild bridges and school	111
houses,	111
PREEDEE RIVER.	
obstructions removed by county	150
commissioners; penalty,	150

PLASTER BANKS AND SALT

WORKS R. R. CO.	
amendment; continues 99 years,	253
power to construct road,	254
capital stock; subscriptions,	254
power to call meetings,	254
when declared incorporated,	255
organization, 8 directors elected,	256
rights and powers of road,	256
annual meetings; proviso,	256
power to condemn, &c.,	256
to borrow money, and issue bonds,	256
PHENIX TRANSPORTATION CO.	530
PROCEEDINGS IN CONTEMPT—	
(SEE CONTEMPT.)	
PUBLIC WORKS.	
superintendent of, and the Carteret	567
county turnpike,	567
PUBLIC DEBT.	
amended act, funding matured int.	613
PUNISHMENT.	
for murder; rape; assault with	406
intent,	406
arson of inhabited house,	407
gins, tobacco barns,	407
crimes heretofore punished with	407
death,	407
assault with deadly weapon with-	407
out intent,	407
with intent to kill,	407
punishment in lieu of corporeal,	408
confinement of convicts,	408
repeal of Act of August 22, 1868,	408

Q.**QUARANTINE.**

station established,	570
Governor to designate medical offi-	570
cer,	570
to advertise; report; boat furnished	570
and crew employed,	570

QUARANTINE—*continued.*

vessel to pay fee; fee of patient,	571
pilots to bring vessels; penalty,	571
captain's liability; further penalty,	571
officers may issue warrant, &c.,	572
pay; proviso; site of buildings,	572

R.**RAIL ROAD.**

SILVER HILL ; powers of company,	52
capital stock; process when lawful,	53
in absence of contract land pre-	53
sumed granted,	53
assessment, how applied for,	53
EASTERN AND WESTERN.	
through Granville, Person, Caswell,	202
Rockingham, Stokes and Surry,	202
Governor appoints directors,	202

RAIL ROAD—*continued.*

power to receive donations,	202
vacancies; how filled; lands may	203
be sold; may borrow money,	203
use of part of the road; proviso,	203
land taken when; proviso,	203
right of state to use road,	204
state bonds, when delivered,	204
special tax levied,	204
bonds, how used; gauge of road,	204

RAIL ROAD—*continued.*

EDENTON AND SUFFOLK R. R. ✓
 Governor to order meeting, . . . 343
 power to receive donations, . . . 343
 Governor to fill vacancies, . . . 343
 donation in land; may borrow, . . . 343
 may use road; proviso, . . . 643
 lands necessary, to be taken, . . . 343
 proviso; state to use road, . . . 344
 treasurer to issue bonds, . . . 344
 interest provided for, . . . 344

DAN RIVER COAL FIELD R. R.
 ordinance made valid; extension,
 capital; subscription; stock in
 lands, . . . 548
 meetings; forfeiture of charter, . . . 549

SCOTLAND NECK AND WILSON R. R.
 authority to build road; books
 open, . . . 574
 incorporated; meetings; transfer
 of stock, . . . 575
 to borrow money; company to use
 road, . . . 576
 how lands required to be taken;
 proviso, . . . 576
 company to have right to use road,
 when to begin to construct, . . . 577
 Asheboro' and Albemarle, . . . 580

LOUISBURG BRANCH OF WILMINGTON
 R. R.
 canvassers; their duty; capital, . . . 592
 lands subscribed; rights and power,
 directors required to survey, . . . 593
 consolidation of Charlotte and South
 Carolina R. R. Co., . . . 598
 when; affairs, how directed; proviso,
 question of approval to be submit-
 ted, . . . 599
 concerning property, debts, &c., . . . 599
 to incorporate the Norfolk and
 Chrritnck, . . . 599
 when road to be; affairs managed,
 quorum; proviso; salaries; letters,
 600

CENTRAL NORTH CAROLINA R. R.
 incorporating; corporators, . . . 562
 by-laws; capital; books opened, . . . 563
 meetings; board to locate; powers,
 president to issue certificates, . . . 564
 565

UNIVERSITY R. R. ✓
 incorporated; corporate powers, . . . 71
 directors; to appoint officers;
 bonds, . . . 72
 interest payable in New York, . . . 72
 contracts, how let; interest provid-
 ed for, . . . 73
 amended act, . . . 224

JAMESVILLE AND WASHINGTON R. R.
 110

CHATHAM R. R.
 company to complete road, . . . 454
 power to borrow money; to issue
 bonds, . . . 454

