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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION 1869--70,

BEGUN AND HELD IN THE

CITY OF RALEIGH ON THE FIFTEENTH OF NOVEMBER, 1869.

TO WHICH ARE PREFIXED

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

WITH

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

PUBLISHED BY AUTHORITY.

RALEIGH:

JO. W. HOLDEN, STATE PRINTER AND BINDER.

1870.

Recd. of...

REGISTER OF STATE OFFICERS,

MEMBERS OF THE GENERAL ASSEMBLY,

AND THE

JUDICIARY,

FOR THE YEAR 1870.

OFFICIAL REGISTER

FOR THE

YEAR 1870.



STATE GOVERNMENT.

W. W. HOLDEN, Wake County, Governor,
TOD R. CALDWELL, Burke County, Linet. Governor,
HENRY 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, . . Sup. 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, Meckleburg 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,

NAMES.	RESIDENCES
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 L. 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. CALDWELL, Lieut. Governor, President.

REGISTER OF STATE OFFICERS.

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

SENATE.—Continued.

DIS.	COUNTIES.	NAMES OF SENATORS.	RESIDENCES.	Co., N. C.
15	Robeson,	O. S. Hayes,	Shoe Heel, Robeson	Co.
16	Chamberland, Harnett and Sampson,	J. S. Harrington,	Lillington, Harnett	"
17	Johnston,	C. T. Murphy,	Clinton, Sampson	"
18	Greene and Wayne,	J. B. Cook,	Selma, Johnston	"
19	Franklin and Wake,	C. H. Brogden,	Goldsboro, Wayne	"
20	Warren,	P. B. Hawkins,	Louisburg, Franklin	"
21	Granville and Person,	W. D. Jones,	Forestville, Wake	"
22	Orange,	J. A. Hyman,	Warrenton, Warren	"
23	Chatham,	R. W. Lasiter,	Oxford, Granville	"
24	Caswell,	C. S. Winstead,	Roxboro', Person	"
25	Rockingham,	J. W. Graham,	Hillsboro', Orange	"
26	Alamance and Guilford,	Silas Burns,	Haywood, Chatham	"
27	Randolph and Montgomery,	(Vacant.)		"
28	Moore and Richmond,	J. M. Lindsay,	Madison, Rockingham	"
29	Anson and Union,	T. M. Shoffner,	Hartshorn, Alamance	"
30	Mecklenburg,	G. W. Welker,	Shaw's Mills, Guilford	"
31	Cabarrus and Stanly,	J. H. Davis,	Sanders Hill, Montgomery	"
32	Davie and Rowan,	W. R. Richardson,	Carthage, Moore	"
33	Davidson,	P. T. Beeman,	Wadesboro', Anson	"
34	Forsyth and Stokes,	Ilan. C. Jones,	Charlotte, Mecklenburg	"
35	Surry and Yadkin,	C. Melehor,	Concord, Cabarrus	"
		W. M. Robbins,	Salisbury, Rowan	"
		P. A. Long,	Lexington, Davidson	"
		P. A. Wilson,	Salem, Forsyth	"
		Samuel Forkner,	Mount Airy, Surry	"

36 Alexander and Iredell,.....	J. H. McLaughlin,.....	Statesville, Iredell	County, N. C.
37 Catawba, Gaston and Lincoln,.....	L. A. Mason,.....	Dallas, Gaston	" "
38 Cleveland, Polk and Rutherford,.....	J. B. Eaves,.....	Rutherfordton, Rutherford	" "
39 Alleghany, Ashe and Wilkes,.....	S. P. Smith,.....	Wilkesboro', Wilkes	" "
40 Buncombe, Henderson and Transylvania,.....	James Blythe,.....	Hendersonville, Henderson	" "
* 41 Burke, Caldwell and Watauga,.....	R. S. Beall,.....	Lenoir, Caldwell	" "
42 Madison, Mitchell, McDowell and Yancey,.....	W. M. Moore,.....	Burnsville, Yancey	" "
43 Clay, Cherokee, Haywood, Jackson and Macon,.....	W. L. Love,.....	Franklin, Macon	" "

HOUSE OF REPRESENTATIVES.

W. A. MOORE, of Chowan County, Speaker.

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Alamance,	J. A. Moore,	Company Shops,
Alexander,	R. P. Matheson,	Taylorville,
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,	{ Wm. A. Moore,	Edenton,
Clay,	{ J. O. Hicks,	Hayesville,
Cleveland,	{ Plato Durham,	Shelby,
Columbus,	{ D. P. High,	Whiteville,
	{ Augustus S. Seymour,	Newbern,
Craven,	{ 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,
	W. T. J. Hayes,	Halifax,
Halifax,	John H. Renfrow,	Weldon,
	Ivey Hudgings,	Halifax,
Harnett,	Dr. B. C. Williams,	Chalk Level,
Haywood,	W. P. Welch,	Waynesville,
Henderson,	W. D. Justus,	Hendersonville,
Hyde,	Tilman Farrow,	Swanquarter,
	T. A. Nicholson,	Eagle Mills,
Iredell,	G. F. Davidson,	Statesville,
Jackson,	E. M. Painter,	Webster,
	E. W. Pon,	Smithfield,
Johnston,	B. R. 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,
	R. D. Whitley,	Hopewell,
Mecklenburg,	W. W. Grier,	Charlotte,
Mitchell,	J. W. Bowman,	Bakersville,
Montgomery,	Geo. A. Graham,	Swift Island,
Moore,	Abel Kelly,	Jonesboro',
Nash,	W. W. Boddie,	Nashville,

HOUSE OF REPRESENTATIVES.—(Continued.)

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
New Hanover,	Geo. Z. French,	Wilmington,
	J. S. W. Eagles,	Wilmington,
	Geo. W. Price, Jr., . . .	Wilmington,
Northampton,	Vacant,	
	J. T. Reynolds,	Murfreesboro', Hertford Co.,
Onslow,	F. Thompson,	Haw Branch,
Orange,	T. M. Argo,	Chapel Hill,
	F. N. Strudwick,	Cedar Grove,
Pasquotank,	Thos. A. Sykes,	Elizabeth City,
Perquimans,	Jeptha 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,
Rowan,	J. Hawkins,	Rowan Mills,
	I. M. Shaver,	Gold Hill,
Rutherford,	J. M. Justice,	Rutherfordton,
Sampson,	J. C. Williams,	Owensville,
Stanly,	Lafayette Greene,	Albemarle,
Stokes,	W. W. McCanless,	Danbury,
Surry,	E. L. Hendricks,	Elkin,
Transylvania,	J. W. Clayton,	Davidson River,
Tyrrell,	Thos. J. Jarvis,	Columbia,
Union,	Vacant,	
	S. D. Franklin,	Raleigh,
Wake,	F. G. Moring,	Raleigh,
	J. H. Harris,	Raleigh,
	Joseph W. Holden,	Raleigh,
Warren,	William Cawthorn,	Warrenton,
	R. Falkner,	Warrenton,
Washington,	J. J. Rea,	Plymouth,
Watauga,	L. B. Banner,	Vallecrucis,

HOUSE OF REPRESENTATIVES.—(*Continued.*)

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
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,	Bald Creek.

LIST
OF
COMMISSIONERS OF AFFIDAVITS
IN THE
SEVERAL STATES AND TERRITORIES
AND IN THE
DISTRICT OF COLUMBIA,
FOR THE
STATE OF NORTH CAROLINA.

LIST OF COMMISSIONERS OF AFFIDAVITS.

*List of Commissioners of Affidavits in the several States and Territories and in the District of Columbia, for the State of North Carolina, appointed since *July 4th, 1868, together with residence, dates of commission, and qualification of each.*

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
California,	N. Proctor Smith,	San Francisco,	June 1, 1869,	November 19, 1869.
"	Frank V. Sudder,	"	August 25, "	" 19, "
Connecticut,	Julius Twiss,	New Haven,	May 23, 1870,	May 18, 1870.
District of Columbia,	Jos. T. K. Blant,	Washington,	August 4, 1869,	November 10, 1869.
"	M. Wallingsford,	"	February 23, 1870,	March 4, 1870,
Georgia,	Frank H. Miller,	Augusta,	June 1, "	November 12, 1869,
"	Allen Fort,	Americus,	May 7, "	" 13, "
Illinois,	John B. Hicks,	Metropolis,	March 10, "	April 2, "
"	Simeon W. King,	Chicago,	June 1, "	June 23, "
"	Phillip A. Hoync,	"	" 1, "	November 15, "
Louisiana,	James Graham,	New Orleans,	" 1, "	" 15, "
"	Edward Barnett,	"	" 1, "	" 30, "
Maine,	James O. Dorell,	Portland,	" 1, "	June 19, "
Maryland,	Herman L. Eumous,	Baltimore,	" 1, "	July 6, "
"	W. M. Lattimer,	"	May 19, "	May 24, "
"	Geo. Philpot,	"	June 1, "	December 14, "
"	H. R. Dulaney,	"	" 1, "	" 27, "

LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Massachusetts,	Chas. B. F. Adams,	Boston,	June 1, 1870,	July 14, 1869,
"	James B. Bell,	"	" 1, "	" 22, "
"	Samuel Jennison,	"	May 13, 1870,	May 21, 1870,
Missouri,	Theodore Papin,	St. Louis,	June 1, 1869,	July 3, 1869,
Mississippi,	E. W. Upshaw,	Holly Springs,	January 1, 1870,	February 7, 1870,
Minnesota,	Cyrus Aldrich,	Minneapolis,	March 31, "	"
North Carolina,	Charles Hibbard,	Newbern,	May 7, 1869,	April 7, 1870,
New Jersey,	Garrett B. Adrain,	New Brunswick,	"	April 27, 1869,
New York,	Nathaniel Gill,	New York City,	June 1, "	August 20, "
"	Charles H. Hatch,	"	"	February 16, "
"	W. E. Orsborn,	Brooklyn,	April 16, "	April 19, "
"	Horace Andrews,	New York City,	May 20, "	May 26, "
"	Moses L. Maclay,	"	June 1, "	June 29, "
"	David McAdams,	"	" 1, "	July 16, "
"	James M. Slevin,	"	August 18, "	September 13, "
"	Michael Jacobs,	"	April 6, "	May 15, "
"	Henry C. Banks,	"	"	June 10, "
"	A. C. Anderson,	"	"	November 16, "
"	G. W. Colles,	"	May 20, "	" 11, "
"	Joseph B. Nones,	"	" 20, "	September 14, "
"	Louis Hurst,	"	June 14, "	December 7, "
"	Alex. Ostrander,	"	May 20, "	November 11, "
"	Charles I. Bushuel,	"	June 1, "	December 27, "
"	Sigismund Lasar,	"	" 1, "	" 27, "
"	Sylvester Lay,	"	"	November 25, "

New York,	John Bizzel,	New York City,	June	5,	1869,	November	12,	1869,
"	Fred. R. Anderson,	"	"	15,	"	"	12,	"
"	Rufus K. M. Hay,	"	September	1,	1869,	October	10,	1868,
"	Edwin F. Corey, sr.,	"	April	1,	1870,	June	4,	1870,
"	Daniel P. Bible,	"	September	1,	1869,	April	2,	"
"	Edwin F. Corey,	"	February	22,	1870,	June	4,	"
"	Arthur W. Knapp,	"				February	23,	"
Ohio,	James Wade, jr.,	Cleveland,	April	10,	1869,	November	11,	1869,
"	J. B. Conklin,	Cincinnati,	June	1,	"	December	16,	"
"	A. H. McGuffy,	"	"	1,	"	November	12,	"
"	Samuel S. Carpenter,	"	"	1,	"	December	27,	"
Pennsylvania,	Samuel E. Crawford,	Philadelphia,	October	28,	1868,	May	6,	1870,
"	Kinley J. Turner,	"	June	1,	1869,	June	10,	"
"	Joshua Sperring,	"	"	1,	"	"	18,	"
"	Charles Chauncey,	"	"	1,	"	July	2,	"
"	Edward Shippin,	"	"	1,	"	September	1,	"
"	Theo. D. Rand,	"	May	20,	"	December	14,	"
"	Samuel S. Taylor,	"	"	20,	"	November	11,	"
"	John McLaren,	Pittsburg,	June	1,	"	"	19,	"
"	F. Herbert Janvier,	Philadelphia,	January	6,	1870,	January	10,	1870,
"	Henry Phillips, jr.,	"				December	6,	1869,
"	G. W. Barton,	"	May	20,	"	May	25,	1870,
"	Samuel B. Huey,	"	March	5,	"	March	21,	1870,
"	Joseph Frankish,	"	April	25,	"	April	23,	"
South Carolina,	V. J. Tobias,	Charleston,	June	1,	1869,	November	13,	1869,
"	Thomas Frost,	"	February	23,	1870,	May	15,	1870,
Tennessee,	Henry P. Woodard,	Memphis,	October	28,	1868,	January	27,	1869,
"	James E. Temple,	"	August	25,	1869,	November	13,	"
"	John C. Reeves,	Sumnerville,	"	25,	"	December	30,	"
"	Hunsdon Carey,	Memphis,	November	12,	"	November	6,	"
Texas,	R. D. Johnson,	Galveston County,	June	1,	"	"	17,	"

LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Virginia,	S. B. Ginn,	Norfolk,	May 20,	January 5, 1869,
"	Alex. Donnan,	Petersburg,	" 20,	" 26, "
"	John R. Kilby,	Suffolk,	" 20,	" 20, "
"	Warren G. Elliot,	Norfolk,	September 10,	" September 20, "
"	Frank A. Wilcox,	"	May 20,	" November 16, "
"	T. R. Borland,	"	" 3,	" May 5, "
"	Gilbert Elliott,	"	" 22,	" November 13, "
"	Thos. W. Upsher,	Richmond,	September 1,	" 11, "
"	E. R. Hunter,	County of Norfolk,	August 28,	" December 14, "
"	E. M. Garrett,	Richmond,	June 1,	" November 10, "
"	W. B. Martin,	Norfolk,	"	October 21, 1868.

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
Raleigh, June 10th, 1870.

I, HENRY J. MENNINGER, Secretary of the State of North Carolina, hereby certify that the foregoing contains a true list of the appointments of Commissioners of Affidavits and Probate of Deeds, with the dates of their qualification and places of residence, as recorded in this office.

H. J. MENNINGER,
Secretary of State.

* All appointments previous to July 4th, 1868, revoked by his Excellency Gov. W. W. Holden.

CAPTIONS
TO THE
PUBLIC LAWS OF NORTH CAROLINA.

CAPTIONS

OF THE

PUBLIC LAWS AND RESOLUTIONS.

SESSION 1869-'70.



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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 :

SECTION 1. That we hold it to be self-evident that all men The equality and rights of 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.

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.

SEC. 10. All elections ought to be free.

Elections free.

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.

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.

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.

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

Excessive bail.

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.

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

Imprisonment for debt.

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.

No person to be taken, &c., but by 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 securities 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 bulwarks 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 privileges of the writ of *habeas corpus* shall not be suspended.

Property qualification.

SEC. 22. As political rights and privileges are not dependent 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 people to assemble together.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, 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.

Education

SEC. 27. The people have a right to the privilege of edu

cation, and it is the duty of the State to guard and maintain that right.

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

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

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

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

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.

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.

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

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.

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.

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 Tyrrel 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 Senatorial districts. 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.

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

Senatorial districts. 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 twentieth 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, Tyrrel, Union, Washington, Watanga, 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 District for which he is chosen, one year immediately preceding his election.

Qualifications for Senators.

SEC. 10. Each member of the House of Representatives shall be a qualified elector of the State, and shall have

Qualifications for Representatives.

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 reading of the bill shall have been entered on the Journal.

Entails.

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

Journals.

SEC. 18. Each House shall keep a Journal of its proceed-

ings, which shall be printed and made public immediately after the adjournment of the General Assembly.

SEC. 19. Any member of either House may dissent from, Protest. 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.

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

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

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

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

SEC. 24. Each House shall be judge of the qualifications Powers of the General Assembly. 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.

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

SEC. 26. Each member of the General Assembly, before Oath for members 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.

SEC. 27. The terms of office for Senators and members Terms of office. 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

Term of office.

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.

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 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.

Oath of office for Governor.

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.

Extra sessions of General 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.

Officers whose appointments are not otherwise provided for.

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.

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.

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

Duties of other Executive officers.

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.

Bureau of Statistics, Agriculture and Immigration.

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.

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.

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.

Trial Court of Impeachment.

SEC. 6. The House of Representatives solely shall have the power of impeaching. No person shall be convicted

Impeachment.

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.

Apportionment of said districts.

SEC. 13. Until altered by law, the following shall be the Judicial Districts:

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

Second District—Tyrell, 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, Stanley, 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, Watauga, 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 Governor, 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 terms of said Courts in lieu of the Judge in whose District they are.

Residences of Judges, and special terms of 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.

Original jurisdiction of the Superior Courts.

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 con-

Appellate jurisdiction.

troversy 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.

Term of office.

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

Fees, salaries and emoluments.

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.

What laws are and shall be in force.

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.

Disposition of actions at law and suits in equity pending when this Constitution shall go into effect, &c.

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.

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.

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.

Solicitors for each Judicial District.

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

Sheriffs and Coroners.

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, 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. Capitation tax. Exemptions.

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. Application of proceeds of State and County capitation tax.

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, Taxation shall be by uniform rule and ad valorem.

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 contin-
gencies.

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.

Property exemp-
tions from taxation.

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.

Taxes levied by
County Commis-
sioners.

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.

Acts levying taxes
shall state object,
&c.

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.

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 preceeding the election, and thirty days in the County in which he offers to vote, shall be deemed an elector.

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

Registration of electors.

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

Elections by people and General Assembly.

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."

Oath of 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.

Disqualifications for office.

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.

Counties to be divided into districts.

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 name of the said Districts, and to report the same to the General Assembly before the first day of January, 1869.

Said districts shall have corporate powers as Townships.

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.

Officers of 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.

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.

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.

Taxes to be ad valorem.

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.

When officers enter on duty.

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.

Governor to appoint Justices.

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.

Charters to remain in force until legally changed.

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.

Debts in aid of the rebellion not to be paid.

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL.

Corporations under 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.

Debts of corporations, how secured.

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

What corporations shall include.

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.

Legislature to provide for organizing cities, towns, &c.

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.

ARTICLE IX.

EDUCATION.

Education shall be encouraged.

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.

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 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.

Counties to be divided into districts.

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, penalties 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.

What property shall be devoted to educational purposes.

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.

University and public schools not to be separated.

SEC. 6. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended

Benefits of the University.

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.

President and Secretary.

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

Power of Board.

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.

First session 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.

Quorum.

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

Expenses.

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

Trustees for the University.

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.

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, constitute 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.

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.

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.

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.

Homestead.

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 exempt 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 ex-
empted from debt.

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.

Laborer's lien.

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.

Benefit of widow.

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.

Property of a mar-
ried female secured
to her.

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 sep-

arate 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.

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 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.

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

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

How deed for Homestead may be made.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

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.

Punishments.

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.

Death punishment.

SEC. 3. The General Assembly shall at its first meeting, make provision for the erection and conduct of a State's

Penitentiary.

Prison or Penitentiary at some central and accessible point within the State.

Houses of correction.

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.

Houses of refuge.

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.

The sexes to be separated.

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.

Provision for the poor and orphans.

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.

Orphan houses.

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.

Inebriates and idiots.

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

Deaf mutes and insane.

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.

Self-supporting.

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.

ARTICLE XII.

MILITIA.

SECTION 1. All able bodied male citizens of the State of North Carolina, between the ages of twent-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.

Who are liable to militia duty.

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.

Organizing, &c.

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.

Governor Com-mander-in-Chief.

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.

Exemptions.



ARTICLE XIII.

AMENDMENTS.

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.

Convention, how called.

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

How the Constitu-tion may be altered.

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.

Indictments.

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.

Penalty for fighting
duel.

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.

Drawing money.

SEC. 3. No money shall be drawn from the Treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of the public money shall be annually published.

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. Mechanics' lien.

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. Governor to make appointments.

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

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. Holding office.

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 1869-'70.

—...—
CHAPTER I.

AN ACT IN RELATION TO MILEAGE AND PER DIEM.

SECTION 1. *The General Assembly of North Carolina do enact,* That the mileage and *per diem* of the president of the senate, the speaker of the house of representatives and members of the general assembly shall be the same as paid by the treasurer of state during the two former sessions of this general assembly, and that the mileage and *per diem* of the clerks shall be the same as allowed by the last general assembly.

Of the officers and members of general assembly and clerks.

SEC. 2. The payments heretofore made by the treasurer of state to the members of this general assembly are hereby legalized and declared valid, and the auditor of the state is hereby authorized to draw his warrant upon the treasurer for such sums as have not been paid or may hereafter be due, upon a certificate signed by the principal clerk of the respective houses, stating that such sum is due according to the provisions of this act, and the treasurer of state is hereby authorized to pay the same upon the presentation of the warrant, signed by the governor, out of any moneys not otherwise appropriated.