RAIL ROAD—*continued.*

rate of interest; mortgage, . . . 454
 second ditto; deposited with Treas-
 urer, . . . 455
 what counties may subscribe stock,
 special tax to pay interest, . . . 455
 no subscriptions made till question
 settled, . . . 456
 publication to be made; duty of
 commissioners, . . . 456
 receive subscriptions, securities, &c. ✓
 457

WESTERN N. C. R. R. ✓
 amendments—capital, . . . 61
 proviso; western division to bor-
 row, . . . 61
 property may be mortgaged, . . . 61
 act of August 18th 1868, re-enacted,
 state bonds ratified; new issued, . . . 62
 interest on; county commissioners
 to act, . . . 64
 proxy; how appointed; meeting, . . . 64
 stockholders of eastern division to
 elect directors and officers, . . . 64
 proviso; same western division, . . . 64
 proviso; power to take security, . . . 64
 western terminus; registry, . . . 65
 where; may discontinue branches,
 proviso; to be submitted to private
 stockholders; duty of president,
 if a quorum not present, . . . 65
 duty of president if accepted, . . . 66
 proclamation of Governor; proviso,
 further proviso; repealing clause, ✓
 67

WILMINGTON, CHARLOTTE AND RUTHER-
 FORDTON R. R. ✓
 act of amendment, . . . 68
 capital stock; treasurer issues
 bonds, . . . 68-
 by whom signed; subscription;
 how applied, . . . 68
 directors; how appointed; re-or-
 ganization, . . . 68
 acceptance not to effect; liability,
 interest provided for; proviso, . . . 69
 president pays matured interest, . . . 69
 treasurer to retain as security, . . . 69
 to deliver bonds; proviso; dividend;
 no discrimination; proviso, . . . 70
 freight rates; persons injured may
 sue, . . . 71
 local rates not prevented, . . . 71
 directors to receive subscription, . . . 71

WESTERN N. C. R. R.
 act amending, . . . 73
 conflicting parts of 18th sec. re-
 pealed, . . . 74

WESTERN R. R. COMPANY.
 act amending; submits to secretary,
 directors; how appointed; repeal, . . . 80
 treasurer to subscribe; deliver,
 bonds with interest, . . . 81

RAIL ROAD—continued.		REVENUE—continued.	
exchange of bonds; tax levied, . . .	81	deductions; tax or realty and personalty, . . .	232
treasurer makes transfer, . . .	81	when liable; legacies; legatees, . . .	232
4th sec. repealed; road extended, . . .	82	when to apply for appointment, . . .	233
proviso; interest provided for, . . .	82	income tax to be returned, . . .	233
president pays to treasurer, . . .	82	B schedule; taxes on privileges, travelling theatricals; concerts and lectures, . . .	233
security retained; bonds issued, . . .	83	museums, wax-works, &c., . . .	233
WILLIAMSTON AND TARBORO' R. R.		circus and menageries, . . .	234
power to extend road; increase of capital; books opened, . . .	90	itinerant companies, and spirit rappers, . . .	234
commissioners may subscribe, . . .	96	gift enterprises; bank agents, . . .	234
treasurer's duty; to subscribe \$1,-500,000, . . .	90	billiards; ten-pin alleys, &c., . . .	234
bonds run thirty years; special tax, president's duty; to elect two directors, . . .	91	retailers; wholesale dealers, . . .	235
bonds delivered to president, . . .	92	distillers; tobacco manufacturers, . . .	235
powers of stockholders, . . .	92	merchants other than dealers, . . .	235
president to call meeting, . . .	93	to submit books, &c., . . .	235
directors, how appointed, . . .	93	hotels; gas companies; ferries, gates, &c., . . .	236
powers of stockholders, . . .	93	exchange, bond and note brokers, playing cards; studs and jacks, horse and mule drovers, . . .	236
delivering bonds; treasurer assigns, right to appoint directors; capital, proviso; preferred stock; State's lien, . . .	94	riding vehicles; auctioners, &c., horses and vehicles for hire, . . .	237
power to pay and discharge persons, proviso; president to pay treasurer, treasurer retains security, . . .	94	licensed retailers; itinerant dentist, medical practitioner; por. painters, daguerrean artists; proviso, . . .	237
proviso, . . .	95	pedlars of goods, &c.; proviso, . . .	237
act amending—allowing the State to vote, . . .	96	lightning-rods; itinerant dealers in liquors, . . .	238
WILMINGTON, CHARLOTTE AND RUTHERFORDTON R. R.	218	gypsies; drummers, non-resident, misdemeanors; chief officers of banks, . . .	238
act amending—completion, . . .	252	insurance companies, . . .	239
directors, how appointed, . . .	252	not to follow taxed professions without license; proviso, . . .	239
treasurer to deliver bonds, . . .	252	form of license; tax to be proportionate, . . .	240
stock issued to State, . . .	253	license taken out in advance, . . .	240
when right to appoint ceases, . . .	253	invalid till register signs, . . .	241
submitted to be passed on, . . .	253	register to keep book; penalty, . . .	241
certain reports from company's extended, . . .	641	persons practicing trades; sheriff reports, . . .	242
WILMINGTON AND SEA-SIDE R. R.		no license till tax be paid, . . .	242
corporators; authorized to build, stock; general meeting, . . .	649	C schedule; tax for carrying on business, . . .	242
lands required; entry on lands, may build track; passenger and foot, . . .	650	express and telegraph companies, tax on seals used; on-scroll, . . .	242
obstructing, a misdemeanor, . . .	651	marriage license, deeds, &c., . . .	242
ROAD, PLANK.		charters; what tax laws repealed, act supplemental, . . .	244
from Salem to High Point, . . .	406	do do . . .	457
ROAD, PUBLIC.		RENTED LANDS.	559
established in Davie and Henderson, . . .	577	act to protect those renting from U. S. treasury agents, . . .	112
REVENUE.		ROCK FISH CREEK.	
act to raise; taxes payable in currency, . . .	230	obstructing same; penalty, indictable in either court, . . .	74
poll tax; to pay interest on public debt, . . .	230		
class first, ad valorum tax, . . .	231		
money and credits; stocks &c., . . .	231		
class second, net incomes, &c., . . .	232		