Payments heretofore made legalized.

Manner of payment.

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

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

CHAPTER II.

AN ACT TO ESTABLISH TOWNSHIPS IN CERTAIN COUNTIES.

In what counties
established.

SECTION 1. *The General Assembly of North Carolina do enact*, That the districts reported to the present session of the general assembly by the following counties, to wit: Chowan, Washington, Gates and Polk, are hereby approved, and said districts, in obedience to article seven, sections three and four of the constitution, shall have corporate powers and shall be known as townships by the boundaries and by the names 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," ratified the fourteenth day of August, one thousand eight hundred and sixty-eight.

Boundaries and
powers.

Trustees and
term of office.

SEC. 2. The first election for township board[s] of trustees shall be held on the first Thursday of February, in the year one thousand eight hundred and seventy, and the persons thus elected shall continue in office until the first Thursday in August, in the year one thousand eight hundred and seventy one, and until their successors shall have qualified, and thereafter the regular election for said officers shall be held every two years.

What laws appli-
cable.

SEC. 3. That provisions of an act of the general assembly entitled "An act concerning townships, ratified the tenth day of April, year of our Lord one thousand eight hundred and sixty-nine, (except when the same are inconsistent with the provisions of this act) be extended to the townships mentioned in this act.

SEC. 4. This act shall be in force from its ratification.

Ratified the 30th day of November, 1869.

CHAPTER III.

AN ACT TO INCORPORATE THE GRANVILLE RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That a company is authorized to be formed, with a capital stock of fifteen hundred thousand dollars, to be divided into shares of one hundred dollars each, to be called and known as the "Granville Railroad Company," for the purpose of building and constructing a railroad, with one or more tracts, to be used with steam and other motive power, from Townsville or some other point on the Roanoke Valley Railroad, in the county of Granville, over the most practicable route through the county of Granville, to such point on the North Carolina Railroad as by said company shall be found most eligible; and such company when formed as hereafter directed shall have power to receive, possess, own and transfer real and personal property, to have a common seal and to pass such by-laws, not inconsistent with the laws of this state, as may be necessary to carry out the object of the corporation; shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies, under the laws of this state; to have land condemned for right of way, according to existing laws, and for all other purposes necessary to carry into effect the purposes of said company; and shall generally have and possess all the rights, privileges and immunities and be subject to the limitations and restrictions of corporate bodies in this state, and shall have the exclusive right to transfer and carry persons, produce, merchandize and minerals on and along such railroad at such prices as they may fix.

Capital stock and shares.

Location.

Corporate powers and privileges.

SEC. 2. That for the purpose of creating the capital stock of such company, R. W. Lassiter, Robert S. Barnett, T. L. Hargrove, John G. Jones, James A. Bullock and Edward B. Lyon are hereby appointed commissioners whose duty it shall be, as soon after the passage of this act as may be,

Commissioners to receive subscriptions.

Subscriptions,
how payable.

to appoint such commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe; such subscriptions or any part thereof may be received payable in money, lands, labor, or material necessary in the construction of said road, bonds, stocks or other valuable credits, in such manner and on such terms as shall be agreed on between said company or its commissioners or agents and such subscribers.

General meeting
of stockholders.

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

Quorum.

President and
Directors.

Stock, how
voting.

Subscriptions of
stock, how paid

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

Treasurer.

SEC. 5. That it shall be the duty of the president and directors of said company to appoint a treasurer who shall remain in office such length of time as the company in their by-laws shall determine, and said president and directors shall remain in office one year and until others are chosen,

Term of office.

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

Survey of road.

Secretary.

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

Reports of officers.

Meetings.

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

Who may subscribe to capital stock.

Corporations may issue bonds to make subscriptions.

Corporations to be represented.

Capital Stock may be increased.

SEC. 8. That if the capital stock of said company, as authorized by this charter, be insufficient to carry out the purposes of the same it may be increased by said company to two million dollars.

When construction may begin.

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

When privileges to take effect.

SEC. 10. For the purpose of securing the building of said road, the company shall have the power to mortgage, sell or lease the same, with all its franchises, or any part thereof.

Power to mortgage or lease road.

SEC. 11. That this act shall be in force from and after its ratification.

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

CHAPTER IV.

AN ACT TO REQUIRE BANK BILLS TO BE RECEIVED IN PAYMENT OF JUDGMENTS RENDERED BY THE OLD BANKS OF THIS STATE ON CERTAIN CONTRACTS.

Date of contract for which bills are receivable.

SECTION 1. *The General Assembly of North Carolina do enact*, That when any judgment has been or shall hereafter be received [recovered] in any court of this state, upon any note payable to or any contract made with any bank chartered by this state to or with any officer of such bank for the benefit of such bank, prior to the first day of May, one thousand eight hundred and sixty-five, it shall and may be lawful for the defendants in such judgments to pay and satisfy the same (the cost excepted) with the bills of the bank to which or to some officer of which the note was payable, or with which or some officer of which the contents [contracts] were made; and it shall be the duty of every court of this state upon

Duty of court.

proof that such bills have been delivered or tendered [and] refused in satisfaction of such judgments to the nominal amounts thereof, to cause an entry of the satisfaction of such judgments to be entered of record in the court wherein the same was received.

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

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

When act to take effect.

CHAPTER V.

AN ACT TO AUTHORIZE COMMITTEES OF INVESTIGATION TO ENFORCE THEIR AUTHORITY IN THE PROCURING AND EXAMINATION OF WITNESSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That any committee of investigation raised either by joint resolution or resolution of either house of the general assembly, has full power to send for persons and papers and if necessary to compel attendance and production of papers by attachment or otherwise.

What committees to have authority.

SEC. 2. That any person or persons wilfully failing or refusing to attend or produce papers (in accordance with provisions of section one) on summons of any committee of investigation, either select or committee of the whole, shall be guilty of a misdemeanor and on conviction in the superior court of the county in which such witness may reside or be found, shall be fined not less than five hundred dollars nor more than one thousand dollars, and shall be subject to imprisonment at the discretion of the court.

Penalty for failure to give evidence.

SEC. 3. The chairman of any committee or any person in his presence, shall have competent power and authority to administer oaths.

May administer oaths.

SEC. 4. Any person or persons who shall wilfully and corruptly swear falsely to any fact material to the investigation of such committee, shall be subject to all the pains

Penalty for swearing falsely.

and penalties of wilful and corrupt perjury, and on indictment and conviction in the superior court of Wake county, shall be confined in the penitentiary of the state for the time now prescribed by law for perjury.

When to take effect.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 14th day of December, A. D. 1869.

CHAPTER VI.

AN ACT TO CHANGE THE LINE BETWEEN THE COUNTIES OF WILKES AND ALLEGHANY.

Part of Wilkes county ceded to Alleghany county.

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 on the Grandfather mountain and running a straight line to the Airbellows in the county line, be and the same is hereby annexed to and shall form a part of Alleghany county.

SEC. 2. That this act shall be in force from its ratification. Ratified the 14th day of December, A. D. 1869.

CHAPTER VII.

AN ACT TO BE ENTITLED "AN ACT TO AMEND SECTION FOUR HUNDRED AND EIGHTY-FIVE, TITLE NINETEEN, CHAPTER TWELVE, OF THE CODE OF CIVIL PROCEDURE."

Apprentices, by whom and how long bound.

SECTION 1. *The General Assembly of North Carolina do enact*, That section four hundred and eighty-five, title nineteen, chapter twelve, of the code of civil procedure be

amended to read as follows: SEC. 485. Every male apprentice shall be bound to some discreet person approved by the judge of probate until the age of twenty-one years, and every female apprentice until the age of eighteen years.

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

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

CHAPTER VIII.

AN ACT TO CHANGE THE LINE BETWEEN THE COUNTIES OF SURRY AND ALLEGHANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That all that portion of Surry county comprised within the following boundary, viz: beginning at the county line on the west end of Saddle mountain and running eastwardly on the highest ground to the west end of Beardrive ridge, thence a straight line to Pine Knob, thence a straight line to the top of the High Piney spur in the Alleghany and Surry line, be and the same is hereby annexed to and shall form a part of Alleghany county. Portion of Surry county annexed to Alleghany county.

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

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

CHAPTER IX.

AN ACT IN FAVOR OF THE SHERIFF OF CUMBERLAND COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sheriff of Cumberland county be allowed until the first Monday in February, one thousand eight Time extended for making return.

hundred and seventy, to make his returns of taxes to the state and county treasurers.

When act to be in force.

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

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

CHAPTER X.

AN ACT TO AMEND SECTION NINETEEN, CHAPTER ONE HUNDRED AND EIGHTY-FOUR, OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

School house sites in cities and towns.

SECTION 1. *The General Assembly of North Carolina do enact*, That section nineteen, chapter one hundred and eighty-four, of the public laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be so amended as to allow the school authorities in cities and incorporated towns in this state to receive by purchase, lease or donation, school house sites of less area than one half acre of land.

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

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

CHAPTER XI.

AN ACT IN RELATION TO MILEAGE AND PER DIEM.

Of Doorkeepers and pages.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mileage and *per diem* of the doorkeepers of the house and senate and the pages thereof, not exceed-

ing five, two on the part of the senate and three on the part of the house, be the same as paid by the treasurer of the state during the two former sessions of the general assembly.

SEC. 2. The payment heretofore made by the treasurer of the state to the doorkeepers of the house and senate is hereby legalized and declared valid, and the auditor of state is hereby authorized to draw his warrant upon the treasurer for such sums as had not been paid or may hereafter become due, upon a certificate signed by the principal clerk of the respective houses stating that such sum is due according to the provisions of this act, and the treasurer of state is hereby authorized to pay the same upon the presentation of the warrant, signed by the governor, out of any moneys not otherwise appropriated.

Previous pay-
ments legalized.

Manner of pay-
ment.

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

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

CHAPTER XII.

AN ACT TO INCORPORATE THE VALLEY RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing a railroad from some point on the Raleigh and Gaston or Roanake Valley Railroad to some point on the Piedmont or North Carolina Railroad, to be hereafter determined on by the company, Charles S. Winstead, A. B. Andrews, Samuel C. Barnett, Jown W. Stephens and George N. Thompson, and their associates, successors and assignees, are constituted a company and are hereby incorporated under the name and style of the "Valley Railroad Company," with a capital stock of five hundred thousand dollars, with the privilege of increasing the same to five millions of dollars, which

Location.

Corporators.

Capital stock.

Corporate powers.

shall have a corporate existence as a body politic for the space of ninety-nine years and the said company may enjoy all the rights, privileges and immunities which are granted to the Central Railroad Company by an act entitled "An act to incorporate the Central North Carolina Railroad Company," passed during the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and ratified the twelfth day of April, one thousand eight hundred and sixty-nine, and also all the rights, privileges and immunities which are granted to the Western North Carolina Railroad Company by an act entitled "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 all other acts amendatory thereof passed during the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, ratified the twenty-ninth day of January, in the year of our Lord one thousand eight hundred and sixty-nine: *Provided*, The stock of this company shall be subject to the same tax as other property in the state.

Subscription books to be opened.

SEC. 2. For the purpose of receiving subscriptions to the capital stock of said company, books may be opened at stated times and places under the direction of Charles S. Winstead, R. W. Lassiter, J. W. Ragland, Edwin G. Read, Samuel C. Barnett, Geo. W. Thompson, and J. W. Stephens, or any one of them, or such others as they may select for the purpose, and the said commissioners, or a majority herein named, at the stated times and places for subscriptions shall have power to receive subscriptions to the stock of said company in lands, money, bonds or stocks. 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 may be ascertained and conveyance therefor executed, and they shall also have power to receive mortgages of real and person[al] estate subscribed to the capital stock.

What may be received as subscriptions.

SEC. 3. All laws coming in conflict with this are hereby repealed. Repealing clause.

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

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

CHAPTER XIII.

AN ACT PROVIDING FOR THE SUPPORT OF THE INSANE ASYLUM FOR THE NEXT FISCAL YEAR.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of forty-eight thousand dollars be and the same is hereby appropriated, out of any moneys in the public treasury, to the insane asylum for the support of the same until the close of the fiscal year one thousand eight hundred and seventy, and the bonds [board] of the supervisors of the said insane asylum are hereby authorized and empowered to draw any part or all of the said sum of forty-eight thousand dollars at any time, and no more, for the period for which it is appropriated: *Provided, however*, Proviso. That if the number of patients treated in said asylum shall exceed in number the annual average of one hundred and sixty, then and in that case the governor as *ex-officio* chairman of said board, by and with the advice and consent of said board, may and is hereby authorized to draw from the state treasury a sum equal to three hundred dollars for each and every patient treated in said asylum, above the annual average of one hundred and sixty, for the aforementioned period. \$48,000 appropriated.

SEC. 2. That the sum of twelve thousand dollars be and the same is hereby appropriated, out of any moneys in the treasury, to the insane asylum to be used under the direction of the board of supervisors in the purchase of a new boiler, pump, piping for hot water apparatus, additional heating surface, washing machine, gas works, painting, additional Additional appropriation of \$12,000.

water pipe, blacksmith shop, carpenter shop, shoe shop, and furniture for centre building.

When act to be in force.

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

Ratified the 20th day of December, A. D. 1869.

CHAPTER XIV.

AN ACT TO ALLOW ENTERERS OF VACANT LAND FURTHER TIME TO OBTAIN GRANTS FROM THE STATE.

Extension of time in which to obtain grants.

SECTION 1. *The General Assembly of North Carolina do enact*, That all enterers of vacant lands in the several counties of this State who have not obtained grants from the State, shall have the further period of one year in which to have surveys made and to obtain grants from the State thereon.

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

Ratified the 20th day of December, A. D. 1869.

CHAPTER XV.

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

\$40,000 appropriated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of forty 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.

SEC. 2. That the further sum of six thousand dollars is hereby appropriated for the purpose of obtaining a steam heating apparatus for the institute and for the completion of a more thorough system of drainage by well conducted sewers in connection with the building and to provide against fire.

Further appropriation of \$6,000.

SEC. 3. That the public treasurer be authorized to pay the said amount of forty-six thousand dollars to the treasurer of said asylum out of any moneys in the treasury not otherwise appropriated.

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

Ratified the 20th day of December, A. D. 1869.

CHAPTER XVI.

AN ACT TO AUTHORIZE THE PETERSBURG RAILROAD COMPANY TO RUN A NEW ROAD FROM ANY POINT ON THEIR PRESENT ROAD, NOT EXCEEDING TWO MILES NORTH OF ITS DEPOT AT GARYSBURG, TO AND INTO WELDON, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Petersburg Railroad Company shall have authority to lay out, construct and maintain a railway from any point on their present road, not exceeding two miles north of its depot at Garysburg, to and into Weldon, and to erect and keep up a bridge across Roanoke river for the passage of their trains: *Provided*, The said bridge shall not be below the falls of the Roanoke river near Weldon, and not nearer than one hundred yards to the bridge of the Seaboard and Roanoke Railroad: *Provided further*, The said road shall not pass through the yard or garden of any person without his consent.

May extend road to Weldon and bridge Roanoke river.

Proviso.

May condemn and assess lands.

SEC. 2. The said company shall have authority to have the land over which the said railroad shall pass condemned and the damages assessed in all respects as is now provided in their charter, but not more than forty feet on each side of said road, measuring from the centre, shall be condemned except in cases when it is absolutely necessary to occupy more for the construction of said road.

May construct way for vehicle, &c.

SEC. 3. The said company is further authorized to construct in connection with their said bridge a way for vehicles, horses and persons to pass thereon over the river and to charge the same tolls therefor as it is lawful to charge for ferriage at Halifax and Moore's ferry on Roanoke river.

Toll.

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

Ratified the 20th day of January, A. D. 1870.

CHAPTER XVII.

AN ACT TO BE ENTITLED AN ACT TO REPEAL AN ACT CONCERNING FISHERIES IN CARTERET COUNTY.

Repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act concerning fisheries in Carteret county, ratified the twelfth day of April, year of our Lord one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

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

Ratified the 20th day of January, A. D. 1870.

CHAPTER XVIII.

AN ACT TO INCORPORATE THE ELIZABETH CITY AND NORFOLK
RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators
enact, That for the purpose of effecting a communication
 by railroad between the town of Elizabeth City, in the
 state of North Carolina, and the city of Norfolk, in the
 state of Virginia, (the Virginia legislature assenting thereto,)
 George W. Brook, John Pool, C. L. Cobb, Charles C. Pool,
 Frank Vaughan, Dr. W. G. Pool, S. E. Hines, C. W.
 Grandy, Jr., R. F. Overman, C. W. Hollowell, James C.
 Perry, Dr. Palemon John and William Underwood, of the
 county of Pasquotank, and State of North Carolina, and
 their assigns, and C. W. Grandy & Sons, William T. Har-
 rison, Cicero Burress, William Lamb, Gibert C. Walker,
 William D. Reynolds, J. M. McWinn, Gilbert Elliott,
 Joseph S. Cameron, C. Billups and Edward Kimberly, be
 and the same are hereby constituted a body corporate and
 politic by the name of the Elizabeth City and Norfolk
 Railroad Company, and by that name shall be capable in
 law to buy, sell and hold such real and personal estate as Corporate powers.
 they may think proper, make contracts, sue and be sued, to
 make all such by-laws and do all such other acts and things
 as may be necessary and proper to carry into full effect the
 purposes of this charter; to have and use a common seal
 and change the same at ple sure, and shall have, use and
 enjoy all such other rights, powers and privileges not in
 conflict with the laws of the United States or of the state
 of North Carolina as they may deem necessary to effect
 the objects of this charter.

SEC. 2. That the said company be and is hereby author- Location of road.
 ized to construct and maintain a railroad with one or more
 tracts, to be used with steam or other powers, from such
 points within the corporate limits of the town of Elizabeth
 City as the said company may think proper, and run the

- Proviso.
Branch roads. same in such direction and through such counties or parts of counties to the said city of Norfolk as they may determine: *Provided*, They do not interfere with any graveyard or curtilage, and they may construct branches of said road to Edenton or elsewhere, and may also make connections and lay down and use street tracks within the town of Elizabeth City and upon any of the streets thereof upon such terms and conditions as they and the mayor and commissioners of said town may agree upon.
- Capital stock. SEC. 3. The capital stock of said company shall be one million of dollars, to be divided into shares of one hundred dollars each, and in order to get the requisite amount of stock the persons named in the first section, or any three or more of them, shall be authorized to open books of subscription at such places for such length of time and under their own or under the direction of such other persons as they may think proper.
- Books of subscription.
First meeting. SEC. 4. Whenever twenty thousand dollars of stock shall be subscribed and two thousand dollars paid in, or secured to be paid, it shall be the duty of a majority of the persons before named to call a meeting of the company who shall elect a board of directors to consist of five in number; and such board shall immediately elect one of their number president and appoint such other officers and agents as they think necessary and proper, fix the salaries of such president, officers and agents, and their terms of office, and make all such other rules and regulations as they may think necessary for carrying out the intentions of this charter.
- Directors.
President and officers. SEC. 5. The said president and directors shall be authorized to receive subscriptions of stock in money or in real estate at such value in money as they in their judgment shall think to the interests of the company.
- May condemn and assess lands, &c. SEC. 6. The said president and directors, or their lawfully constituted agents, shall have full power and authority to enter upon all lands through which they may think it necessary to make the said railroad and to lay out the same according to their will and pleasure, by paying the owners of the lands a fair compensation for their property, taking

into consideration the increased value likely to accrue to the owners by reason of running said road through their lands; and if the president and directors or their agents cannot agree with said landowners in regard to the value of the lands of the latter through which they propose to run said road, either party may apply to the probate judge of the county whose duty it shall [be] to order the sheriff to summon five disinterested and intelligent landowners to make an award of the damages, if any, which the said landowners have sustained, and report the same to said probate judge, and this award shall be final unless one or the other of the parties shall appeal to the supreme [superior] court within ten days, in which case the issues shall be tried by a jury of the county in which the land lies.

SEC. 7. That said railroad company may build their railroad tracks over any navigable stream by putting a sufficient draw in the bridge or other structure so as not to impede navigation, and may run the same along any public road when it may be necessary by keeping it in good repair or by constructing a new road or roads when they run along any portion of an old road.

May construct bridges.

SEC. 8. That whenever one mile or more shall be so nearly completed as to enable the company to run cars upon it, they shall have the right to transport passengers, freight and mails over said railroad, its branches or connections, at such rates of fare, toll and compensation therefor as the president and directors may deem expedient and just.

May transport passengers, freight, &c.

SEC. 9. Any person who shall in any way injure or obstruct said road, its branches or connections, besides being liable to the company in a civil action for treble the amount of damages sustained, shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, at the discretion of the court.

Penalty for obstructing road.

SEC. 10. The said company shall be allowed five years in which to commence said road and ten or more years to complete it, and shall be allowed to exercise the corporate powers hereby granted for ninety-nine years.

When work to commence.

When act to take effect.