REGISTRATION.
of voters in all special elections, persons heretofore registered allowed to vote, 45
applicants not heretofore registered, 45
REVISED CODE.
chapter 39, amended, 323
chapter 93, amended, 565
RECORDS BURNT.
to establish; Judge to issue letters, duty of clerks when records destroyed, 385
proviso; on return of notice to clerk, 386

RECORDS BURNT—*continued*.
judges to have jurisdiction, 386
REHEARING OF CAUSES.
act concerning; notice, 159
REGISTER OF DEEDS.
act concerning, 222
act amendatory, 290
RELIEF.
of B. Wallace, sheriff of Duplin, 528
S. A. Kelly, " of Davie, 529
A. H. Duncan, " of Hyde, 531
ROBESON COUNTY.
act concerning roads and bridges, 226

S.

SALARIES.
Governor's and Treasurer's, 251
SALARIES AND FEES.
(See Fees.)
SET OFF.
bills; a set-off act of 1858 amended, who entitled to the benefit of, remedy may be by injunction, 182
SETTLEMENT.
of estates of deceased persons, (See Public Administrator.) 257
SPECIAL COURTS.
in Craven county, how long, juries summoned, 51
SHAD AND HERRING,
in Neuse and Contentnea, 594
SHERIFFS.
act protecting in sale of lands for tax, 608
SPECIAL PROCEEDINGS.
generally, when all parties ask relief, 205
when clerk hears summarily, if petitioners are infants, special orders by judge signed, what parts of Code applied, trivial defects not regarded, by widow for years support, from what assigned, value of allowance; family defined, duty of administrator, &c., value of articles assigned, value to be ascertained, personal representative to apply to justices, widow put in possession, duty of commissioner; appeal taken, duty of appellant; ex'r's allowance, when allowance in full, when not; application by summons, 210

SPECIAL PROCEEDINGS—*continued*.
what set forth in complaint, what judgment shall be given, duty of commissioner; how report returned, party interested may except, if report is confirmed what, costs, how paid; sheriff's; commissioners, what acts repealed; year's provis'n, widows unprovided for, to proceed, dower—widows endowed, common law; dower defined, not liable for debt, alienation by husband, when evidence barred, widow may dissent; its effect, when assignment of dower, how applied for; heirs, devisees, &c., how assigned; notice, divorce—application for, jurisdiction; affidavit filed, jury try facts material, secs. 5, 6, 7 and 8, chap. 39, Rev. Code, repealed, existing suits; when act to go into effect, what repealed, 210
211
211
212
212
213
213
213
214
214
214
215
215
215
216
216
216
217
217
217
SPIRITUOUS LIQUORS.
sale prohibited on W. N. C. R. R., 559
STATE BONDS.
act re-enacting and confirming certain acts authorizing issue of to and for certain railroads, acts of August 17 and 19, 1868, re-enacted, treasurer to issue new bonds, special tax of one-thirtieth of one per cent. levied annually, for Wilmington and Tarboro R. R., 48
48
48
48