SEC. 11. This act shall take effect and be in force from and after its ratification.

Ratified the 20th day of January, A. D. 1870.

CHAPTER XIX.

AN ACT TO REGULATE ENTRIES OF VACANT LANDS.

Entries may be made by persons not citizens.

SECTION 1. *The General Assembly of North Carolina do enact*, That all entries of land subject to entry by the laws of this state made or to be made, by or for any person or persons who have or may come into the state with the *bona fide* intent of becoming residents and citizens thereof, shall be deemed and taken to be as good and effectual to all intents and purposes as if such entries had been made by a citizen or citizens of the state: *Provided*, That such enterer or enterers shall comply with the laws of the state in relation to such entries.

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

Ratified the 21st day of January, A. D. 1870.

CHAPTER XX.

AN ACT IN RELATION TO CLEARING OUT OBSTRUCTIONS IN LUMBER RIVER PASSING THROUGH THE COUNTY OF ROBESON.

Commissioners to clear obstructions.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Robeson be and they are hereby directed and required to name and call out from each township bordering on Lumber river not exceeding six hands, with an overseer, for the purpose of clearing

out and removing obstructions in Lumber river in said county of Robeson.

SEC. 2. That all laws and parts of laws in conflict with this act (so far as the county of Robeson is concerned) be and the same are hereby repealed. Repealing clause.

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

Ratified the 24th day of January, A. D. 1870.

CHAPTER XXI.

AN ACT TO CHANGE THE LINE BETWEEN THE COUNTIES OF SURRY AND ALLEGHANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That all that portion of Surry county comprised within the following boundaries, viz: beginning at the corners of the counties of Wilkes, Surry and Alleghany and running eastwardly in a direct line to a large flint rock near the Hanes' field, thence northwardly to the county line at Aaron Woodruff's, be and the same is hereby annexed to and shall form a part of Alleghany county. Part of Surry county annexed to Alleghany county.

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

Ratified the 24th day of January, A. D. 1870.

CHAPTER XXII.

AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, RELATIVE TO THE WESTERN TURNPIKE ROAD LEADING WESTWARD FROM ASHIEVILLE TO MURPHY AND THENCE BY SEPARATE ROUTES TO THE GEORGIA AND TENNESSEE LINES.

May erect toll-gate
any where on line.

SECTION 1. *The General Assembly of North Carolina do enact*, That section fifth of the above act shall be amended so as to give the commissioners of Buncombe county power to erect a toll-gate any where on the line of the road in said county; instead of being compelled to erect a gate at or near French Broad river.

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

Ratified the 24th day of January, A. D. 1870.

CHAPTER XXIII.

AN ACT TO BE ENTITLED AN ACT TO AMEND AN ACT TO AUTHORIZE THE FORMATION OF CORPORATIONS FOR MANUFACTURING, MINING, MECHANICAL, CHEMICAL AND OTHER PURPOSES.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical and other purposes," ratified April twelfth, one thousand eight hundred and sixty-nine, be amended by inserting after the word "mechanical," in line four of section one, the words "agricultural, horticultural."

SEC. 2. That all laws or clauses of laws inconsistent with Repealing clause. or repugnant to this act are hereby repealed.

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

Ratified the 24th day of January, A. D. 1870.

CHAPTER XXIV.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PREVENT THE OBSTRUCTION OF FISH IN LITTLE RIVER TO K. B. WHITLEY'S MILLS IN JOHNSTON COUNTY."

SECTION 1. *The General Assembly of North Carolina do* Amendment. *enact*, That section one, chapter one hundred and sixth, of the laws passed at the session of the General Assembly, year of our Lord one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and ratified the first day of April, year of our Lord one thousand eight hundred and sixty-nine, be amended by adding after the word "river" the words "where New river has washed through the main current."

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

Ratified the 24th day of January A. D. 1870.

CHAPTER XXV.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND FORTY OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, AUTHORIZING THE COMMISSIONERS OF CHATHAM COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do* Repeal. *enact*, That chapter two hundred and forty of the public

laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, entitled "An act authorizing the commissioners of Chatham county to levy a special tax," ratified the twelfth day of April, year of our Lord one thousand eight hundred and sixty-nine, is hereby repealed.

When act to be in force.

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

Ratified the 24th day of January, A. D. 1870.

CHAPTER XXVI.

AN ACT TO AMEND AN ACT ENTITLED "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," RATIFIED THE TWELFTH DAY OF APRIL, ONETHOUSAND EIGHT HUNDRED AND SIXY-NINE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section first of said act be amended by striking out the words "unless licensed by the state:" *Provided*, This shall not apply to hotel keepers.

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

Ratified the 24th day of January, A. D. 1870.

CHAPTER XXVII.

AN ACT TO SECURE THE BETTER PROTECTION OF LIFE AND PROPERTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the governor is hereby authorized and empow-

Governor may declare county in insurrection.

ered, whenever in his judgment the civil authorities in any county are unable to protect its citizens in the enjoyment of life and property, to declare such county to be in a state of insurrection, and to call into active service the militia of the state to such an extent as may become necessary to suppress such insurrection; and in such case the governor is further authorized to call upon the president for such assistance, if any, as in his judgment may be necessary to enforce the law.

May call upon the President for assistance.

SEC. 2. That upon motion of a solicitor of a district, it shall be the duty of the judge thereof to remove the trial of any person who has been or who hereafter may be indicted in any county in the state for murder, conspiracy or violation of an act entitled "An act making the act of going masked, disguised or painted a felony," ratified the twelfth day of April, year of our Lord one thousand eight hundred and sixty-nine, from the county in which such offence may have been committed to such other county in his district or adjoining district as the solicitor may designate; and any judge before whom such case is pending may upon his own motion make such removal.

Trial of person may be removed to other county.

SEC. 3. That the expenses attending the calling of the militia into active service as herein provided shall be paid by the treasurer of the state upon the warrant of the governor, and it shall be the duty of the commissioners of the county declared to be in a state of insurrection and in which such service was rendered, to reimburse within one year the treasurer of the state the expenses thus paid: *Provided*, That whenever a person or persons shall be convicted of a violation of any offence mentioned in section second of this act, said expenses of the militia shall be taxed in the bill of costs against the person or persons convicted, and when collected the same shall be paid into the treasury of such county.

Expense of calling out militia,

County to reimburse.

SEC. 4. That the costs on conviction under an indictment in section second of this act shall be paid by the commissioners of the county where the offence was committed on the certificate of the clerk of the court where the trial may

Costs to be paid by commissioners of county.

May levy a tax. be had; and if necessary said commissioners shall levy a tax for that purpose on all subjects of taxation in said county, and execution in favor of said county shall issue against the property of the person convicted for the costs as aforesaid.

Repealing clause. SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 29th day of January, A. D. 1870.

CHAPTER XXVIII.

AN ACT TO REPEAL THE NINTII SECTION OF AN ACT ENTITLED
 “AN ACT SUSPENDING THE CODE OF CIVIL PROCEDURE IN
 CERTAIN CASES,” RATIFIED THE TWENTY-SECOND DAY OF
 MARCH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Repeal. SECTION 1. *The General Assembly of North Carolina do enact*, That the ninth section of the above recited act be and the same is hereby repealed, to take effect from the date of the ratification of this act.

Ratified the 27th day of January, A. D. 1870.

CHAPTER XXIX.

AN ACT TO CHANGE THE TIME FOR HOLDING THE COURTS IN THE
 EIGHTH JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do enact*, That the times for holding the superior courts of the eighth judicial district shall commence as follows, to wit:

SEC. 2. Surry county on the first Monday in March and September; Yadkin county on the third Monday in March and September; Davie county on the second Monday after the third Monday in March and September; Rowan county on the fourth Monday after the third Monday in March and September; Davidson county on the sixth Monday after the third Monday in March and September; Forsythe county on the eighth Monday after the third Monday in March and September; Stokes county on the tenth Monday after the third Monday in March and September.

Dates of meeting of court.

SEC. 3. *Be it further enacted*, That all processes, recognizances and other legal proceedings in civil and criminal actions which have already been issued and had, or which may hereafter be issued and had returnable to the next term of said court, shall be deemed and held returnable to the several terms of said courts as now fixed by this act, and all persons who have [been] recognized or bound and summoned to appear at the next superior court of any county are hereby required to appear at the term as prescribed in this act, and that the secretary of state shall forthwith furnish each sheriff and clerk of the superior court in the above named counties with a copy of this act.

How pending actions returnable.

Secretary of State to furnish copies.

SEC. 4. That all laws and parts of laws inconsistent with this act are hereby repealed.

Repealing clause.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 27th day of January, A. D. 1870.

CHAPTER XXX.

AN ACT TO ENLARGE THE POWERS OF COUNTY COMMISSIONERS.

SECTION 1. *The General Assembly of North Carolina do enact*, That all powers heretofore belonging to or vested in the late county courts in regard to the processioning of land,

Certain powers of county courts.

Repealing clause. is [are] hereby granted and given to the county commissioners.

SEC. 2. That all laws and parts of laws coming in conflict with this act is [are] hereby repealed.

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

Ratified the 27th day of January, A. D. 1870.

CHAPTER XXXI.

AN ACT TO AUTHORIZE J. P. MATHESON, LATE SHERIFF OF ALEXANDER COUNTY, TO COLLECT ARREARS OF TAXES.

May collect arrears of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. P. Matheson, late sheriff of Alexander county, be and he is hereby authorized and empowered to collect all arrears of taxes due him for the years one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight, which collections shall be made under the same rules, regulations and restrictions as other collections of taxes are by virtue of the laws of this state.

When authority to cease.

SEC. 2. That the power and authority hereby granted shall cease and determine January first, one thousand eight hundred and seventy-one: *Provided*, That no person shall be compelled to pay such taxes who will make affidavit before some justice of the peace that he has paid said tax and lost the receipt for the same.

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

Ratified the 27th day of January, A. D. 1870.

CHAPTER XXXII.

AN ACT CONCERNING THE PROBATE AND REGISTRATION OF
DEEDS AND OTHER INSTRUMENTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the probate of all deeds and other instruments required to be registered heretofore taken under laws existing prior to the adoption of the code of civil procedure, is hereby declared valid to all intents and purposes, and shall be admitted to registration as if the probate had been taken under existing laws.

Deeds, &c., taken prior to adoption of code of civil procedure.

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

Ratified the 27th day of January, A. D. 1870.

CHAPTER XXXIII.

AN ACT TO BE ENTITLED "AN ACT TO AMEND THE EIGHTEENTH
SECTION OF AN ACT ENTITLED AN ACT RELATING TO SPECIAL
PROCEDURE IN CASES OF MILLS."

SECTION 1. *The General Assembly of North Carolina do enact*, That the eighteenth section (18th) of an act entitled an act relating to special procedure in cases of mills, ratified the tenth day of April, year of our Lord one thousand eight hundred and sixty-nine, be and the same is hereby amended, inserting after the word hereby the following words: *Provided, nevertheless*, That in cases where proceedings were instituted previous to the ratification of this act, and no writ has been ordered or a jury summoned as provided by section twelve, chapter seventy-one, of the revised code, commissioners may be appointed instead of a jury in the manner directed by this act.

Amendment.

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

Ratified the 31st day of January, A. D. 1870.

CHAPTER XXXIV.

AN ACT TO BE ENTITLED AN ACT TO MAKE LAND OWNERS IN CERTAIN CASES TO CONSOLIDATE THE SURVEYS OF DIFFERENT TRACTS.

Consolidation of surveys.

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever any person owns several tracts of land which are contiguous or adjoining, but held under different deeds and different surveys, it may be lawful for any such person to have all such bodies of land included in one common survey by running around the lines of the outer tracts, and thereupon the possession of any part of said land covered by such common survey shall be deemed and held in law as a possession of the whole and every part thereof: *Provided*, That nothing in this section shall be construed to affect the right or claims of persons which have already accrued to any part of said land: the provisions of this act are repealed, and this act shall take effect from and after its ratification.

Proviso.

Common surveys may be recorded.

SEC. 2. That in all cases where such common surveys are made as directed by this act, the same may be recorded and registered as in cases of deeds, and shall be evidence in like manner.

Ratified the 31st day of January, A. D. 1870.

CHAPTER XXXV.

AN ACT AUTHORIZING WALKER SMITH, LATE SHERIFF OF ROCKINGHAM COUNTY, AND W. D. JUSTUS, LATE SHERIFF OF HENDERSON COUNTY, TO COLLECT ARREARS OF TAXES.

Collection of arrears of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That Walker Smith, late sheriff of Rockingham

county, and W. D. Justus, late sheriff of Henderson county, be and they are hereby authorized and empowered to collect the arrears of taxes due by the citizens of said counties for the years one thousand eight hundred and sixty-six and one thousand eight 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.

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 said arrears of taxes, but said taxes may be collected from the owners of said real estate at the time said taxes became due. Proviso.

SEC. 3. This act shall be in force from its ratification until the first day of January, one thousand eight hundred and seventy-one.

Ratified the 3rd day of February, A. D. 1870.

CHAPTER XXXVI.

AN ACT TO LAY OFF AND ESTABLISH A NEW COUNTY BY THE
NAME OF "DARE."

SECTION 1. *The General Assembly of North Carolina do enact*, That a new county is hereby laid off and established, to be formed out of portions of Currituck and Tyrrel and Hyde counties, bounded as follows, to wit: Beginning in the north of Long Shoals river at a point on the north side of said river known as Rawls' Point, thence running up said river to the dividing line between the counties of Hyde and Tyrrel, thence running west said line to Alligator river, thence running the various courses of said river to its

To be formed of
portions of Hyde,
Currituck and
Tyrrel counties.

Boundaries.

mouth, thence running a course across the Albemarle and Currituck sounds, so as to strike a point on the Currituck sound known as Long Point of Marsh, thence running a northeast by east course to the Atlantic ocean, thence running south along the sea beach to Hatteras inlet, thence running a direct course across the Pamlico sound to the place of beginning.

Rights of county.

SEC. 2. That the county of "Dare" shall be and is hereby invested with all the rights of the counties of this state except as are hereafter provided.

Certain township trustees to continue in office.

SEC. 3. When the boundary line of said county shall divide any township heretofore established in either of the counties of Currituck, Tyrrel or Hyde, any officer of the township board [of] trustees heretofore elected who shall reside within said county of "Dare," shall continue to hold his office and exercise all the powers thereof in the county of "Dare" to which he was entitled in the county in which he was elected, and if there be a vacancy in any township board of trustees, the governor shall fill said vacancy, and the persons by him appointed shall hold his office until the first Thursday in August in the year of one thousand eight hundred and seventy-one, and until his successor shall have qualified; and the regular election for said officers shall be held every two years thereafter.

Vacancies filled by the Governor.

Term of such appointment.

Governor to appoint county commissioners.

Duties of commissioners.

SEC. 4. That the governor shall, immediately after the passage of this act, appoint five commissioners for said county of "Dare," who shall, according to section three, article seventh of the constitution, perform the duties therein required of county commissioners, and report to the next session of the general assembly, and shall hold and exercise all the powers and authorities, and be subject to the same penalties that county commissioners of the several counties in this state are subject to, and said commissioners shall hold their offices till the first Thursday in August in the year of one thousand eight hundred and seventy-two, and until their successors shall have qualified: *Provided*, That before the governor makes such appointment he shall, at such time as he may deem proper and in such way as he

Terms of office.

Proviso.

may deem best, submit to the qualified voters embraced in the county of "Dare," whether they wish said county of "Dare" to be established. If a majority of the voters be cast for "Dare," then he shall at once organize the county as provided in this act: *Provided further*, That that portion of the citizens taken from the county of Currituck and attached to the county of "Dare," shall not be released from their proportions of the outstanding county debt contracted for public improvement before the passage of this act, to be determined by the county commissioners of Currituck and "Dare" counties.

Question to be submitted to the voters affected.

Further proviso.

Assumption of debt.

SEC. 5. That the judge of the superior court in and for the first judicial district shall appoint a clerk of said county for the county of "Dare," and the term of office of said clerk shall terminate at the same time as if he had been elected at the general election held in April, one thousand eight hundred and sixty-eight.

Appointment of clerk of superior court.

His term of office.

SEC. 6. That the jurisdiction of the superior court be and the same is hereby extended to and over said county of "Dare" in the same manner as the said court has in and over the several counties in this state, and the judge for the first judicial district shall hold the superior court for said county of "Dare" on the sixteenth Monday after the first Monday in March and October, and all cases both [in] civil and criminal within the bounds of said county of "Dare" shall be tried in the said court: *Provided*, That actions and suits affecting citizens in the county created by these acts pending in the superior courts of Currituck, Tyrrel and Hyde counties may be continued in those counties at the option of the parties thereto, or of the solicitor, but when such cases and trials shall be transferred to the superior court of the county of "Dare," there shall be no prejudice by reason of such transfer.

Superior court jurisdiction.

Time of holding court.

Proviso.

SEC. 7. That it shall be the duty of the county commissioners to procure a suitable building on Roanoke island for the holdings of the courts for said county until a court house shall have been erected.

Temporary court house.

Jail.

SEC. 8. That all persons who may be liable to imprisonment under any process either criminal or civil in "Dare" county, before the completion of the public jail in said county, shall be committed to the jail in Pasquotank county.

What laws applicable to new county.

SEC. 9. That the provisions of an act of the General Assembly, ratified the tenth day of April, one thousand eight hundred and sixty-nine, entitled an act concerning townships, except when the same are inconsistent with the provisions of this act, shall be extended to the township to be established in said county.

Not allowed a member of house of representatives until 1872.

SEC. 10. That the said county of "Dare" shall not be allowed a member in the house of representatives till the next apportionment in the year one thousand eight hundred and seventy-two.

Senatorial district.

SEC. 11. That until after the next apportionment the county of "Dare" shall cast their votes for state senator with the second senatorial district.

Permanent county seat.

SEC. 12. That the county commissioners appointed shall immediately select a site for the permanent seat of justice for said county, having in view the convenience and interest of the people in the county, and when they shall have located said seat of justice, it shall be the duty of said commissioners to purchase, or receive by donation for the county of "Dare," a tract of land containing not less than one acre to be conveyed to the chairman of the board of county commissioners of said county and their successors in office, which land, when so purchased or donated, shall be deemed to be held by said chairman and his successors absolutely in fee simple for said county of "Dare," upon which tract of land the court house and jail shall be erected, and when after the completion of the court house the courts of said county shall be held.

County commissioners may contract for erection of buildings.

SEC. 13. That said county commissioners shall have full power to contract for the building of a suitable court house and jail for said county, of such size and dimensions and upon such plan as said commissioners shall determine upon, they being required to take bond and approved security from the contractors for the faithful execution of the work.

SEC. 14. That the county commissioners shall as soon as practicable appoint one or more suitable persons to make a survey and plat of said county of "Dare," he or they first taking an oath before some acting justice of the peace for the faithful discharge of his duty. Survey of county.

SEC. 15. That the county commissioners shall have power to levy a sufficient tax upon the property of said county to erect a suitable court house and jail in and for said county of "Dare:" *Provided*, That said tax shall be collected in the same manner as other county taxes. Tax to erect court house and jail.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified the 3rd day of February, A. D. 1870.

CHAPTER XXXVII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH SPECIAL COURTS IN THE CITY [CITIES] OF WILMINGTON AND NEWBERN, RATIFIED AUGUST ELEVEN, YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

SECTION 1. *The General Assembly of North Carolina do enact*, The special courts for the city of Wilmington, in addition to the powers heretofore conferred, shall hereafter have exclusive original jurisdiction to hear, try and determine the misdemeanors hereinafter recited, committed within the corporate and charter limits of the city of Wilmington, as the same are now or shall be hereafter defined by law, viz: first, all petty misdemeanors; second, also the violation of any ordinance or by-laws of said city passed to prevent disorderly conduct where the penalty or forfeiture incurred shall not exceed two hundred dollars; also, the violation within the corporate limits aforesaid of any act of assembly or ordinance concerning inspectors and inspection; and all larcenies of personal property of not over twenty- Additional jurisdiction of court at Wilmington.

five dollars in value, and these offences are hereby declared misdemeanors.

Manner and form
of complaint.

SEC. 2. Upon the trial of any such petty misdemeanors in said court, it shall appear in the complaint and in proof as follows, viz: first, that the offence was committed or the penalty incurred within the charter or corporate limits of the city of Wilmington, and within six months; second, such complaint may not be in any particular form, it must appear to be made without collusion between the complainant and accused; third, that it be made by the injured party himself or any other person in writing and on oath.

Jurisdiction of
court defined.

SEC. 3. The said court shall have no jurisdiction over civil contracts except as is herein allowed, nor of any other misdemeanor where the penalty shall exceed two hundred dollars or the punishment shall be imprisonment in the state penitentiary, nor shall there be any jury trials in said court, except that on the demand of the defendant the same proceedings shall be had and held as are prescribed in the fifth chapter of the code of civil procedure for trials before justices of the peace, and the jurors shall be drawn by the clerk of the board of county commissioners for the corporate limits of the city of Wilmington only. The duty of the judge of said court shall be the same as is thereby prescribed for justices of [the] peace.