STATE BONDS—*continued.*
 same for Western N. C. R. R., . . . 49
 treasurer to subscribe two millions, . . . 49
 how the same to be issued, . . . 49
 interest provided for on Chatham
 R. R. bonds, . . . 49
 STOCK, RAIL ROAD.
 counties to take stock, . . . 417
 subscription to stock; commis'ners,
 proviso; elections by sheriffs, . . . 418
 interest on bonds; how taxes paid, . . . 418

SPECIAL TAX.
 In Warren county for poor house, 451
 sheriff to collect; to be a fund, . . . 452
 commissioners to build it, . . . 452
 Duplin and Wayne counties, . . . 484
 SUIT.
 against rail'rod compani's on bonds, 605
 STEAMBOAT.
 express steamboat company, . . . 534

T.

TAXES.
 collected by State and counties on
 property polls and incomes, . . . 160
 valuation, when made; meaning
 of "land" and "real property," . . . 160
 assessors; pay; not appointed when
 legal board exists, . . . 161
 clerk to notify of appointment, . . . 161
 penalty for not serving, . . . 161
 commissioners to fill vacancy, . . . 162
 assessor to adv'rtise; listed in April,
 where to be given in; what given
 in; where owner resides, . . . 162
 what is residence; assessor to re-
 cord list, . . . 163
 oath; list to contain what, . . . 163
 pasture and woodland, . . . 163
 value of articles; solvent credits,
 proviso; stock not taxed if company
 pays; identity of property, . . . 164
 income; when not resident, . . . 164
 guardian, &c., to give in separately,
 value of certain franchises, how
 given, . . . 165
 value same as in other property,
 exempted property: graveyards,
 fair grounds, arms, wearing ap-
 parel, implements, &c.; proviso, . . . 166
 list refers to 1st April each year, . . . 166
 how property valued; what yearly,
 penalty; assessor to bind over,
 auditor provides forms for sheriff,
 abstract, how made; list returned,
 property not given in, . . . 167
 commissioners, when to meet, . . . 168
 summon of witnesses; value raised,
 complaints, how proceeded with,
 appeal; how tried; double tax,
 how exempted; lists, how disposed
 of, . . . 169
 clerk to indorse copies to sheriff,
 when land is divided how tax as-
 sessed, . . . 170
 proviso; when value may be reduced, . . . 171

TAXES—*continued.*
 when to increase valuation, . . . 171
 when paid; sheriff attends to re-
 ceive, . . . 171
 sheriff to notify treasurer, . . . 172
 how sheriff to collect; seize and sell,
 levy, and notice by sheriff, how
 given, . . . 173
 when sale to be; highest bidder, . . . 173
 sheriff to bid off; under board's
 control, . . . 174
 redemption; when purchaser pays
 register, . . . 174
 deed made when; registered, . . . 174
 when sheriff to pay state taxes, . . . 175
 against persons appealing, . . . 175
 proviso; penalty on sheriff, . . . 175
 when prosecuted; county tax;
 when paid, . . . 176
 committee to settle with sheriff, . . . 177
 penalty; other penalties, . . . 177
 county officers, . . . 177
 special, by Alexander county, . . . 329
 " " Anson " . . . 196
 " " Brunswick " . . . 561
 " " Buncombe " . . . 345
 " " Beaufort " . . . 352
 " " Chatham " . . . 59
 " " Columbus " . . . 592
 " " Cumberland " . . . 419
 " " Chowan " . . . 683
 " " Clay " . . . 322
 " " Duplin " . . . 485
 " " Franklin " . . . 354
 " " Granville " . . . 354
 " " Greene " . . . 326
 " " Halifax " . . . 453
 " " Haywood " . . . 453
 " " Henderson " . . . 355
 " " Hertford " . . . 387
 " " Johnston " . . . 346
 " " Jones " . . . 348
 " " Iredell " . . . 330
 " " Lenoir " . . . 558