Jury trial.

When court to be
held.

SEC. 4. Said court shall continue to be held at the city hall in the city of Wilmington every day (Sundays and holidays excepted) for at least two hours when the business shall so require, and the marshal of the city shall be executive officer of such court. He shall attend the same in person or by deputy, open and adjourn its sittings and execute all its processes and orders, and shall be entitled to receive the same fees as the sheriff is allowed for similar services. The clerk thereof shall be appointed by the mayor and aldermen of the city; he shall issue the process of the court and keep the minutes, records and archives of the same; he shall give such bond as the mayor and aldermen shall direct and approve; such bond shall be made

Marshal to attend
court.

His fees.

Clerk appointed.

His duties.

Bond.

payable to the city of Wilmington, but any person endamaged may sue thereon.

SEC. 5. The party convicted shall pay cost in all cases, and if the party charged be acquitted the complainant may be adjudged to pay the same, and be imprisoned for the non-payment thereof, if the prosecution shall be deemed frivolous and malicious. In all cases before said court the same fees and costs only shall be taxed as are allowed by law for like services in the justices' court, and all fines, forfeitures and penalties recovered and adjudged shall and may be collected and enforced as city fines and penalties are now collected and enforced by law, and are then to be paid into the city treasury. The compensation of the clerk and marshal shall be annually ascertained and established by the mayor and aldermen of said city. The judge of said court, in addition to the annual salary of one thousand dollars, and in lieu of the compensation heretofore required for him from the county of New Hanover, shall be entitled in every case to the fees of justice of [the] peace; and the same shall be ascertained and paid him quarterly, beginning on the first Monday in January, one thousand eight hundred and seventy, out of the city treasury, and the county allowance shall thereupon cease.

By whom costs of trial to be paid.

What costs and fees allowed.

Pay of clerk and marshal.

Fees to judge.

How paid.

County allowance to cease.

SEC. 6. All persons tried in said court shall have the right of appeal to the superior court, and the finding and sentence in every case in said city court, when not appealed from, being duly certified under the seal of said court, may be pleaded in bar to any indictment or prosecution thereafter for the same offence.

Right of appeal.

Sentence to bar against future prosecution.

SEC. 7. All laws and clauses of laws in conflict with this act shall be and the same are hereby repealed, and this act shall be in force from and after its ratification.

Repealing clause.

Ratified the 5th day of February, A. D. 1870.

CHAPTER XXXVIII.

AN ACT TO BE ENTITLED AN ACT TO RESTORE THE CREDIT OF THE STATE AND TO FACILITATE THE CONSTRUCTION OF OUR UNFINISHED RAILROADS.

Certain railroad officers required to file statements with governor and superintendent of public works.

SECTION 1. *The General Assembly of North Carolina do enact*, It shall be the duty of the several presidents or other officers of railroads who have secured bonds or other securities of the state for the construction of any road in which the state is interested, under an act of the general assembly or ordinance of a convention passed since May, year of our Lord one thousand eight hundred and sixty-five, whether such president or other officers be now in or out of office, and every such president or other officer is hereby required to file before the governor and superintendent of public works a statement showing the following items: First, what amount of bonds of the state was received by such president or other officer from the public treasurer, or from any predecessor in office of such president or other officer, with the respective dates of such reception; second, what amount of such bonds have been sold, in what markets, and at what prices, with the respective dates of such sales; third, what amount of such bonds have been or are now hypothecated, to whom so hypothecated, when hypothecated, for what purpose, and what amount of money has been realized by such hypothecation; fourth, what amount of such bonds remain on hand unsold, or have been turned over unsold to any successor of such president or other officer, and whether any interest, and if any, how much has been received by him on any unsold bonds of the State.

What to be contained in statement.

Statement to be made on oath.

Penalty for false statement.

SEC. 2. The statement required of such president or other officer by the foregoing section shall be made on oath administered by any person authorized by law to administer oaths, and if any false particular be wilfully inserted therein, or if any item specified in section first be wilfully omitted.

therefrom, the party making the oath shall be liable to all the pains and penalties of perjury.

SEC. 3. It shall be further the duty of every president or other officer of a railroad as provided in section first of this act, and every such president or other officer is hereby required to return to the public treasurer, subject to the joint order of the governor and superintendent of public works as hereinafter prescribed, all bonds of the state which have been issued under any authority of law and which remain in the hands of any such president or other officer unsold or undisposed of; or in case any such bonds have been sold or exchanged for money [or] other securities, the said president or other officer shall deposit in the public treasury such money, proceeds or securities, or so much thereof as he has not actually expended upon his road.

Bonds to be returned to public treasurer.

Proceeds of sale to be deposited.

SEC. 4. The governor is hereby directed, within five days after the ratification of this act, to cause a notice to be personally served on every such president or other officer of a railroad, if such president or other officer may be found or resides within the state, and if not, to publish such notice in two daily newspapers printed in Raleigh for six successive days, calling upon such president or other officer to file the statement required by the first section of this act, and to make the surrender or deposit of bonds required by the third section of this act.

Governor to cause notice to be served on railroad officers.

Notice to be published where officer can not be found.

SEC. 5. The time within which every such president or other officer is required to comply with the provisions of the first three sections of this act shall be twenty days from the day on which the service of notice is personally made on such president or other officer, or in the case of such president or other officer being absent from the state from the day of the publication of the notice to him as provided in the last section.

Time when statement to be made.

SEC. 6. *Provided nevertheless,* If upon the notification of the governor, any such president or other officer shall faithfully render the account or statement according to sections one and two of this act, and shall moreover comply in all respects with section three of this act, in every such case

Proviso.

upon the sworn certificate of the acting president and chief engineer or superintendent of any such railroad, to the effect that a certain amount of work has been done and not paid for on any unfinished railroad, the governor and superintendent of public works are authorized and required to join in an order or warrant upon the public treasurer, where any state securities may be on deposit, to re-deliver to the president of such railroad an amount of the bonds which shall not be sold for less than sixty cents in the dollar, or other securities or any proceeds thereof so returned or deposited by him under section three of this act, equivalent in cash value to the amount of work so certified to be done on such road.

Where work done is unpaid for.

Limit of sale for bonds.

Further proviso.

Treasurer to endorse bonds re-delivered.

What special tax may be levied to pay interest on bonds.

Treasurer to inform county commissioners.

Penalty for failing to comply with certain provisions of this act.

SEC. 7. *And provided further,* That upon any such re-delivery contemplated in the last section, the public treasurer having bonds of the state on deposit as aforesaid shall stamp or endorse on every such bond so re-delivered to any railroad company the fact of re-delivering and the date thereof.

SEC. 8. That no special tax shall be levied to pay interest on the bonds which may at any time be on deposit in the treasury according to the provisions of this act, and the ratio of special tax directed to be levied in each appropriation act shall be diminished in the same proportion as the amount of such bonds on deposit bears to the whole amount of bonds appropriated in each appropriation act respectively; and it shall be the duty of the treasurer to inform the county commissioners of the several counties, from time to time, what per cent. of special tax must be levied on property so as to carry out the provisions of this section in its true intent and meaning.

SEC. 9. If the president or other officer of any railroad company, in which the state is interested within the pervuew of the first five sections of this act, shall wilfully refuse or fail to comply with the said provisions thereof, every such president or other officer shall be deemed guilty of felony, and upon conviction shall suffer imprisonment in the state prison for not less than five years.

SEC. 10. Prosecutions under the preceding section shall be brought in the superior court of the county of Wake; but upon affidavit of the solicitor of the state of the sixth district, that the interest of the state require a removal of such criminal action to another county for trial, it is the duty of the judge to order a removal of the same to any county agreed upon by the parties to the action or where the judge in his discretion may deem a fair trial can be had.

Where prosecution shall be brought.

SEC. 11. If any president or other officer as aforesaid shall refuse or neglect, for the period of time specified in section five of this act, to fully and satisfactorily comply in all respects with the provisions of this act, as set forth in the three first sections thereof, then and in every such case of refusal or neglect, it shall be the duty of the attorney general, and he is hereby directed to bring forth within the superior court of Wake county, a civil action in the name of the state, against any such president or other officer, alleging therein a fraudulent use and misapplication of the public funds, and demanding such relief by the appointment of a receiver or otherwise, as may save or better secure the interest of the state in that behalf.

Attorney general to bring suit.

SEC. 12. The attorney general is hereby authorized to join in such civil action any director managing or controlling any railroad in which the state is interested, in case he deems any such director implicated in any fraudulent use or misapplication of the public funds.

Director of railroad may be joined in civil action.

SEC. 13. In case of any process of arrest and bail, or other provisional remedy issued in due course of law against any defendant in such civil action, the bond of undertaking to be given by such defendant shall not be less than the double of the supposed default of the defendant in complying with the provisions of this act; but if the amount of such supposed default cannot be satisfactorily ascertained when the attorney general or other counsel for the state applies for such process, then the bond or undertaking required of the defendant shall be not less than the

Bail in case of arrest.

double of the whole amount of state securities received by him either from the treasurer or any predecessor in office.

Attorney general
may employ other
council,

Appropriation.

Secretary of state
to furnish copies
of act.

When act to be in
force.

Governor autho-
rized to make
requisition for neg-
lecting railroad
officer, upon gov-
ernor of other state.

SEC. 14. The attorney general is authorized to unite with him in prosecuting any action under this act, other counsel learned in law not exceeding two, and the treasurer is hereby directed to pay, in the manner provided by law, out of any unappropriated funds in the treasury, to such counsel, not exceeding five hundred dollars, for all services under any action or proceeding in this act.

SEC. 15. The governor, superintendent of public works, attorney general and the solicitor of the state for the sixth judicial district, shall be, each of them, furnished by the secretary of the state with a copy of this act immediately upon its ratification.

SEC. 16. This act shall be in force from its ratification, but its introduction into the general assembly shall be deemed, and is hereby declared, a notice to all parties of the purposes of the state in the premises; and any sale, purchase or disposal of her bonds, after the date of the introduction of this act, by any railroad president or other officer coming within the interest [intent] and meaning of the foregoing provisions, or by any other persons holding such bonds on his hypothecation from such president or other officer, or otherwise, (except as a *bona fide* purchaser) shall be absolutely null and void, and the state will, in no event, recognize any such sale, purchase or disposal as of binding force.

SEC. 17. In case any president or other officer, who may come within the provision of this act, shall be absent from or reside beyond the limits of this state, and shall upon notification of the governor, refuse or neglect to answer or otherwise appear to any action instituted in the courts of this state under this act, it shall be the duty of the governor and he is hereby required to make a requisition and demand for any such president or other officer upon the governor of any state where such president or other officer may be at the time or in which he may reside.

Ratified the 5th day of February, A. D. 1870.

CHAPTER XXXIX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT RELATIVE TO THE ISSUING OF BONDS FOR THE COUNTY OF JACKSON."

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That an act entitled an act passed at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, empowering the commissioners for the county of Jackson to issue bonds, be so amended in section first, lines five and six, to read "in the word "fifteen" instead of "ten;" and [in] line four, denominations not larger than one hundred dollars nor less than five dollars;" and in section second, line three, insert strike out the word "five" and instert "two," so as to read "two years" instead of "five years;" and that said bonds shall be signed by the chairman of the county commissioners and countersigned by the county treasurer.

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

Ratified the 14th day of February, A. D. 1870.

CHAPTER XL.

AN ACT TO AUTHORIZE GEORGE W. WYNN, FORMER TAX COLLECTOR OF HERTFORD COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do* May collect arrears
enact, That George W. Wynn, former tax collector for of taxes.
 Hertford county, be and he is hereby authorized and empowered to collect arrears of taxes due him for the year one thousand eight hundred and sixty-seven, which collec-

tion shall be made under the same rules, regulations and restrictions as other county and state taxes are collected by virtue of the laws of the state.

When authority granted shall cease.

SEC. 2. That the power and authority hereby granted shall cease and determine with the year one thousand eight hundred and seventy: *Provided*, That no persons shall be compelled to pay such taxes who will make oath that they have paid their taxes and lost their receipts.

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

Ratified the 14th day of February, A. D. 1870.

CHAPTER XLI.

AN ACT TO REPEAL AN ACT ENTITLED 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 ACTS AMENDATORY THEREOF.

Repeal.

SECTION 1. *The General Assembly of North Carolina do enact*, That the act of the general assembly, entitled "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 acts amendatory thereof, which was ratified on the ninth day of April, year of our Lord one thousand eight hundred and sity-nine, and which is to be found on page three hundred and forty-nine, chapter one hundred and forty-six, of the public laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

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

Ratified the 14th day of February, A. D. 1870.

CHAPTER XLII.

AN ACT TO BETTER PROTECT THE FOWLING INTEREST IN THE
WATERS OF CURRITUCK COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person whatsoever shall hunt or shoot wild fowl in the county of Currituck on the Sabbath day, or hunt them on any day of the week after the hour of sun-down or before daylight in the morning with guns or fire, or use any gun other than can be fired from the shoulder, or build or use any blinds, boxes or batteries in any of the waters away from the marshes or shores proper, from and after thirty days after the passage of this act, such person shall be guilty of a misdemeanor and, upon conviction in the superior court of the county of Currituck for the same, shall be fined for each offence not less than two hundred and fifty dollars nor more than four hundred dollars, and shall be imprisoned not less than thirty nor more than sixty days.

Hunting restricted.

Penalty for violation of law.

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 any violation of the provisions of this act shall, upon conviction of the parties so offending, receive one half of said fine, the other to go to the school fund of Currituck county.

Informant to receive one-half of fine.

SEC. 3. It shall be the duty of the justices of the peace for said county, upon information of the violation of this act, to issue his warrant for the arrest of the offenders, and if found guilty shall bind them over to the next term of the superior court for said county.

Justices of the peace to cause arrest of offenders.

SEC. 4. That all laws or parts of laws in conflict with this act are hereby repealed in so far as they apply to the county of Currituck.

Repealing clause.

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

Ratified the 14th day of February, A. D. 1870.

CHAPTER XLIII.

AN ACT TO ABOLISH THE OFFICE OF STATE PRINTER.

Office of state
printer abolished.

SECTION 1. *The General Assembly of North Carolina do enact*, That the office of state printer be and the same is hereby abolished, and all laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified the 14th day of February, A. D. 1870.

CHAPTER XLIV.

AN ACT TO AMEND SECTION ONE OF A RESOLUTION ENTITLED
A RESOLUTION AUTHORIZING THE SECRETARY OF STATE TO
FURNISH MEMBERS WITH COPIES OF LAWS.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of a resolution entitled "A resolution authorizing the secretary of state to furnish members with copies of laws," ratified the 24th day of August, year of our Lord one thousand eight hundred and sixty-eight, be amended as follows: strike out in third line the word "the" and insert in lieu thereof the word "public."

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

Ratified the 14th day of February, A. D. 1870.

CHAPTER XLV.

AN ACT AUTHORIZING THE COMMISSIONERS OF CRAVEN COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF BUILDING BRIDGES ACROSS THE NEUSE AND TRENT RIVERS.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of the county of Craven be and they are hereby authorized and instructed to levy and collect a special tax of three-fourths of one per cent. on all taxable property of said county. Tax of three-fourths of one per cent.

SEC. 2. That the tax herein authorized to be levied shall be levied, collected and accounted for, year of our Lord one thousand eight hundred and seventy, in the same manner and under the same penalties that the state and county taxes are collected and accounted for.

SEC. 3. That the tax herein authorized shall not be used or expended for any other purpose than those expressed in the first section of this act. How tax shall be expended.

SEC. 4. That the commissioners, within forty days after the ratification of this act, shall proceed to locate the points where said bridges shall be built across the said rivers: *Provided,* That one shall be located on the Trent river, near the foot of George street, in the city of Newbern, the other[s] to be located on the Neuse river, at such point as they shall select: *Provided further,* That it shall be located above and within one mile of the freight depot of the Atlantic and North Carolina Railroad, on the said river. Commissioners to locate bridges.
Proviso.

SEC. 5. That there shall be a draw section in both bridges at the main channel of both rivers, to be of the same width of the draw in the railroad bridge across Trent river, and the road bed of said bridges shall be not less distant above water than the rails of the aforesaid railroad bridge[s]. Draw sections..

SEC. 6. That such bridges shall be built upon the same plan, and shall be not less than fifteen feet wide in the road bed. Width of bridge..

SEC. 7. That the commissioners shall within forty days

Commissioners to prepare plans, &c.

after ratification of this act, prepare plans and specifications and proceed to advertise for sealed proposals to build said bridges in accordance with plans and under such rules as they may prescribe, said advertisement to be [published] sixty days in three or more newspapers that they may select.

To advertise proposals.

Both bridges to be commenced at same time.

SEC. 8. That the construction of both bridges shall be commenced and carried on at one and the same time, and that no payments shall be made until sections of the bridges are completed; said payments shall not exceed the *pro rata* of the sum total of the contract; said payments to be made by the county treasurer only upon the order of the county commissioners, duly certified to by their chairman and the register of deeds.

Manner of payments.

To be free to the public.

SEC. 9. That the said bridges when completed and accepted from the contractors by the commissioners shall be forever free to the public.

Commissioners may borrow money.

SEC. 10. For the purpose of a more speedy construction of said bridges, the commissioners of said county are authorized and empowered to borrow such sums as they may deem expedient from time to time, not in [the] excess of the amount of said tax, and to pledge the proceeds of said tax to the payment of the debt so incurred, the money so borrowed being subject to all the provisions of the previous sections of this act.

Act to be submitted to voters of the county.

SEC. 11. That the provisions of this act shall be submitted to the qualified voters of Craven county at a special election which shall be held in the manner prescribed by law, on the first Monday in April next, at which election those approving of the provisions of this act shall deposit in the ballot box a ballot containing the words "For Neuse and Trent river bridges," and those opposing a ballot containing the words "Against Neuse and Trent river bridges."

SEC. 12. That this act shall take effect from and after its ratification by a majority of the voters voting at the special election provided for in section eleven of this act.

Ratified the 14th day of February, A. D. 1870.

CHAPTER XLVI.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That John M. Beatman, sheriff of Washington county, be hereby empowered to collect arrears of taxes due for state and county purposes for the year one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight, and the said sheriff shall have the power to enforce the same that is given to sheriffs for the collection of taxes in other cases.

May collect taxes
for 1867 and 1868.

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

Ratified the 14th day of February, A. D. 1870.

CHAPTER XLVII.

AN ACT TO PROTECT THE INTEREST OF THE STATE AS A
STOCKHOLDER IN THE NORTH CAROLINA RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the directors of the North Carolina Railroad Company who were appointed by the governor and who represent[s] the interest of the state in said railroad company, are hereby requested and instructed to call a meeting of directors of said railroad[s] within ten days after the ratification of this act, and in such meeting or in any other meeting of said board that may be called in the usual manner within said ten days, to vote for a distribution, as dividends, in conformity to law, the surplus earnings of said company for the year last past; said surplus earnings shall not be diverted to the payment of debts not due.

State directors to
call a meeting.

Distribution of div-
idends.

Directors refusing
to be removed.

SEC. 2. That if any one or more of said directors wilfully refuse or neglect to obey the instructions herein given, then the governor is hereby authorized and requested to remove such director or directors without delay.

Secretary of state
to furnish copies of
act.

SEC. 3. That the secretary of state is hereby instructed to deliver to each of the directors aforesaid a certified copy of this act within five days after its ratification.

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

Ratified the 15th day of February, A. D. 1870.

CHAPTER XLVIII.

AN ACT IN AID OF AN INVESTIGATION ORDERED BY THE SENATE INTO THE AFFAIRS OF CERTAIN RAILROADS BY RESOLUTIONS RATIFIED ON THE TWENTY-FOURTH DAY OF JANUARY, YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

Preamble.

WHEREAS, The Senate has directed by certain resolutions ratified the twenty-fourth day of January, year of our Lord one thousand eight hundred and seventy, an investigation into the affairs of the railroads and for the purpose named in said resolutions: *And whereas*, Samuel F. Phillips, Thos. Bragg and W. L. Scott, Esqrs., have been duly appointed to act as a commission in such investigation, now therefore in aid thereof and to fully carry out said purposes,

Governor to furnish
room.

SECTION 1. *The General Assembly of North Carolina do enact, as follows*, The governor is hereby directed to furnish said commission with a suitable room in the capitol or elsewhere in the city of Raleigh, for the transaction of the business entrusted to them.

Clerk

SEC. 2. The said commission is authorized to employ a clerk at not exceeding twenty dollars per week, and the

secretary of state is required to deliver to the commission on the requisition of the chairman thereof, such stationery and post office stamps as may be necessary for the purposes of the same.

Secretary of state to deliver stationery.

SEC. 3. The sheriffs and coroners of the several counties of the state are required to execute and obey, according to the mandate thereof, any summons or other process to be issued by said committee and signed by the chairman thereof, and to make due return of such process to the said chairman as in such process directed, for which service every sheriff or coroner shall be allowed like fees as in other cases for services of process issued from the courts of law, and if any sheriff or coroner refuse or neglect to execute and obey such process or to make due return thereof as aforesaid, he shall incur the penalties of a contempt of the general assembly, and the said commission is hereby directed to report to the general assembly every case of such refusal or neglect.

Summons to be obeyed.

SEC. 4. The treasurer is directed to pay upon the warrant of the chairman of the committee, countersigned by the auditor, any sum not exceeding five hundred dollars to meet any expenses incurred under the provisions of this act.

Treasurer to pay, what sum.

SEC. 5. The said commissioners appointed to conduct this investigation shall have all the powers of a superior court for compelling the attendance of witnesses and the production of books and papers.

To have powers of superior court.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 16th day of February, A. D. 1870.

CHAPTER XLIX.

AN ACT AUTHORIZING THE COMMISSIONERS OF ORANGE COUNTY
TO ISSUE BONDS.

May issue bonds
not to exceed
\$25,000.

SECTION 1. *The General Assembly of North Carolina do enact*, That in order to liquidate the liabilities of the county of Orange, the commissioners of said county are hereby authorized to issue coupon bonds not exceeding in amount the sum of twenty-five thousand dollars in denominations of not less than twenty dollars.

Bonds to run for
two years.

SEC. 2. The said bonds shall run for two [ten] years, with interest at the rate of six per cent. per annum, payable semi-annually; and coupons on said bonds shall be receivable in payment of county taxes for any fiscal year in which they may fall due.

Bonds may be re-
deemed,

SEC. 3. The said county commissioners shall have the privilege to redeem said bonds at any time after the expiration of one year, and shall appoint a suitable person as trustee and commissioner of a sinking fund, who shall each year purchase one-tenth of said bonds then outstanding, or receive from the county treasurer, by order of said county commissioners, one-tenth of the amount sufficient to redeem said bonds when they shall fall due.

Question to be sub-
mitted to voters.

SEC. 4. 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 purposes herein specified.

Special tax.

SEC. 5. The said commissioners of Orange county are hereby authorized to levy a tax of one-tenth of one per cent. on the real and personal property of said county for the special purpose of redeeming said bonds.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 16th day of February, A. D. 1870.

CHAPTER L.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WARREN COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF PAYING THE DEBT OF SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners of Warren 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 not exceeding one-half of one per cent. on all the taxable property of said county for the purpose of paying the outstanding debt of said county incurred since the first day of May, one thousand eight hundred and sixty-five. Tax of one half o
one per cent.

SEC. 2. That the tax hereby authorized to be levied shall be levied and assessed by the said board of commissioners at the same time when the taxes for general county purposes are levied by said board for the year one thousand eight hundred and seventy, under the general revenue law of the state, and shall be collected and accounted for to the county treasurer of said county by the sheriff of said county, in the same manner and under like penalties as other county taxes are or may be by law required to be collected and accounted for. Time and "manner
of assessing and
collecting.

SEC. 3. That the said tax when collected shall be applied to the purpose set forth and no other. To what object ap-
plied.

SEC. 4. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed. Repealing clause.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 16th day of February, A. D. 1870.

CHAPTER LI.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF LENOIR COUNTY TO LEVY A SPECIAL TAX.

Object of tax levy.

SECTION 1. *The General Assembly of North Carolina do enact*, That to enable the county of Lenoir to pay the interest due on subscriptions of stock to the Atlantic and North Carolina Railroad, the county commissioners of Lenoir county be and are hereby authorized and empowered to levy a special tax not to exceed the sum of fifteen thousand dollars upon the taxable property of said county.

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

Ratified the 16th day of February, A. D. 1870.

CHAPTER LII.

AN ACT TO BE ENTITLED AN ACT TO LEGALIZE CERTAIN OFFICIAL ACTS OF THE CHAIRMEN OF THE LATE COUNTY COURTS IN THIS STATE.

Preamble.

WHEREAS, Doubts have arisen as to the application of the acts of assembly hereinafter referred to: therefore

Certain conveyances made valid.

SECTION 1. *The General Assembly of North Carolina do enact*, That all *bona fide* conveyances in fee simple or otherwise of lands, tenements or hereditaments, by husband and wife, in pursuance of an act of assembly, ratified March second, one thousand eight hundred and sixty-seven, chapter fifty-four, shall be valid and protect the rights of purchasers, mortgagers and others thereunder, whether the real estate so conveyed was previous thereto the property of the husband or his wife.

SEC. 2. That all laws in conflict with this act are hereby repealed. Repealing clause.

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

Ratified the 16th day of February, A. D. 1870.

CHAPTER LIII.

AN ACT IN RELATION TO TAKING FISH FROM THE NORTH EAST BRANCH OF THE CAPE FEAR RIVER.

SECTION 1. *The General Assembly of North Carolina do enact*, That from and after the first day of February, year of our Lord one thousand eight hundred and seventy, during the months of February, March and April, there shall be no sein, drift net, set net or pod net, or any other net or snare set or placed in the waters of the north east branch of the Cape Fear river from its mouth to where Goshen empties into said river, for the purpose of taking shad or other fish from said river on the following days, to wit: from Wednesday morning sunrise to Thursday morning sunrise, and from Saturday twelve o'clock M. to Sunday twelve o'clock P. M., in each week; and it shall not be lawful for any person from the first day of February to the first day of May in each year to completely obstruct, by setting seines or nets across the channel of the river, or by running more than one seine or net at one landing or beach, or in any other way, the passage of fish in the waters of said river.

Shad fishing restricted in Cape Fear river.

River not to be obstructed by seines, nets, &c.

SEC. 2. Any one violating the provisions of this act shall be guilty of misdemeanor, and on conviction shall be fined not less than fifty dollars for each offence, or imprisoned not less than three months.

Penalty for violation of law.

SEC. 3. Any person informing on parties violating this act shall, on conviction of the party, receive one-half of the

Informant to receive one-half of fine.

fine, the other half to go to the support of the poor of the county in which (this) act was violated.

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

Ratified the 16th day of February, A. D. 1870.

CHAPTER LIV.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO PROTECT SHERIFF'S IN THE SALE OF LANDS FOR TAXES," RATIFIED THE TWELFTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Repeal.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled "An act to protect sheriffs in the sale of lands for taxes," chapter two hundred and sixty-one, be and the same is hereby repealed.

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

Ratified the 24th day of February, A. D. 1870.

CHAPTER LV.

AN ACT TO EXTEND THE TIME OF G. M. WEBB, TAX COLLECTOR OF CLEVELAND COUNTY, TO SETTLE WITH THE COUNTY TREASURER.

Extension of time.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for G. M. Webb, tax collector of Cleveland county, to settle with the treasurer of said county any time before the first day of June, one thousand eight hundred and seventy.

SEC. 2. That said G. M. Webb is hereby relieved of all pains and penalties incurred in consequence of a failure to settle with said treasurer as required by law. Relieved from penalties.

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

Ratified the 24th day of February, A. D. 1870.

CHAPTER LVI.

AN ACT TO EMPOWER THE COMMISSIONERS OF CUMBERLAND COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of Cumberland county are hereby authorized to levy a tax, not to exceed half of one per cent. upon the real and personal property in said county, for the support of the poor and other current expenses, the said tax to be levied at such time as the commissioners may deem proper. Limit of tax. Object.

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

Ratified the 24th day of February, A. D. 1870.

CHAPTER LVII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HAYWOOD TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact,* That the county commissioners of Haywood county are hereby authorized to levy a special tax of five thousand Object of tax.

dollars, which money shall be applied to the building of a jail and purchasing weights and measures for said county.

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

Ratified the 24th day of February, A. D. 1870.

CHAPTER LVIII.

AN ACT DECLARATORY OF THE CASES TO WHICH AN ACT ENTITLED "AN ACT CONCERNING THE SETTLEMENT OF THE ESTATES OF DECEASED PERSONS," BEING CHAPTER ONE HUNDRED AND THIRTEEN OF THE ACTS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, IS APPLICABLE.

Preamble.

WHEREAS, Doubts have arisen as to the cases in which an act entitled "An act concerning the settlement of the estates of deceased persons," being chapter one hundred and thirteen of the acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, is applicable, and as to what estates are required to be settled according to its provisions; now to settle these doubts and prevent unnecessary litigation,

To what estates applicable.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said act shall apply to the estates of such deceased persons only whereof original administration has been granted subsequent to the first day of July, one thousand eight hundred and sixty-nine, and that all estates whereon administration was granted prior to the said first day of July, one thousand eight hundred and sixty-nine, shall be dealt with, administered and settled according to the law as it existed just prior to the said date, and it is hereby declared that such was the true intent and meaning of said act: *Provided, however*, That nothing herein contained shall be construed to prevent the application of said

Proviso.

act so far as it relates only to the courts having jurisdiction of any action or proceeding for the settlement of an administration or to the practice and procedure therein.

SEC. 2. If any person, prior to the ratification of this act, shall have *bona fide* administered any estate or any part of the estate of any deceased person whereof original administration was granted prior to said first day of July, under the said act of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, he shall not be deemed guilty of a *devastavit*.

In case of bona fide administration prior to passage of this act.

SEC. 3. That executors and administrators who qualified and entered upon the administration of their estates before the first day of July, one thousand eight hundred and sixty-nine, may sell such evidences of debt as are mentioned in section twenty of the act aforesaid and in the manner therein provided.

Administrators may sell certain evidences of debt.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER LIX.

AN ACT TO INCORPORATE THE WILMINGTON AND CAROLINA RAILROAD COMPANY.

WHEREAS, William F. Walter, Benjamin F. Newcomer and D. Willis James, for them, themselves, and as trustees for others, under decrees of sale made by the courts of North Carolina and of South Carolina for the purpose of foreclosing the various mortgages made by "The Wilmington and Manchester Railroad Company," have become the purchasers of all and singular the estate, property and effects of said company, including the entire line of railroad, the engines, rolling stock, machinery, machine shops, depots and other tangible property and effects heretofore

Preamble.

Sale of Wilmington and Manchester Railroad.

belonging to said company, together with all the rights, franchises and privileges of said company connected with or relating to said railroad, or the construction, maintenance or use therefore [therefor], between its eastern terminus at Wilmington, North Carolina, and its western terminus at Kingsville, South Carolina ; and whereas, the said William F. Walters, Benjamin F. Newcomer, D. Willis James and their associates are desirous by themselves and such other persons as may hereafter be associated with them, to keep up, maintain, use and operate the aforesaid line of railroad as one single or entire corporation in the two states in which the same is located, and for this purpose it is necessary that they should be incorporated and become a body politic with like powers, privileges and franchises in each of said two states of North Carolina and South Carolina :

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purposes set forth in the preamble hereto William F. Walters, Benjamin F. Newcomer, D. Willis James, and their associates, purchasers as aforesaid of the estate, property and effects of "The Wilmington and Manchester Railroad Company," together with such other persons as may hereafter become associated with them as stockholders under the provisions of this act, and their successors and assigns, are hereby constituted and declared to be a body politic and incorporated [corporate] by the name and style of "The Wilmington and Carolina Railroad Company," or by such other name and style as a majority in interest of the persons who are purchasers as aforesaid may designate and adopt at their first meeting after the passage of this act, of which name, if so designated and adopted, proper notices shall be duly filed within six months thereafter in the offices of the secretary of state of each of the states of North Carolina and South Carolina, and in the offices of the clerk of the superior courts of each and every county in said two states in which any part of the railroad of said companies [or] may be constructed. The capital stock of said corporation[s] shall not exceed five millions of dollars, to be divided and held in shares of one hundred dollars

Corporate name.

Capital stock.

Shares.

each, and the corporators hereinbefore named or otherwise referred to, or a majority in interest of such corporation, may, at any meeting held for that purpose, after twenty days notice by advertisement in such newspapers as may be designated by the corporators herein named, or a majority of them, of the time and place of such meeting, determine the number of such shares to be subscribed for as the present capital of said corporation, or as representing the present value of the estate, property and effects purchased by them as aforesaid; and they may open books of subscription for the same at such times and places and under such regulations and requirements as to them may seem best.

Subscriptions.

SEC. 2. The stockholders of said corporation may make all such by-laws, rules and regulations, not inconsistent with the laws of the United States and of the state[s] of North Carolina and South Carolina, as shall be deemed necessary for the well ordering and conducting the affairs of the company. They may prescribe the number of directors and the number and character of the officers of said corporation, the manner of their election and the amount of their compensation, the term of their respective offices, the manner in which any director or officer may be removed, and the mode of supplying any vacancy arising from any cause whatever either among the directors or officers of said company.

By-laws.

Directors and officers.

SEC. 3. That said corporation is hereby vested with all the rights, powers, privileges and franchises granted to "the Wilmington and Manchester Railroad Company," by the act of the general assembly of the state of North Carolina incorporating said company, and ratified the ninth day of January, one thousand eight hundred and forty-seven, and by the act of the general assembly of the state of South Carolina incorporating said company, and ratified the eighteenth day of December, one thousand eight hundred and forty-six, subject however to all such limitations and restrictions as are in said acts respectively contained; and said acts incorporating said Wilmington and Manchester

Corporate rights and privileges.

Railroad Company, except so far and in such respects as they are by this act altered or amended, and except such provisions therein contained as may be considered as inapplicable and unnecessary in the organization of the corporation created by this act, or in the management or direction of its affairs, shall be considered as setting forth and defining the chartered rights, powers, privileges and franchises of this corporation.

May extend the line of road.

SEC. 4. The said corporation may alter, change or extend the present line of the railroad purchased as aforesaid, at such points and in such direction as may be deemed most judicious by the stockholders; and in the event of the want of agreement with the owners of any lands through which said railroad, by reason of any such change, alteration or extension, will pass, as to the value of such lands, or in the event of such want of agreement with the owners of any lands which may be deemed necessary for the use or protection of such railroad, may take such lands at a valuation to be made in the same manner and in all respects under like proceedings, regulations and restrictions as are prescribed and provided in the acts incorporating said Wilmington and Manchester Railroad Company before referred to.

May take lands at certain valuation.

Further powers to borrow money, issue bonds, &c.

SEC. 5. The said corporation shall have power to borrow money, to issue bonds or other evidences of indebtedness so created and secure the payment of the same by mortgage of its property and effects, or otherwise; may lease or rent to any other corporation, or any person or persons, their line of railroad for any term which may be agreed on, or may in like manner become the lessee of the railroad of any other company, or may consolidate their line of railroad and their capital stock with the railroad and capital stock of any other railroad company; and any railroad company in the state can enter into such lease or a consolidation with said Wilmington and Carolina Railroad Company: *Provided, however,* That none of the powers granted in this section shall be exercised unless assented to by a majority in interest

May lease or consolidate.

Proviso.

of the stockholders of said company in a general or special meeting duly assembled.

SEC. 6. This act shall be considered a public law and shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER LX.

AN ACT TO INCORPORATE THE PLANTERS' RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That for the purpose of constructing a railroad of one or more tracts from some point on the Atlantic and North Carolina Railroad, at Newbern or at some point on said railroad between Kinston and Newbern, through the county of Jones to the navigable waters of New river in Onslow county, the formation of a corporate company with a capital stock of five hundred thousand dollars, with the privilege to increase the same to one million, is hereby authorized, to be called the Planters' Railroad Company, and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity, 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; and the said company may enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and 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.

Location of road.

Capital stock.

Name.

Corporate powers.

SEC. 2. That the said company be and the same is hereby authorized to construct a railroad of (one or more tracts)

from some point on the Atlantic Railroad, at Newbern or at some point on said road between Kinston and Newbern, through the county of Jones to the navigable waters of New river in Onslow county, the same to be determined upon by the company after the same shall have been formed.

Subscriptions.

SEC. 3. That the capital stock of said company be created by subscription 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.

Shares.

Commissioners to open subscription books.

SEC. 4. That books of subscription to the capital stock of said company may be opened by the following persons, who are hereby appointed commissioners for that purpose, to-wit: W. J. Clarke, A. J. Hubbard, D. D. Colgrove, F. G. Simmons, Jasper Etheridge, John W. Shackelford, L. W. Humphrey, Council Wooten, A. C. Wadsworth and the President of the Southern Land Company, whose duty it shall be to open or to direct the opening of said books of subscription at such times and places and under the direction of such persons as they or a majority of them may deem proper, 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 a majority 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 subscribers shall be and are hereby declared incorporated into a company by the name and style of the Planters' Railroad Company.

Meetings.

SEC. 5. That said company may hold annual meetings of the stockholders, and oftener if necessary; and at its organization and at the annual meetings subsequent thereto, seven 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

Directors.

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.

By-laws.

Manner of voting.

President.

SEC. 6. 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 railroad from some point on the Atlantic and North Carolina Railroad, at Newbern, or at some point on said road between Kinston and Newbern, through the county of Jones to the navigable waters of New river in Onslow county, 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 railroad to be by them constructed, at such charges as may be fixed by a majority of its directors.

Further powers.

SEC. 7. That said company shall have the same power to use and enforce the payments of stock subscribed as was heretofore granted to the Atlantic and North Carolina Railroad Company by the charter of incorporation, and shall have power to condemn land for the use of the company when a contract of purchase cannot be made with the owners thereof, to the same extent and in the same manner and under the same rules, regulations and restrictions as the Atlantic and North Carolina Railroad Company was authorized to do by the act of incorporation.

May condemn land

SEC. 8. 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.

Contracts.

Certificates of stock.

Stock may be paid
in instalments.

SEC. 9. That the board of directors may call for the sum subscribed as stock in said company in such instalments as the interest of said company may in their opinion require. The call for each payment shall be published in one or more newspapers in the state for one month before the day of payment, and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholders, and convey the same to the purchaser at said sale; and if the said sale of stock does not produce a sum sufficient to pay off the incidental expense of the sale and the entire amount owing by such stockholders in the company for such subscription of stock, then, and in that case, the whole of such balance shall be held as due at once to the company, and may be recovered of such stockholder or his executors, administrators or assignus, at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where the delinquent resides, on previous notice of ten days to said subscribers, or by the action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace, where the demand does not exceed two hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock both the original subscribers and the first and all subsequent assignees shall be liable to the company, and the same may be recovered as above described.

Delinquent sub-
scribers.

Debt of stockholder
to have equal dig-
nity with judg-
ments, &c.

SEC. 10. That the debt of the stockholders due the company for stock therein, either as original proprietors or as first or subsequent assignees, shall be considered as of equal dignity with the judgments in the distribution of assets of a deceased stockholder by his legal representative.

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

SEC. 12. That the said company shall have power of using any section of said road constructed by them before the whole of said road shall be completed, and may charge for transportation thereon.

May use section of road.

SEC. 13. That it may and shall be lawful for the said Planters' Railroad Company to make and issue bonds to an amount not to exceed five hundred thousand dollars, to be signed by the president of said company, under the common seal of the same, in sums of one thousand dollars each, bearing interest at the rate of eight per cent. per annum, to be paid annually in the city of New York or elsewhere, at their option, and redeemable in one thousand nine hundred and ten, or at a date earlier, at the option of the said Planters' Railroad Company.

May issue bonds.

SEC. 14. That to secure the faithful payment of the said bonds, it shall and may be lawful for the president and directors of the Planters' Railroad Company to make, execute and deliver to such persons in the city of New York or any other city as the said company may select or appoint, a deed of trust or mortgage, under the common seal of said company, wherein shall be conveyed to the person thus appointed trustee, the road property, income and franchise of said company, acquired or to be acquired, conditioned for the payment of the interest and final redemption of said bonds.

May give mortgage.

SEC. 15. That all the officers and employees of the company be and they are hereby exempt from serving as jurors.

Employees exempt from jury duty.

SEC. 16. That all the work hereby required shall be executed with due diligence, and if it be not commenced within four years after the ratification of this act then this charter shall be void.

Work to be commenced within four years.

SEC. 17. That it shall and may be lawful for an incorporated city or town, or any county in which said railroad may be constructed, to subscribe for such amount of stock in said company as they or either of them shall be authorized to do by the inhabitants of said city or town, or citizens of such county, in manner and form as hereinafter provided.

Subscriptions by corporations.

Subscriptions by cities or towns to be submitted to voters.

SEC. 18. That the corporate authorities of such city or town are authorized to make an order requiring the constable of such city or town, or any officer of their own body, at their option, at such times and on such notice as they shall direct, to open a poll and take the sense of the voters of such city or town qualified to vote for city or town officers, whether the corporate authorities of such city or town shall subscribe to the stock of said company for such sum as the order shall propose, and the officers superintending such election shall make return of the number voting for and against it to the corporate authorities of said city or town, or the presiding officer thereof; that upon the return of said superintendent of election it shall appear that a majority of votes are in favor of the subscription, then the corporate authorities of such city or town shall make the subscription for such city or town, the subscription to be paid for in bonds of said city or town, or in cash, as the authorities may elect, and upon such terms as may be agreed upon by said authorities and parties with whom they may negotiate; and the said corporate authorities shall order their presiding officer to issue city or town bonds payable to said company in bonds of not less than five hundred dollars each, payable at such times and places as said corporate authorities shall direct; and the said corporate authorities are hereby vested with full power to raise money by taxation to meet any quota of their subscription, or any instalment that may be due, and annually, on the persons, land and other property within their city or town, to provide for the payment of the principal and interest of the bonds so issued.