TAXES—*continued.*

"	"	Macon County,	345
"	"	Madison "	566
"	"	Martin "	682
"	"	Mitchell "	582
"	"	Northhampton "	222
"	"	Onslow "	583
"	"	Pasquotank "	346
"	"	Perquimans "	352
"	"	Polk "	573
"	"	Randolph "	328
"	"	Robeson "	325
"	"	Rockingham, "	225
"	"	Rutherford "	328
"	"	Sampson "	348
"	"	Stanley "	321
"	"	Transylvania "	325
"	"	Union "	327
"	"	Wake "	327
"	"	Warren " P. H.	451
"	"	Wayne "	484
"	"	Washington "	328
"	"	Wilson "	330
"	"	Yadkin "	346
"	"	Yancey "	582

ARRAERS.

in Stanley county,	183
" Northhampton "	184
" Robeson "	221
" Henderson " 1866-'67,	58
" Cumberland " "	60
" Davidson " "	483
" Granville " J. I. Moore,	581
" Edgecombe " "	560
" Lenoir " Wm. Fields,	573
" Cherokee " J. W. C. Piercy,	595
" Brunswick " R. Galloway,	599
" Johnston " J. L. Banks,	598
" Beaufort " Sheriff,	609

TURNPIKE.

charter of the Tuckasege and Nantihala,	656
western; how used; gate keeper,	187
toll rates; gate keeper to pay over,	187
made agents of commissioners,	187
contracts; how let; agency abolished,	188
present gate keepers, &c., continued,	188
misdemeanor; conflicting lands,	188
Cheioh,	561
from Marion to Asheville,	107
where running; width; engineer,	107
land damages; S. P. Works to contract,	108
penalty; laborers; Yancey and McDowell,	108
states interest transferred,	108
Governor's warrant; tax for '69-'70,	108
pay of superintendent, commissioners, &c.,	109

TURNPIKE—*continued.*

where commencing; Bakersville road,	109
additional road; proviso,	110

CARTERET COUNTY.

superintendent of public works to appoint,	158
nothing paid till finished,	158
appropriation for; proviso,	159
per diem of commissioners, &c.,	159

WESTERN.

from Asheville to Murphy,	185
commissioners to divide into lots,	185
appoint overseers; fines; overseers, &c.,	186
power of commissioners,	186
when toll not required,	186
tolls to be levied; proviso,	186
acts amending,	310-405

TRANSFER.

of cases from docket of Craven criminal court; clerk's fees,	179
of certain plank road limits to Montgomery,	189

TOLL BRIDGE.

across Haw river,	309
gate to prevent crossing on north end of Little river,	527

TOWNSHIPS.

acts concerning; districts approved, counties; proceedings in name of board,	498
of whom board of trustees to consist,	479
number of justices in cities and towns,	479
first election; how held,	479
persons elected to qualify,	479
board to decide contested elections	479
term of office; constable; bond,	480
board may buy township house,	480
lay tax; appoint meetings,	480
quorum; to lay out highways,	480
build bridges; appoint overseers,	481
clerk of board; appeal; assessment report of board; to audit and settle,	481
to lay and collect taxes; clerk to record proceedings,	481
per diem of justice and clerk,	482
county commissioners to designate townships,	482

TREASURER.

PUBLIC.	
to supply deficiencies in Treasury,	54
security pledged,	55
to supply temporary deficiencies,	227
to borrow money; payment when made,	227

TREASURER—*continued.*

COUNTY.

repeal of chap. 29, Rev. Code,	374
when to qualify and give bond,	374
vacancy; bond; books, &c.,	375
prosecution of bond,	375
compensation; speculating,	375

TREASURER—*continued.*

duties of; to keep true account,	376
to call on sheriff; exhibit to board,	376
failure of sheriff; of treasurer,	378
TOWN LOTS.	
Donated for educational purposes,	125

U.

UHARIE RIVER.

obstructions in; removal of by county commissioners,	150
--	-----

UHARIE RIVER—*continued.*

penalty for violation,	151
----------------------------------	-----

W.

WATER WORKS—

Wilmington,	245
commissioners; capital,	245
may purchase and hold property, by-laws, &c.; supply water,	246
power of corporators; proviso,	247
certificates of stock; money orders, advertisement; sell at auction,	247
recovering by suit; elections,	248

WATER WORKS—*continued.*

removals; meetings,	248
when lands are necessary, &c.,	249
written consent valid,	249
persons liable to indictment,	250
obstructions a misdemeanor,	251
public act,	251

WIDOWS.

(See Special Proceedings generally.)

Y.

YADKIN RIVER.

obstructions; removal by county commissioners,	150
penalty,	151

YELLOW MOUNTAIN

Bridge Company,	191
corporators; design; powers,	191
capital; books open; meetings,	192

YELLOW MOUNTAIN—*continued.*

officers; annual meeting,	192
toll rates; stock; certificates,	192
land assessed; commissioners of Burke to subscribe,	193

YEAR'S ALLOWANCE.

(See Special Proceedings.)

RESOLUTIONS.

RESOLUTIONS—	
in favor of sheriffs, - - -	688
of Senate, in regard to pages, -	688
concerning mileage and per diem for banned members, - - -	688
joint, providing for a committee of investigation, - - -	688
joint, to allow the Legislature to take recess, - - -	690
of Senate, tendering use of Senate chamber to the presidential elec- tors, - - -	690
of Senate, in regard to mortgage bonds of the North Carolina R. Road Company, - - -	691
on tobacco tax, - - -	691
of Senate, in regard to Senate Library, - - -	692
of Senate, in regard to map of the State, - - -	692
of Senate, instructing committee, joint, in regard to holding two ses- sions per day, - - -	693
of Senate, appointing a committee of enquiry - - -	693
joint, to raise a joint committee to investigate the management, &c., of the Bank of North Carolina, joint, in relation to banks, - - -	693
in regard to the co-operation of the State of North Carolina and the State of Tennessee in certain rail road enterprises, - - -	696
to provide an office for the super- intendent of public instruction, instructing select senate peniten- tiary committee, - - -	701
to annul a portion of a joint resolu- tion in regard to the rooms in the capitol building, ratified Au- gust seventh, eighteen hundred and sixty-eight, - - -	702
instructing the judiciary committee, in regard to the printing of the laws, asking information of the supreme court, - - -	702
of instructions to the Treasurer of the State, - - -	704
inviting immigration, - - -	704
in favor of the sheriff and register of deeds for Greene county, -	697

RESOLUTIONS.	
of Senate, instructing committee corporations, - - -	698
instructing code commissioners to prepare and report a compilation of charters, acts, &c., - - -	699
asking our representatives in con- gress to use their influence to revive and re-open all the mail routes and post offices heretofore existing in North Carolina, -	699
in relation to improvement of the navigation of Cape Fear river, in relation to bills presented by the commissioners, - - -	700
joint, to provide an office for the State Auditor, - - -	701
setting apart Saturday for the con- sideration of private bills, -	705
providing for payment of a clerk to the committee of investigation of bribery and corruption, -	705
in regard to special tax on whiskey, extending time given to joint com- mittee on banks, - - -	706
in relation to mint at Charlotte, -	707
in reference to executive mansion, by the general assembly of North Carolina, - - -	708
in relation to raising a joint com- mittee to consider the election of a state's prison, - - -	708
in relation to the public treasurer, joint, ratifying the proposed amend- ment to the constitution of the United States of America, -	709
in regard to night sessions, - - -	710
raising a joint committee of three on the part of each house to re- port a bill for the relief of the people of North Carolina, - - -	711
instructing our senators and repre- sentatives in Congress to vote for a repeal of the tenure of office law, - - -	711
senate resolution, - - -	712
joint, appointing committee to in- vestigate the affairs of Albemarle and Chesapeake canal, - - -	712
joint, to adjourn on the 12th of April, 1869, - - -	713

RESOLUTIONS—*continued.*

to pay expenses of investigating committee, - - - -	713
concerning the treasury, - -	713
to pay the actual expenses of the penitentiary committee, - -	714
to allow the county commissioners of Richmond county to levy a special tax, - - - -	714
on absent members, - - - -	714
concerning secretary of state, -	715
explanatory of an act entitled "An act to regulate the salary and fees of the supreme court, -	715
concerning committee of investigation into the affairs of the Albe-	

RESOLUTIONS—*continued.*

marle and Chesapeake canal company, - - - -	716
amendatory of a joint resolution in relation to banks, ratified 21st December, 1868, - - -	716
joint, in relation to direct trade, -	717
to sell the state's interest in the Fayetteville and Warsaw plank road, -	718
in reference to publication of certain acts, - - - -	719
instructing public treasurer, -	719
authorizing the commissioners of Polk county to lay a special tax, -	720
appointing a board of public charities, - - - -	720

p 423 bribery
129 cong. elections

See index
elections
registration

709 amendment

out - 45 registration

613 going masked

616 Leg. contest

769 15th Amend