Question of subscription by counties to be submitted to voters.

SEC. 19. That the county commissioners of any county in which said railroad may be construed, [constructed,] (a majority of said commissioners concurring,) are authorized to make an order requiring the sheriff of such county, at such time and on such notice as they shall direct, to open a poll and take the sense of the voters of such county qualified to vote for members of the general assembly, whether the said county commissioners shall subscribe to the stock of

said company for such sum as the order shall propose, and the sheriff shall make return of the number voting for and against it to the said county commissioners.

SEC. 20. That upon the return of such sheriff, it shall appear that a majority of the votes cast are in favor of the subscription, then the said county commissioners shall appoint their chairman to make the subscription in behalf of said county, the subscription to be paid for in bonds of the said county, or in cash, as the county commissioners may elect, on such terms as may be agreed upon by the parties with whom they may negotiate; and the said county commissioners shall order their chairman to issue county bonds payable to said company in sums of not less than five hundred dollars each, payable at such times and places as a majority of said county commissioners shall direct; and the said county commissioners are hereby vested with full power and authority to raise money by taxation to meet any quota or instalment that may be due upon their subscription, and annually, upon the persons, land and other property within their county, to provide for the payment of the principal and interest of the bonds so issued.

SEC. 21. That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be annually or semi-annually divided among the stockholders in proportion to the stock each may own. Dividends.

SEC. 22. That notice of process upon the president or any of the directors thereof, shall be deemed and taken to be due and lawful notice of service of process upon the company. Notice of process.

SEC. 23. That if any person or persons shall intrude upon the said railroad by any manner of use thereof, or of the rights and privileges connected therewith, without permission or contrary to the will of said company, he, she or they may be indicted for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction. Intrusion upon road.

SEC. 24. That if any person shall wilfully and maliciously destroy, or in any manner to hurt, or damage, or obstruct, Penalty for injuring property of company.

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

Company may farm out its rights.

SEC. 25. That the said company may, when they see fit, farm out their rights of transportation over said railroad, subject to the rules above named, and said company and every person who may have received from them the right of transportation of goods, wares and produce on the said railroad, shall be deemed and taken to be a common carrier as respects all goods, wares and produce and merchandise entrusted to them for transportation.

Board of education authorized to donate one-half of White Oak swamp.

SEC. 26. That as in the opinion of the general assembly the construction of said railroad will enure greatly to the benefit of the state by bringing into cultivation the tract of land through which it will pass, and described hereinafter, and now entrusted to the board of education, and will enhance the value of those lands, the president and directors of said board are hereby authorized to have the lands of the board lying in the counties of Onslow and Jones, known as White-Oak swamp, amounting to eighty-five thousand five hundred and fifty-two acres, laid off in sections of six hundred and forty acres, or in smaller sections, at the option of said board of education, these sections to be laid off on both sides of

the road, having its line as their base, and that the board of education donate to said Planters' Railroad Company the alternate sections of this, being one-half of said land, in consideration of the benefit of said road to the land of the board: *Provided*, That the title in fee be retained by them Proviso. until the said Planters' Railroad Company shall make it appear to the satisfaction of the said board of education that the said Planters' Railroad has been graded from its beginning on the Atlantic and North Carolina Railroad through the lands of the board to some point on the navigable waters of New river, when a perfect title shall be made to said company.

Ratified the 1st day of March, A. D., 1870.

CHAPTER LXI.

AN ACT TO PREVENT THE FELLING OF TREES IN BIG HUNTING CREEK, IN IREDELL COUNTY.

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 Big Hunting creek, between where the creek crosses the Wilkes line into Iredell county and where it crosses the Davie line turning out of Iredell county, below high water mark and suffer said tree or trees to remain within said designated limits for the space of six days. Limits within which trees shall not be felled.

SEC. 2. If any person or persons shall violate the first section of this act, or shall procure any other person or persons to do so, he, she or they so offending or procuring others to offend, shall forfeit and pay for each tree felled and left 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 said creek where the tree or trees are felled Penalty for violation of this act.

should be the boundary line between two or more townships, then the action may be had before a justice of the peace of either of the townships so situated, the action to be brought in the name of the state by the party suing therefor, and one-fourth of the recovery to go to the person bringing the action and the other three-fourths to the county, to be appropriated to the support of public free schools of the county.

One-fourth of fine to go to party suing.

Balance to the support of free schools.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER LXII.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF JONES COUNTY TO LEVY A SPECIAL TAX.

Limit and object of tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Jones 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 five thousand dollars, (\$5,000,) for the purpose of building bridges and the support of the poor of said county.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER LXIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CHOWAN COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of the county of Chowan shall levy a special tax to pay the current expenses of the county for the year one thousand eight hundred and seventy, not to exceed three thousand dollars. Limit and object of tax.

SEC. 2. That the sheriff of said county collect the same under the same rules and regulations prescribed for the collecting of public taxes. How and by whom to be collected.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER LXIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF DUPLIN COUNTY TO LEVY A SPECIAL TAX FOR CERTAIN PURPOSES.

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 for the year one thousand eight hundred and seventy under the general revenue laws of the state, to levy a tax not exceeding seven-twentieths of one per cent. on all the taxable property of said county, for the purpose of paying off the indebtedness of the county and defraying the cost of a special term of the superior court ordered to be held on the fourth Monday in January. Limit and object of tax.

SEC. 2. That the sheriff of said county be required to collect such tax and account for the same to the county By whom and how tax to be collected

treasurer, in the same manner and under the same like penalty as the other county taxes are collected and accounted for by him.

SEC. 3. That the said tax when collected shall be applied by the county treasurer exclusively to the object hereinbefore set forth.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER LXV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF M'DOWELL TO LEVY A SPECIAL TAX, AND FOR OTHER PURPOSES.

Object of tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of McDowell county be and they are hereby authorized to levy a special tax upon the property of the county taxable under the general revenue laws of the state, to pay the interest which has accrued upon the bonds issued by the county of McDowell in payment of the stock subscribed by said county in the Western North Carolina Railroad Company, and likewise the interest which may hereafter accrue upon said bonds from year to year, and in their discretion to create a sinking fund to discharge the principal of said bonds as they become due.

Commissioners may create sinking fund.

May make regulations concerning bonds.

SEC. 2. That said commissioners shall have power to make all the rules and regulations relative to the said bonds heretofore issued by said county as are authorized by an act entitled "An act to authorize the several counties of the state to take stock in railroad companies," ratified on the tenth day of April, one thousand eight hundred and fifty-nine.

Further powers in relation to bonds.

SEC. 3. That said commissioners shall have all the power and authority given them by the said act in relation to

stock taken and issuing of bonds hereafter in railroad companies, over the bonds heretofore issued and the stock heretofore taken in said company under authority of the court of pleas and quarter sessions of said county, and to appoint the proxy of the county to represent said stock in all the meetings of said companies.

SEC. 4. That all irregularities and informalities of the court of pleas and quarter sessions in making the said subscription and in issuing the county bonds in payment for the same, or of John S. Brown, their chairman, in signing and issuing all of said bonds, are hereby ratified and confirmed, and said bonds are declared valid and binding upon the county in the same manner as if there had been no informality or irregularity in issuing the same.

Certain irregularities made valid.

SEC. 5. That this act shall take effect and be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER LXVI.

AN ACT TO LAY OUT AND CONSTRUCT A ROAD THROUGH THE COUNTIES OF ALLEGHANY AND ASHE.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be laid out and established a road from Sparta, in Alleghany county, to Jefferson, in Ashe county, to run as follows: by or near Union Church in Alleghany county, thence to the Alleghany and Ashe county line crossing the Mulberry Gap road at or near John Reaves', thence with the old Jefferson road to Jefferson, as near as may be practical [practicable.]

Location of road.

SEC. 2. That the said road shall be made twenty feet wide except where there shall be side cuttings, and in such places it shall be sixteen feet wide; and in no part of the road shall it rise or [on] ascending any hill or mountain

Width of road, &c.

more than one foot in ten, and to be well made as herein directed.

Engineer and Commissioners to locate road.

SEC. 3. That it shall be the duty of the county commissioners of Alleghany and Ashe to appoint a competent engineer and two commissioners each of their respective counties, to survey and locate said road, who shall take an oath before the chairman of the board of commissioners of their county to faithfully discharge their duties for the best interest of their county.

Payment for lands used or injured.

SEC. 4. That if the owners of any lands through which said road shall pass, shall consider him, her or themselves injured thereby, it shall be competent for such person or persons, by petition to the county commissioners of their county, 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 benefit to the land as well as the injury done by making 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.

Expense of calling jury.

SEC. 5. That if any person or persons shall claim damages and call for a jury to assess them, and none are found, the person or persons so calling shall defray all the expenses in the case.

Commissioners of Alleghany may call out all persons liable to work upon public roads.

SEC. 6. That the county commissioners of Alleghany shall have power to call out all the hands of the county liable to work upon public roads under existing laws, who reside within five miles of said road, at such times and for such length of time as will not materially conflict with the farming interests of the county, to construct the road.

Commissioners of Ashe may call on certain persons.

SEC. 7. That the county commissioners of Ashe shall have the same powers over hands within five miles of that portion of said road located in their county, as is provided in section six of this act for the commissioners of Alleghany county: *Provided*, That no person shall be required to work more than thirty days on said road in any one year.

SEC. 8. That there shall be laid out and constructed a road from Sparta, in Alleghany county, to the Virginia line, at or near Martin Corico's; also, a road shall be laid out and constructed from Sparta to the Virginia line, at or near F. L. Dougheris', under the same rules and regulations as are provided in the foregoing sections of this act.

Other roads to be constructed.

SEC. 9. That nothing in this act shall be so construed as to require any hand to work upon more than one of the above mentioned roads.

Persons to work on one road only.

Ratified the 1st day of March, A. D. 1870.

CHAPTER LXVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ROBESON COUNTY TO ISSUE BONDS.

SECTION 1. *The General Assembly of North Carolina do enact*, That in order to liquidate the liabilities of the county of Robeson the commissioners of said county are hereby authorized to issue coupon bonds not exceeding in amount twenty-five thousand dollars, in denominations of not less than one hundred dollars.

Denominations and amount of bonds.

SEC. 2. The said bonds shall bear date from the first day of July, one thousand eight hundred and seventy, 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 the aforesaid bonds shall not be disposed of for less than seventy per cent.: *Provided further*, That no bond 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 said bonds for the purchase [purpose] herein specified:

Date of bonds.

To run ten years.

Interest.

Proviso.

Question to be submitted to the people.

Provided, That this act shall be voted for at the election to be held for township officers.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER LXVIII.

AN ACT TO PROVIDE FOR THE LEVYING OF A SPECIAL TAX IN THE COUNTY OF PERQUIMANS.

Amount and object
of tax.

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 four thousand dollars) for the year one thousand eight hundred and seventy, and for paying the present indebtedness of the county, not otherwise provided for, incurred for the repairs of public buildings and bridges.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER LXIX.

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF THE COUNTY OF STANLEY TO LEVY A SPECIAL TAX.

Amount and object
of tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners of the county of Stanley are hereby empowered to levy a special tax not to exceed two thousand dollars annually to pay off the indebtedness of said county.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER LXX.

AN ACT TO ALLOW THE SHERIFF OF SURRY COUNTY TO COLLECT
ARREARS OF TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That William H. Hayman be allowed to collect arrears of taxes due for the years one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine : *Provided*, That no person shall be compelled to pay any taxes authorized by this act to be collected who will swear that they paid their taxes for the years one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight.

For what period
taxes to be col-
lected.

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

Ratified the 8th day of March, A. D. 1870.

CHAPTER LXXI.

AN ACT TO BE ENTITLED "AN ACT TO REPEAL CERTAIN ACTS
PASSED AT THE SESSION OF ONE THOUSAND EIGHT HUN-
DRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUN-
DRED AND SIXTY-NINE, MAKING APPROPRIATIONS TO RAIL-
ROAD COMPANIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That all acts passed at the last session of this legis-

All acts making ap-
propriations to
railroad companies
repealed.

Bonds to be returned to treasurer.

lature making appropriations to railroad companies be and the same are hereby repealed; that all bonds of the state which have been issued under the said acts now in the hands of any president or other officer of the corporation be immediately returned to the treasurer.

Disposition of moneys collected on such acts.

SEC. 2. The moneys in the state treasury which were levied and collected under the provisions of the acts mentioned in section one of this act are hereby appropriated to the use of the state government, and shall be credited to the counties of the state upon the tax to be assessed for the year one thousand eight hundred and seventy in proportion to the amounts collected from them respectively.

Repealing clause.

SEC. 3. All laws and clauses of laws coming in conflict with this act are hereby repealed.

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

Ratified the 8th day of March, A. D. 1870.

CHAPTER LXXII.

AN ACT TO ALLOW ROBERT LEDBETTER, TAX COLLECTOR OF RICHMOND COUNTY, TO COLLECT ARREARAGES OF TAXES.

Taxes for 1868.

SECTION 1. *The General Assembly of North Carolina do enact*, That Robert Ledbetter, tax collector of Richmond county, have power and authority to collect arrearages of taxes due from the people of his county during the year one thousand eight hundred and sixty-eight.

Collector to have powers of sheriff.

SEC. 2. That for the purpose of this act the said Robert Ledbetter shall have all the powers and be subject to all the liabilities of sheriffs of the state under existing laws.

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

Ratified the 8th day of March, A. D. 1870.

CHAPTER LXXIII.

AN ACT TO CHANGE THE TIME OF HOLDING THE TERMS OF THE SEVERAL SUPERIOR COURTS OF THE COUNTIES COMPOSING THE THIRD JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do enact*, That the terms of the superior courts of the counties in the third judicial district shall begin at the times following, to-wit :

Wayne county on the first Monday after the fourth Monday in September and February ; In Wayne county.

Green county on the third Monday after the fourth Monday in September and February ; Greene county.

Onslow county on the fifth Monday after the fourth Monday in September and February ; Onslow.

Lenoir county on the seventh Monday after the fourth Monday in September and February ; Lenoir.

Craven county on the ninth Monday after the fourth Monday in September and February ; Craven.

Wilson county on the eleventh Monday after the fourth Monday in September and February ; Wilson.

Jones county on the thirteenth Monday after the fourth Monday in September and February ; Jones.

Carteret county on the fifteenth Monday after the fourth Monday in September and February. Carteret.

SEC. 2. This act shall take effect on and after the thirtieth day of May, one thousand eight hundred and seventy.

Ratified the 8th day of March, A. D. 1870.

CHAPTER LXXIV.

AN ACT TO INCORPORATE THE EDENTON AND NORFOLK RAILROAD COMPANY.

Location of road.	SECTION 1. <i>The General Assembly of North Carolina do enact,</i> That for the purpose of constructing a railroad of one or more tracks from some point at or near Suffolk, in the state of Virginia, to Edenton and the city of Wilmington, and to such intermediate points and upon such line as the directors of said railroad shall determine, John R. Kilby, F. H. Lassiter, John Gatling, W. A. Moore, W. E. Bond, Jas. J. Cameron, R. D. Simpson, Jephtha Ward, Samuel Long, A. M. Moore, Edward Wood, John F. Picknell, James A. Nelson, Charles Latham, and Joseph Dixon, of Greene county, and their associates, successors and assigns, are hereby constituted a body corporate under the name and style of "The Edenton and Norfolk Railroad Company," with a capital stock of one million dollars, with power to increase the same to five millions, which shall have a corporate existence, and as such, exercise the powers herein granted in perpetuity, as a body politic, 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 of acquiring the same by gift or devise for the purposes herein contemplated, and the said company shall have and 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 United States and of the state of North Carolina.
Corporators.	
Corporate name.	
Capital stock.	
Corporate powers.	
By-laws.	
How capital stock may be created.	SEC. 2. That the capital stock of said company may be created by subscriptions on the part of individuals, municipal or other corporations, in shares of the value of one
Shares.	

hundred dollars each, which may be made in lands, timber, labor or money, as may be stipulated.

SEC. 3. That books of subscription may be opened by such persons, at such times and places and under such rules and regulations as the persons above named, or [a] majority of them shall direct.

Books of subscrip-
tion.

SEC. 4. That when the sum of fifty thousand dollars shall have been subscribed to the capital stock of said company by solvent subscribers, a general meeting of the stockholders shall be held, after due notice, and such general meeting, a majority of the stockholders being present, either in person or by proxy, shall elect a board of directors, to consist of such number, not less than five, as the stockholders shall determine, and said directors shall elect one of their number president, and such other officers as the by-laws of said company shall prescribe, and may do and perform all other acts necessary to the complete organization of said company, and to carry into effect the object of this charter.

First meeting.

Board of directors.

President.

SEC. 5. That whenever any land shall be required for the construction of the road, or for warehouses, water stations, turnouts, workshops, depositories or other buildings or purposes, and for 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: The sheriff of the county in which said land may be shall, at the request of the president of said road, summon five disinterested free holders of his county, who shall ascertain the value, under oath to be administered by the sheriff, they first deducting the enhanced value of the land caused by said railroad, 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 so seized and appraised shall thereby vest in the said corporation: *Provided*, That either party may appeal to the superior court of the county upon the question of the amount assessed: *And provided further*, That not more than one hundred feet from the centre of the road shall be liable to be so condemned.

Land may be taken.

Valuation to be
ascertained.

Proviso.

Appeal to superior
court.

Further proviso.

May borrow money
on bonds and
mortgage.

SEC. 6. That the president and directors shall have power at any time to borrow money upon the bonds of the company, and to secure the same by mortgage or other legal assurance.

Rights of road.

SEC. 7. That the said company shall have the exclusive right to convey and transport freight and passengers over and along the said road, and at such rates as said company shall prescribe.

SEC. 8. 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 railroad.

Ratified the 9th day of March, A. D. 1870.

CHAPTER LXXV.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF COLUMBUS COUNTY TO LEVY A SPECIAL TAX FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

Amount of tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Columbus county are authorized to levy a special tax for the year one thousand eight hundred and seventy, upon all the 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 the county.

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

Ratified the 9th day of March, A. D. 1870.

CHAPTER LXXVI.

AN ACT TO EXTEND THE TIME OF THE SHERIFF OF ROCKINGHAM COUNTY TO MAKE SETTLEMENT WITH THE PUBLIC TREASURER.

WHEREAS, T. W. Patterson, sheriff of Rockingham county, did not [receive] the tax lists of state and county until about the tenth day of October last; and whereas, said sheriff was required to settle with the public treasurer on the fifteenth day of December last; and whereas, the auditor of state has moved against him and obtained judgment against and has had his property levied upon by the coroner of the county of Rockingham in behalf of the state; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That T. W. Patterson, sheriff of Rockingham county, have until the first day of April next to settle with the public treasurer.

SEC. 2. That the auditor of state be and he is hereby directed to stay further proceedings against T. W. Patterson, sheriff of Rockingham, until the first day of April next, and if the said sheriff shall settle with the public treasurer on or before said first of April, he is hereby relieved of all penalties and forfeitures.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 9th day of March, A. D. 1870.

CHAPTER LXXVII.

AN ACT TO BE ENTITLED AN ACT TO CHANGE THE RULES OF EVIDENCE IN CERTAIN CASES AND SECURE THE POSSESSION OF LANDS.

Preamble.

WHEREAS, Land has been given to persons heretofore slaves, and by reason of their incapacity to hold the same they are under existing laws deprived of their rightful possessions ; therefore

Donations to persons while in slavery.

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever it be made to appear that any gift or conveyance has been made to any person, while a slave, of any lands or tenements, whether the same shall have been conveyed by deed or by parol, and the bargainee or donee has been placed into actual possession of the same, then and in that case such gift or conveyance shall have the force and effect of transferring the legal title to the said lands and tenements to such bargainee or donee: *Provided*, Such possession shall have continued for the term of ten years prior to the passage of this act: *Provided further*, That any absence from the premises from the first day of May, one thousand eight hundred and sixty-one, to the first day of January, one thousand eight hundred and sixty-six, shall not be held as an abandonment or discontinuance of the possession: "*Provided further*, That this act shall not affect the interest of a *bona fide* purchase for value from the grantor or bargainee of the lands or tenements in dispute."

Title to be legal.

Proviso.

Term of possession.

What deemed as possession.

Further proviso.

Repealing clause.

SEC. 2. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified the 9th day of March, A. D. 1870.

CHAPTER LXXVIII.

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

SECTION 1. *The General Assembly of North Carolina do* Taxes for 1868.
enact, That George Nix, sheriff of Yankin county, is
authorized to collect the arrears of taxes due him for the
year one thousand eight hundred and sixty-eight.

SEC. 2. That no taxpayer shall be compelled to pay said Tax to be paid but
tax if he make oath before some justice of the peace for once.
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 ratifi-
cation.

Ratified the 9th day of March, A. D. 1870.

CHAPTER LXXIX.

AN ACT TO AMEND SECTIONS ONE HUNDRED AND FORTY-NINE,
TWO HUNDRED AND SIXTY-SIX, AND TWO HUNDRED AND
SEVENTY-FOUR, OF THE CODE OF CIVIL PROCEDURE.

SECTION 1. *The General Assembly of North Carolina do* Amendments: sec-
enact, That subdivision one, section one hundred and forty- tion 149.
nine, code of civil procedure, be amended as follows: The
defendant may be arrested as hereinafter prescribed, in an
action arising on contract where the defendant is a non- When defendant
resident of this state, or is about to remove therefrom, and may be arrested.
in an action for the recovery of damages on a cause of
action not arising out of contract, where the action is for
injury to person or character, or for wrongfully taking,
detaining or converting property.

Section 266.

SEC. 2. That all after "effect," in line twenty-one, section two hundred and sixty-six, code of civil procedure, be stricken out and this provision added: "These provisions shall apply to all proceedings and actions now pending and those terminated by final judgment or decree."

Section 274.

SEC. 3. That section two hundred and seventy-four, code of civil procedure, be amended by inserting "or decree," after judgments and before "which," in line twelve, and by striking out all after "which" in said line, and adding "have been recovered before, or shall be recovered after the passage of this act."

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

Ratified the 9th day of March, A. D. 1870.

CHAPTER LXXX.

AN ACT IN RELATION TO THE SPECIAL TAX MONEY NOW IN THE TREASURY.

Treasurer to use
special tax funds.

SECTION 1. *The General Assembly of North Carolina do enact*, That the treasurer of the state is hereby directed to use one hundred and fifty thousand (\$150,000) [dollars] of the money now in the treasury, collected under acts known as "special tax acts," in payment of the ordinary expenses of the state government and to repay advances heretofore made by the board of education, and that he be authorized to replace the same out of the first moneys which may come into the treasury by way of dividends of corporations or of taxes heretofore or hereafter to be levied.

To replace same.

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

Ratified the 12th day of March, A. D. 1870.

CHAPTER LXXXI.

AN ACT TO ENABLE THE WILMINGTON, CHARLOTTE AND RUTHERFORD RAILROAD COMPANY TO COMPLETE THEIR ROAD, AND TO AUTHORIZE THE RETURN OF STATE BONDS TO THE TREASURY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the public treasurer is hereby authorized and directed to deliver to the president and directors of the Wilmington, Charlotte and Rutherford Railroad Company the five hundred thousand dollars of the first mortgage bonds of said company, deposited in the state treasury to indemnify the state against loss in consequence of her endorsement of one million of dollars of the mortgage bonds of said company, under and by virtue of an ordinance of the state convention, ratified the fifth day of February, one thousand eight hundred and sixty-eight, entitled "An ordinance reducing the amount of bonds authorized to be issued by the Wilmington, Charlotte and Rutherford Railroad Company;" and the said president and directors shall receive the same, and apply them to the construction and completion of the said road, and to no other purpose whatever; two-thirds of the proceeds of said bonds to be expended on the eastern division of the road, and on [one]-third on the western division.

Treasurer directed to deliver \$500,000 first mortgage bonds.

How amount to be applied by the company.

SEC. 2. That the said Wilmington, Charlotte and Rutherford Railroad Company shall have authority to borrow money, by the issue of bonds or other evidences of debt, authenticated in such manner as the president and directors 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 elect; the bonds so issued not to exceed two millions five hundred thousand dollars.

Company may borrow money and issue bonds.

Limitation.

SEC. 3. That to secure the payment of the said bonds or other evidences of debt, the said company shall execute and

Company to execute mortgage.

deliver mortgage deeds, signed by the president, conveying all the franchises and property of the company of whatever nature, which deeds, so executed and delivered, and registered in the counties of Mecklenburg or New Hanover, shall have priority over any lien or claim held by the state in the property so conveyed.

This act to become part of the charter.

Proviso.

SEC. 4. That upon the acceptance of this act by the Wilmington, Charlotte and Rutherford Railroad Company, within ninety days after its ratification, it shall become a part of the charter of said company: *Provided*, That nothing in this section shall be construed to prevent the public treasurer, upon the surrender to him of five hundred thousand dollars of state bonds, from delivering the bonds of the company now in the treasury as provided in section one of this act; and he is hereby instructed and required to make said delivery immediately after the ratification of this act.

Repealing clause.

SEC. 5. That all laws and parts of laws coming in conflict with this act are hereby repealed, and this act shall be in force from the date of its ratification.

Ratified the 12th day of March, A. D. 1870.

CHAPTER LXXXII.

AN ACT TO AUTHORIZE THE WILLIAMSTON AND TARBORO' RAILROAD COMPANY TO ISSUE FIRST MORTGAGE BONDS.

Company may borrow money by issue of bonds.

SECTION 1. *The General Assembly of North Carolina do enact*, For the purpose of supplying funds to enable the Williamston and Tarboro' Railroad Company to complete and equip its road, the said company shall have power to borrow money by the issue and sale of coupon bonds or other evidence of debt, payable to bearer or otherwise, authenticated in such manner as the president and directors may deem best, in sums not less than five hundred dollars,

bearing a rate of interest not exceeding eight per cent. per annum, payable half yearly as may be agreed on, principal and interest payable at such time and place as said president and directors may select, the bonds so issued not to exceed three hundred and fifty thousand dollars.

SEC. 2. To secure the payment of the principal and interest of the bonds and other evidences of debt issued as aforesaid, the Williamston and Tarboro' Railroad Company may execute and deliver mortgage deeds or deeds in trust, with such provisions as may be deemed best, to be signed by the president and countersigned by the secretary of said company, conveying its franchises and property now had or hereafter to be acquired, the whole or any part thereof, including its road bed, superstructure, choses in action and real and personal estate of whatever kind to the holder or holders of said bonds or to such parties as said president and directors may select in trust for them, and the deed or deeds so executed, and registered in the county of Edgecombe, which registration shall be sufficient for all purposes, shall have priority over any lien or other claim held or which may be held by the 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, only subordinate to the liens credited by the mortgage or trust deeds aforesaid, and any provision of the charter of said company, or amendments thereto, authorizing the governor to take possession in the name of the state of the property and franchises of said company, is hereby repealed during the existence of the first mortgage lien authorized by this act.

May execute mortgage deeds.

Such mortgage to have priority over any other claim.

State to have second mortgage.

Repeal of portions of charter.

SEC. 3. The Williamston and Tarboro' Railroad Company shall have power to extend its road to Plymouth, Washington county,

May extend its road.

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

Ratified the 14th day of March, A. D. 1870.

CHAPTER LXXXIII.

AN ACT TO INCORPORATE THE BOYDTON AND RIDGEWAY TURN-PIKE COMPANY.

- Corporators. SECTION 1. *The General Assembly of North Carolina do enact*, The following named persons, viz : J. A. Cheatham, J. N. North, H. C. Cunningham, L. R. Exlucce, William Boyd, Dr. T. Jones and A. T. Johnson, their associates, successors and assigns, are hereby constituted a body politic and corporate, under the name of the Boydton and Ridgeway Turnpike Company, with power to make by-laws for its government, provide for election of directors and all other officers, and with all other privileges and incidents belonging to corporations under chapter twenty-six of the revised code, or any other general law of the state which may at any time be passed.
- Corporate name.
- General powers.
- Special powers. SEC. 2. Said corporation shall have power to make and keep in repair a turnpike road running from Ridgway, in the county of Warren, to the North Carolina state line in the direction of Boydton, in the state of Virginia, and thence to Boydton, provided the assent of the proper authorities in Virginia be given, the dimensions and mode of construction of said road to be determined by the directors of the company. The directors shall likewise have the power to fix and charge such reasonable rates of toll and to erect toll gates as they may think best.
- Location of road.
- Land may be condemned. SEC. 3. Whenever any land or right of way shall be needed by said company for the purpose of constructing its road, to supply stone, gravel or other material, if the parties cannot agree, the same may be taken at a valuation to be made by a commission of five freeholders to be chosen by any two justices of the peace of the county where the land lies, or by the county commissioners thereof, which valuation, made on oath, shall be returned to the register of the county to be recorded in the registry books, on payment of the valuation or tender thereof, or in case the owner

does not reside in the county, on deposit of the same in the office of the clerk of the superior court, the said land or right of way so valued shall vest in the company so long as it shall be used for the purpose thereof; either party may appeal from the decision of the commissioners, but no proceedings made under this section shall hinder or delay the company from carrying on its work. Ten days' notice of the time and place of the meeting of the commissioners shall be given, or if the owner of the land does not reside in the county, then ten days' advertisement on the land and in a newspaper published in the county, or if there be none, then at the court house door and two other public places in the county, shall be sufficient notice. The right of condemnation shall not, except for materials for construction, include more than thirty feet on each side of the center of the road, but for toll houses not exceeding one acre may be taken, provided that this right of condemnation shall not include any yard or burial grounds.

SEC. 4. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 14th day of March, A. D. 1870.

CHAPTER LXXXIV.

AN ACT TO AMEND THE CHARTER OF THE LOUISBURG BRANCH OF THE WILMINGTON AND WELDON RAILROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That in lieu of the charter granted at the last session of this assembly, and bearing date April twelfth, one thousand eight hundred and sixty-nine, which has never been carried into effect, the following be substituted:

SEC. 2. That for the purpose of establishing a communication by railroad from Franklinton, on the Raleigh and Gaston Railroad, to or near Rocky Mount, on the Wilming- Board of canvassers

ton and Weldon Railroad, *via* Louisburg, the following named persons be constituted a board of canvassers, and empowered to solicit subscription in money, labor or land for the stock of the road, namely: J. A. Hanly, Judge Samuel Watts, Presley C. Person, Reuben Wilder, D. Benjamin Greene, William H. Mitchell and James T. Harris, Franklinton; John G. King, Jones Heller, Dr. A. G. Perry, Jos. J. Davis, B. T. Ballard, D. G. Hill, W. F. Greene, James C. Wynne, Thos. White, P. G. Brown, P. B. Hawkins and J. J. Wintree, [Minatree] Louisburg; Maj. John Thomas, Jefferson Stokes, Elsie Langford and William D. Ceppege, Cedar Rock; W. J. B. Harper, L. N. B. Battle and Owen Cobb, Nashville.

Meeting and
quorum.

SEC. 3. That at any time after the passage of this act of incorporation, a meeting of the board of canvassers may be called at Louisburg, by advertisement signed by any three of the above named persons, and that any five of them shall constitute a quorum for the transation of business. It shall be their duty to open books of subscription at the various places of public resort in the counties of Franklin, Nash, Granville, Wake and Edgecombe, or any of them as may be expedient, and for this purpose the board is authorized to appoint as many intelligent and responsible assistants as may be necessary fully to canvass the counties and make known to the people the advantages of the road and the expediency for subscribing for its stock.

Duty of board.

Capital stock.

SEC. 4. That the capital stock of the company to be formed under this act shall not exceed one million dollars, divided into shares of one hundred dollars each. That when twenty-five thousand dollars shall have been subscribed, the stockholders shall meet at Louisburg, on the call of the canvassers or any five of them, for the purpose of organizing the company by the election of five directors. The directors shall choose one of their number president, and select other necessary officers in conformity with the provisions of the Raleigh and Gaston Railroad Company's charter, which as far as applicable are made a part of this charter.

Officers.

SEC. 5. That the president and directors, under the style and title of the "Tar River Railroad Company," are hereby invested with all the rights, privileges and immunities, and are made subject to all the restrictions which appertain to other railroad companies in the state. After taking an oath for the faithful performance of their duties, they shall at once be put in possession of the books of subscription by the canvassers. They are hereby authorized to solicit further subscription if necessary, and to begin the construction of the road.

Title of company.

Subscriptions.

SEC. 6. That when lands or labor, instead of money, shall be subscribed and taken by the company for stocks or shares in the road, it shall be competent for the parties concerned to agree among themselves, or to refer the question of price or wages to disinterested appraisers. And it is provided, furthermore, that the land subscribed may be distributed by the company in payment for labor or materials to be used in the construction of the road.

Land subscriptions.

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

Ratified the 14th day of March, A. D. 1870.

CHAPTER LXXXV.

AN ACT AUTHORIZING THE TRANSFER OF COUNTY CHARITIES TO THE TREASURERS OF COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases where the justices of the peace of any of the late county courts, or the chairman or other officer thereof, held or now hold by deed, will or otherwise, any property or estate in trust for such county, or for any charitable use or purpose to be administered by the trustee of such estate in and for the benefit of such county or any of the citizens thereof, the person or persons so holding such

Property to be transferred to county treasurer.

property or estate may and shall transfer and deliver the same to the treasurer for such county, to be held by him and his successors in office, and administered and applied by him or them under the direction of the board of commissioners for such county, upon such uses, purposes and trusts, and no other, as are described and declared by the grantor, testator or other person giving or conveying the same.

Duty of treasurer.

SEC. 2. It shall be the duty of the county treasurer to take charge of all such funds and to qualify himself both by oath and bond therefor; but he shall not be qualified to do so without giving a bond payable to the state in a penalty of double the estimated value of said funds, with three or more sureties, each of whom shall be worth at least the amount of the penalty of the bond over and above all his liabilities and property exempt from execution, which bond shall be taken by the board of commissioners and shall be recorded and otherwise treated and dealt with as may be the official bond of the treasurer.

The board to keep record of funds.

SEC. 3. The board of commissioners shall keep a proper record of all such charitable funds, and when necessary shall institute proceedings to recover for the treasurer all such as may be unjustly withheld.

Treasurer to exhibit books.

SEC. 4. The county treasurer, whenever he is required to exhibit to the board of commissioners for the county the financial condition of the county, shall be exhibited also distinctly and separately the amount and condition of such funds, how invested, secured, used and other particular concerning the same.

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

Ratified the 14th day of March, A. D. 1870.

CHAPTER LXXXVI.

AN ACT TO DECLARE THE BREVARD, FRENCH BROAD AND JONES' GAP ROAD A TURNPIKE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the road leading from Brevard, in Transylvania county, with the main street of said town in a southeast direction to the French Broad river, and thence to Jones' Gap on the South Carolina line, be and the said road is hereby declared a turnpike under the control and authority of the present board of county commissioners, the superior court clerk, sheriff, register of deeds and their successors in office as prescribed in this act. Road declared Turnpike.

SEC. 2. The said commissioners are empowered to erect toll gates on said road at convenient distances and places, whereat they may levy and collect such tolls as they may prescribe, on all persons, carriages, wagons, persons and effects passing along said road. Toll gates to be erected.

SEC. 3. The amount of tolls so levied and collected shall be paid into the county treasury and shall be paid out therefrom solely for the repairs and keeping up of said road. Tolls to be paid to treasurer.

SEC. 4. If any person shall presume to carry his or her effects along said road without paying the tolls prescribed in such case, such person shall be liable to a fine of not less than five or more than fifty dollars, to be recovered before any justice of the peace: *Provided*, Tolls shall not be collected of citizens of the county exempted by said board of commissioners. Who subject to fines.

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

Ratified the 14th day of March, A. D. 1870.

CHAPTER LXXXVII.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF MONTGOMERY COUNTY TO LEVY A SPECIAL TAX.

Commissioners to
levy tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Montgomery county be allowed to levy a special tax on the taxable property of Montgomery county, sufficient in amount to pay the indebtedness of said county from May twentieth, one thousand eight hundred and sixty-five, to the present time: *Provided*, That the tax herein authorized shall not exceed seven thousand dollars.

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

Ratified the 17th day of March, A. D. 1870.

CHAPTER LXXXVIII.

AN ACT TO BE ENTITLED "AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-NINE OF THE PUBLIC LAWS OF NORTH CAROLINA OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Amendments.

SECTION 1. *The General Assembly of North Carolina do enact*, That subdivision twenty-eight of section five hundred and sixty-four of chapter two hundred and seventy-nine of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be amended to read as follows: Recording will or the paper per copy sheet, ten cents; auditing accounts current of executors, administrators, and other trustees required to return accounts, if amount returned does not exceed two hundred

dollars, twenty cents; if amount returned exceed two hundred dollars and is under five hundred dollars, fifty cents; if amount returned exceed five hundred [dollars] and is under one thousand dollars, seventy-five cents; if amount returned exceed one thousand dollars and is under two thousand dollars, one dollar; if amount returned exceed two thousand dollars and is under three thousand dollars, one dollar and fifty cents; if amount is above three thousand dollars, two dollars.

SEC. 2. That subdivision thirty-seven, section five hundred and sixty-four, of the public laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be amended to read as follows: Auditing final settlement of executor, administrator, guardian, and other trustees required to return accounts, one-half of one per cent. of the amount on which commissions are allowed to such trustees, if not over one thousand dollars; if over one thousand and not over five thousand dollars, one fifth of one per cent.; if over five thousand and not over ten thousand dollars, one-eighth of one per cent.; if over ten thousand dollars one-tenth of one per cent., but in no case to exceed twenty dollars.

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

When act to be in force.

Ratified the 17th day of March, A. D. 1870.

CHAPTER LXXXIX.

AN ACT TO EXTEND THE TIME OF THE SHERIFF OF GRANVILLE COUNTY TO MAKE SETTLEMENT WITH THE PUBLIC TREASURER.

WHEREAS, The sheriff of Granville county has been unable to make collection of the full amount of taxes so as to make a final settlement with the public treasurer: and

Preamble.

whereas, the auditor of the state has moved against him by amercement, therefore

Time extended.

SECTION 1. *The General Assembly of North Carolina do enact*, That James I. Moore, sheriff of Granville county, be allowed until the first day of April next to settle with the public treasurer.

Proceedings to be stayed, &c.

SEC. 2. That the auditor of state be and he is hereby directed to stay further proceedings against the sheriff of Granville county until the first day of April next, and if the said sheriff shall settle with the public treasurer on or before the first day of April, he is hereby relieved of all penalties and forfeitures.

Repealing clause.

SEC. 3. That all laws and clauses of laws coming in conflict with this act are hereby repealed.

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

Ratified the 17th day of March, A. D. 1870.

CHAPTER XC.

AN ACT TO AUTHORIZE THE PUBLIC TREASURER TO PAY THE ATTORNEY GENERAL SUCH SUMS OF MONEY AS MAY BE REQUIRED TO CONDUCT A SUIT AGAINST THE ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

Preamble.

WHEREAS, It appears from the report made by the committee appointed by this general assembly at its session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, to investigate the affairs of the Albemarle and Chesapeake Canal Company, that the said company, in the opinion of said committee, have forfeited their charter and managed their affairs with extravagance, fraud and speculation; and whereas, this general assembly has, at its present session, adopted the report of said committee directing the attorney general to institute

legal proceedings at once against said company and to employ associate counsel for that purpose ;

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of conducting such suit to a favorable issue, the public treasurer is hereby authorized and directed to pay the attorney general, on his affidavit as to the necessity, countersigned by the governor, such sums as may be from time to time required by the exigencies of the suit : *Provided*, The amount so drawn shall not exceed fifteen hundred dollars. Public treasurer to pay, &c.

SEC. 2. The attorney general is hereby required to report Report to be made. to the next session of the general assembly what sums he shall have received from the public treasurer, and the disposition made of such funds by him.

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

Ratified the 17th day of March, A. D. 1870.

CHAPTER XCI.

AN ACT TO AMEND CHAPTER THREE, ACTS ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, ENTITLED "AN ACT TO PROVIDE FOR THE REGISTRATION OF VOTERS IN ALL SPECIAL ELECTIONS IN THIS STATE."

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter three of the acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine be amended as follows : Add at the end of section two : *Provided*, That in all special elections ordered and directed by any county or other corporation, the judges holding said election in the several precincts shall register the names of all persons who vote, and a majority of all the votes cast so registered in such special elections shall Judges to register all persons voting.

prevail for the purposes of such elections: all laws to the contrary are hereby repealed.

Ratified the 22d day of March, A. D. 1870.

CHAPTER XCII.

AN ACT AMENDATORY OF 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 LINE.

Toll gates may be moved.

SECTION 1. *The General Assembly of North Carolina do enact*, That section five of "An act relative to the Western Turnpike Road," ratified the seventeenth of March, one thousand eight hundred and sixty-nine, be amended so as to allow the county commissioners of Macon, Buncombe, Haywood, Jackson and Cherokee, in their respective counties, to move any toll gate on said turnpike from time to time as they deem best.

Commissioners may erect toll gates.

SEC. 2. The commissioners of Cherokee county may erect three gates in said county on said turnpike, only one of which shall be east of the town of Murphy.

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

Ratified the 22d day of March, A. D. 1870.

CHAPTER XCIII.

AN ACT TO BE ENTITLED AN ACT IN RELATION TO ARREARS OF TAXES IN THE COUNTY OF ORANGE FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That John Turner, late sheriff of Orange county, be and is hereby authorized and empowered to collect all arrears of taxes due him for the year one thousand eight hundred and sixty-seven, which collection shall be made under the same rules, regulations and restrictions as other collections of taxes under the laws of the state; and if there is any surplus after paying the amount still due on the official bonds of the late sheriff for the year one thousand eight hundred and sixty-seven, it shall be paid to the sureties on said bond. Authorized to collect arrears of taxes.

SEC. 2. That the power and authority hereby granted shall cease and determine with the year one thousand eight hundred and seventy: *Provided*, That no person shall be compelled to pay such taxes who will make oath that they have paid the same and lost the receipt. When authority to cease. Proviso.

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

Ratified the 22d day of March, A. D. 1870.

CHAPTER XCIV.

AN ACT TO AUTHORIZE THE SHERIFF OF CLEVELAND, JACKSON AND CUMBERLAND COUNTIES TO COLLECT ARREARS OF TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. C. Byers, sheriff of Cleveland county, E. S. Authorized to collect arrears of taxes.

Buchanan, sheriff of Jackson county, and John Reilly, sheriff of Cumberland county, be and they are hereby authorized to collect arrears of taxes in said counties for the years one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight.

SEC. 2. That the provisions of this act shall continue in force until the first day of January, one thousand eight hundred and seventy-one, and this act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1870.

CHAPTER XCV.

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

Sheriff to collect arrears of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, The sheriff of Cumberland county is hereby authorized and empowered to collect arrears of taxes due for the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine.

Persons to make oath.

SEC. 2. If any person having paid his taxes for the years aforesaid shall have received or having received shall have lost his receipt for the same and shall make affidavit to that effect, said affidavit shall have the full force and effect of a receipt from under the sheriff's hand.

SEC. 3. This act shall be in force from and continue in force for twelve months after its ratification.

Ratified the 22d day of March, A. D. 1870.

CHAPTER XCVI.

AN ACT TO CHANGE PART OF THE LINE THAT DIVIDES BURKE
AND M'DOWELL COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the dividing line between Burke and McDowell counties where it runs to the river at the mouth of Shadrick's creek, it shall run up the river on the south side at the water's edge to and against the mouth of Bradshaw's creek in Wm. R. Gray's farm, thence across the river to the mouth of Bradshaw's creek, thence up the creek to the fork, thence up the right hand fork through Fulwood's land to the second fork, thence up the right hand fork to the present line. Dividing line changed.

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

Ratified the 22d day of March, A. D. 1870.

CHAPTER XCVII.

AN ACT TO PROHIBIT BATHING IN LUMBER RIVER WITHIN
CERTAIN LIMITS.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person shall bathe in Lumber river within one quarter of a mile above, one half below the bridge at Lumberton in the day time, they shall be guilty of a misdemeanor and on conviction shall be fined not less than five dollars or imprisoned or both at discretion of the court. Bathing prohibited within certain limits.

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

Ratified the 22d day of March, A. D. 1870.

CHAPTER XCVIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF RICHMOND COUNTY TO LEVY A SPECIAL TAX.

Commissioners authorized to levy tax.

Proviso.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Richmond county are hereby empowered and authorized to levy and collect a special tax for the purpose of paying expenses of the poor, the maintaining of prisoners, and to discharge the indebtedness of said county: *Provided*, That the aggregate amount levied shall not exceed the sum of eight thousand dollars, the same to be collected and accounted for as other county taxes.

Ratified the 22d day of March, A. D. 1870.

CHAPTER XCIX.

AN ACT DECLARING A PORTION OF TAR RIVER A LAWFUL FENCE.

Tar river declared a lawful fence.

Proviso.

SECTION 1. *The General Assembly of North Carolina do enact*, That Tar river shall be a lawful fence in the county of Nash from the point where the line between the counties of Nash and Edgecombe crosses said river up to Lemon's bridge, a distance of about seven miles: *Provided*, That all parties taking the benefit of this act shall connect their fences with the river by extending freshet-proof huralls or fences into the river at low water mark.

Repealing clause.

SEC. 2. That all laws or clauses of laws in conflict herewith are repealed.

Ratified the 22d day of March, A. D. 1870.

CHAPTER C.

AN ACT TO ENABLE THE NORTH WESTERN NORTH CAROLINA RAILROAD COMPANY TO COMPLETE THE FIRST DIVISION OF ITS ROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, For the purpose of supplying funds to enable the North Western North Carolina Railroad Company to complete and equip its road to such extent as may be necessary, the said company shall have power to borrow money by the issue and sale 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, said bonds bearing a rate of interest not exceeding eight per cent. per annum, payable semi-annually, principal and interest payable at such time and place as said president and directors may select, the bonds so issued not to exceed three hundred thousand dollars.

Power to borrow money, &c.

Rate of interest.

SEC. 2. To secure the payment of such bonds and other evidences of debt issued as aforesaid and the interest thereon, the said North Western North Carolina Railroad Company may execute and deliver mortgage deeds or deeds in trust, signed by the president and countersigned by the secretary of the said company, conveying its franchise and property of whatever kind now or hereafter to be held, including its roadbed, superstructure, choses in action, and real and personal estate, 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 Forsythe, which registration shall be sufficient for all purposes, shall have priority over any lien or other claim made by the state on the subject matter so conveyed whether now existing or hereafter to exist under laws heretofore enacted, it being the interest and meaning of this act that the state shall have the rights and be in the position of a second mortgagee, subordinated to the lien created by the trust or mortgage deed aforesaid.

Payment, how secured.

Deed, where registered.

Repealing clause. SEC. 3. All acts of the general assembly authorizing the appropriation of bonds of the state in aid of the first division of said railroad company, are hereby repealed, the validity of preceeding laws not to be by such repeal affected but such laws to be in full force.

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

Ratified the 22d day of March, A. D. 1870.

CHAPTER CI.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF NASH COUNTY TO LEVY A SPECIAL TAX.

Commissioners
authorized to levy
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 Nash, the commissioners of said county are hereby authorized to levy a special tax not exceeding thirty-five hundred dollars, said taxes to be collected by the sheriff of Nash county conformably to the laws regulating the collection of other taxes.

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

Ratified the 22d day of March, A. D. 1870.

CHAPTER CII.

AN ACT CONCERNING TOWNSHIPS IN THE COUNTIES OF ROBESON AND GATES.

Reports of town-
ships approved.

SECTION 1. *The General Assembly of North Carolina do enact*, That the districts reported by the commissioners of

the counties of Robeson and Gates 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, in each district shall have corporate powers, and shall be known as townships by the boundaries and by the names respectively designated in said reports, in as full and ample a manner as if said districts had come under and within the provisions of an act of the general assembly entitled "An act concerning townships," being chapter one hundred and eighty-five of the public laws passed at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and ratified the tenth day of April, one thousand eight hundred and sixty-nine.

SEC. 2. *Provided notwithstanding*, That the election for township officers, under the said article of the constitution and the act of the general assembly referred to in the first section, in the above named counties respectively, shall take place on the first Thursday of August, year of our Lord one thousand eight hundred and seventy, and the provisions of said act shall apply in all respects to the election herein directed.

Proviso.

When election to take place.

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

Ratified the 22d day of March, A. D. 1870.

CHAPTER CIII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FOUR OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, IN RELATION TO EXAMINER.

SECTION 1. *The General Assembly of North Carolina do enact*, That section thirty-five, chapter one hundred and

County examiner paid by county treasurer.

eighty-four, of the public laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, "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," be and the same is hereby amended so as to read, "out of the county treasury as other salaried officers are paid.

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

Ratified the 22d day of March, A. D. 1870.

CHAPTER CIV.

AN ACT TO AMEND SECTION THREE, CHAPTER ONE HUNDRED AND TWENTY OF THE REVISED CODE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three, chapter one hundred and twenty, of the revised code be amended by adding after the word "wrecks" in the sixth line of said section, the following proviso: *Provided*, That the restriction herein imposed as to the distance of the residence of the commissioner from the district for which he is appointed shall not apply to Hyde county.

SEC. 2. All laws inconsistent herewith are hereby repealed.

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

Ratified the 22d day of March, A. D. 1870.

Not to apply to
Hyde county.

Repealed.

CHAPTER CV.

AN ACT TO REPEAL A PORTION OF THE FIRST SECTION OF THE AMENDMENT TO THE CHARTER OF THE LITTLE RIVER TURNPIKE COMPANY, RATIFIED THE FIFTEENTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE, AND FURTHER AMEND THE SAME.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of the act ratified the fifteenth day of December, one thousand eight hundred and sixty-five, to amend the charter of the Little River Turnpike Company, as authorizes the surrender of a portion of said road, and the limiting the company to one toll gate, is hereby repealed, and the same is hereby amended so as to authorize said turnpike company to resume the ownership of the whole road with all the rights and privileges granted them in the original charter and all the various amendments thereto not repealed by this act, to extend over the whole road, with authority to change the northern terminus to any point on the Buncombe or Western Turnpike Road, in Buncombe county, or any station or depot that may hereafter be established in said county of Buncombe; but said company shall not be permitted to keep but one gate for the collection of tolls in each of the counties through which said road passes, the county of Buncombe excepted: *Provided*, The gate established by William L. Henry be removed from said road; upon the removal of the same then the company may have all the power in said county as conferred upon them in the original charter.

Part of act of 1865 repealed and amended.

Ownership resumed

One toll gate in each county, Buncombe excepted.

Ratified the 24th day of March, A. D. 1870.

CHAPTER CVI.

AN ACT TO INCORPORATE THE SHELBY AND SOUTH CAROLINA
RAILROAD COMPANY.

Capital stock.

SECTION 1. *The General Assembly of North Carolina do enact*, That a company is authorized to be formed with a capital stock not to exceed two millions of dollars, to be divided into shares of fifty dollars each, to be known as the "Shelby and South Carolina Railroad Company," for the purpose of constructing a railroad from the town of Shelby, in the county of Cleveland, to the South Carolina line; and said company when formed as hereinafter directed, shall have power to receive, possess, own and transfer real and personal property; it shall have power to adopt and use a common seal, to pass by-laws not inconsistent with the laws of the state, and shall have all the corporate rights, powers and immunities generally exercised by other like corporations in this state. The said company may condemn land for right of way and all other necessary purposes.

Powers and privileges.

How controlled.

SEC. 2. The said company shall be controlled by a board of directors, which shall consist of the following persons, to wit: John C. Wells, J. C. Latimore, Peter Peeler, D. H. Peeler, Wm. Hunt, Eli Lutz, H. F. Schenck, John F. Falls, Milton Gold, G. M. Green, William McSwain, Lee M. MacAfee, W. J. T. Miller, N. A. G. Goode, Jas. Lackey, J. R. Ellis, J. W. Tracy, George Herdon, A. V. Falls, S. F. Ramsour and Plato Durham. Said directors shall elect a president and other officers at such time as a majority of them may deem² proper, and shall appoint commissioners to open books of subscription to the capital stock of said company in such⁵ manner, and at such times and places as they may deem best; they shall prescribe rules and regulations for the payment of subscriptions of lands or money, and shall cause certificates of stock to be issued in such manner³ as they may elect. They shall have power to

Commissioners to be appointed.

extend their road to the town of Morganton. It shall be the duty of the said board of directors to call a meeting of stockholders for the purpose of re-organizing said company at such time and place as they may deem best, and the stockholders may at such re-organization provide for such number of directors, not exceeding the number provided in this act, as they may deem proper.

Power to extend road.

SEC. 3. The said company shall have authority to borrow money by issuing mortgage bonds of the company or other evidences of debt, in such manner and at such rate of interest, and payable at such time and place, as the board of directors and the president of the company may prescribe. The president and directors shall execute and deliver mortgage deeds upon all the property of the company including its road bed, and register the same in the county of Cleveland, and said deeds when so delivered and registered, shall be valid mortgages upon all the property so conveyed. The President and directors of the company shall have authority to take for the benefit of the company, policies of insurance and to pledge the same or any other public or private securities as collateral to secure the payment of such bonds or other evidences of debt as the company may issue; the said collateral shall be provided and pledged in such manner as the president and directors may elect.

May borrow money.

Deeds to be registered.

May take policies.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CVII.

AN ACT FOR THE RELIEF OF C. L. ALLRED, TAX COLLECTOR OF MOORE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That Clarkson L. Allred, tax collector of Moore

Allowed till 15th March to settle with treasurer.

county be allowed until the fifteenth day of March, one thousand eight hundred and seventy, to pay into the state treasury the state taxes for the year one thousand eight hundred and sixty-nine, and to make his final settlement with the public treasurer; *Provided*, That nothing in this act shall be construed to relieve said tax collector from paying in the taxes as they are collected according to sections thirty-four, thirty-six and thirty-eight of the present revenue law.

Proviso.

To be relieved.

SEC. 2. That said tax collector be relieved from the penalties already incurred by reason of his failure to settle with the public treasurer by the fifteenth of December, one thousand eight hundred and sixty-nine.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CVIII.

AN ACT TO PROVIDE FOR THE COMPLETION OF THE WESTERN DIVISION OF THE WESTERN NORTH CAROLINA RAILROAD.

Commission constituted.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. L. Henry, N. W. Woodfin, W. P. Welch, W. G. Candler and W. W. Rollins be and the same are hereby appointed and constituted a commission to examine and fully investigate the condition and affairs of the Western Division North Carolina Railroad Company as far as concerns the administration of G. W. Swepson, late president thereof, and to make a full and final settlement of all accounts and liabilities of said president, G. W. Swepson, in connection with said company. It shall be the duty of said commissioners hereby created, to collect and receive the funds and other assets belonging to the said company and due from the said G. W. Swepson, and all other officers

Duty of commission.

of said company elected or appointed since its organization, and to place the same in some safe bank, there to be held and to be faithfully applied to the construction of the said road, the construction and work in which shall remain as heretofore under the supervision of the president and board of directors. The said commissioners shall first cause all just debts of the company to be paid, and then, from time to time as the progress of the construction of said road shall require, and upon properly certified estimates of work done, shall sign joint orders with the president of the board of directors for the payment of such sums as may be proper to receive an economical and speedy completion of said work, or so much thereof as the funds within their control may be sufficient to construct. The said commissioners shall, for the purpose aforesaid, have power to send for persons and papers to be examined by them, and make all necessary orders and regulations to that end; and if need be, the said commissioners may send one or more of their members to the city of New York or elsewhere, to ascertain and report facts. A majority of said commissioners shall be sufficient to carry out the purposes of this act, and a majority of them so present shall have full authority to transact all business. The commissioners shall report from time to time and in such way and form as has been heretofore prescribed by law for the reports of presidents of railroads, and at least once in every six months, their action to the governor of the state, who shall report to the next general assembly.

Just debts to be first paid.

Power to send for persons and papers.

Majority may act.

Reports.

SEC. 2. That nothing contained in this act shall be construed as exempting any person from criminal prosecution for misapplication of funds of the company.

Not to exempt criminal prosecution.

SEC. 3. This act shall take effect, if assented to by said company, from and after its ratification.

Ratified the 24th day of March, A. D. 1870.

CHAPTER CIX.

AN ACT CONCERNING TOWNSHIPS IN THE COUNTY OF PITT.

Approved.

SECTION 1. *The General Assembly of North Carolina do enact*, That the districts reported by the commissioners of the county of Pitt to the present session of the general assembly are hereby approved, and said districts in obedience to article seven, (7) sections three and four (3 and 4) of the constitution in each of said districts, shall have corporate powers, and shall be known as townships by the boundaries and by the names respectively designated in said report, in as full and ample a manner as if said district had come under and within the provisions of an act of the general assembly entitled an act concerning townships, being chapter one hundred and eighty-five of the public laws passed at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and ratified the tenth (10th) day of April, year of our Lord one thousand eight hundred and sixty-nine.

Proviso.

SEC. 2. *Provided, notwithstanding*, That the election for township officers under the said article of the constitution and the act of the general assembly referred to in the first section, shall take place on the first Thursday of August, year of our Lord one thousand eight hundred and seventy, and the provisions of said act shall apply in all respects to the election herein directed.

When election to take place.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CX.

AN ACT TO REQUIRE A RETURN BY JUSTICES OF THE PEACE OF ALL CRIMINAL ACTIONS DISPOSED OF BY THEM TO THE CLERK OF THE SUPERIOR COURT.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of each justice of the peace on or before Monday of every term of the Superior Court of his county, to furnish the clerk of said court with a list of the names and offenses of all parties tried and finally disposed of by such justice of the peace, together with the papers in each case, in all criminal actions, since the last term of the superior court.

Justice to make a return of offences.

SEC. 2. That the clerk of the superior court shall hand a copy of such list to the solicitor and to the grand jury, at each term of the superior court; and no indictment shall be found against any party whose case has been so finally disposed of by any justice of the peace: *Provided*, That this act shall not be deemed to extend or enlarge or otherwise affect the jurisdiction of justices of the peace, except as provided by law.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXI.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF CALDWELL COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of the county of Caldwell, be and they are hereby empowered to levy a spe-

How levied and collected.

cial tax not to exceed three thousand dollars for the support of the poor and paying the county debt, the same to be collected at the same time and in the same manner as the regular taxes of the state and county.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXII.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, ENTITLED AN ACT CONCERNING THE POWERS AND DUTIES OF STATE OFFICERS.

Section 99 repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That section ninety-nine of the act entitled an act concerning the powers and duties of state officers, ratified the twelfth day of April, one thousand eight hundred and sixty-nine, be repealed.

Substitute.

SEC. 2. That the following section be inserted in its place: That it shall be the duty of the superintendent of public works, either in person or by proxy, to represent the state stock in all the corporations or joint-stock companies in which the state has an interest, and to vote either in person or by proxy in behalf of the state at all elections of directors in such corporations or joint stock companies at which the state is entitled to vote: *Provided*, That the governor shall, by and with the advice and consent of the council of state, appoint the directors and proxies for the state in all corporations and joint stock companies chartered before the adoption of the new constitution of North Carolina.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXIII.

AN ACT TO AUTHORIZE G. N. LEWIS, SHERIFF OF NASH COUNTY, TO COLLECT ARREARS OF TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That G. N. Lewis, sheriff of the county of Nash, be authorized and empowered to collect the arrears of taxes due for the years of one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight: *Provided, however*, That no person shall be compelled to pay said taxes who will make oath that he has paid said taxes to the best of his knowledge and belief.

Sheriff authorized to collect arrears of taxes.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXIV.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That John Foley, sheriff of Pitt county, be authorized to collect the arrears of taxes due on his tax list for the years of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine: *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 Pitt that the tax claimed to be due has been paid.

Sheriff authorized to collect arrears of taxes.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXV.

AN ACT TO AUTHORIZE THE COUNTY OF CRAVEN TO ISSUE BONDS FOR THE PURPOSE OF PAYING THE PRESENT INDEBTEDNESS OF SAID COUNTY.

Issue of bonds authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county of Craven be and hereby is authorized to issue, by vote of its commissioners, registered or coupon bonds in denominations of fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, payable in ten years from the date of issue, bearing interest at the rate of six per centum per annum, payable semi-annually, principal and interest payable in lawful money of the United States or state of North Carolina. Said bonds shall be signed by the chairman and countersigned by the clerk of the board of commissioners, and shall be payable at such place or places as may by them be deemed expedient, and may be issued and disposed of to an amount sufficient to pay and discharge the floating and bonded debt, the audited and settled demands, the certificates of indebtedness, or any other evidence of indebtedness, of the county of Craven, not however to exceed the sum of two hundred thousand dollars: *Provided*, That said bonds shall not be sold for less than their par value in lawful money of the United States or of the state of North Carolina, or in exchange for said matured and liquidated indebtedness: *Provided, also*, That no greater amount of said bonds shall be disposed of than may be found necessary for the payment of said indebtedness.

Proviso.

Interest to be provided for.

SEC. 2. That it shall be the duty of the commissioners, upon issuing the bonds herein authorized, to provide by taxation for the prompt payment of the interest thereon; also, to provide for the redemption of the said bonds by establishing a sinking fund to be set apart annually to an amount not exceeding ten per centum of the amount of bonds issued, said sinking fund to be created from regular

taxes levied for that purpose and to be assessed and collected as other taxes.

SEC. 3. That the commissioners aforesaid may levy a special tax. special tax annually on subjects of taxation in said county, not exceeding five thousand dollars, for the purpose of compromising any part or the whole of the present indebtedness of said county, by paying in lawful money less than the full amount of any claim properly audited and approved by the board of commissioners, and such taxes shall be collected and specially and exclusively applied to the satisfaction and discharge of the indebtedness aforesaid by way How applied. of compromise only.

SEC. 4. That the said commissioners are hereby authorized to pass any and all ordinances which may be necessary to carry into effect the provisions of this act, and all acts or parts of acts inconsistent with this act are hereby repealed. Repealing clause. *Provided*, That this proposition be submitted to the people of said county at a regular or special election and by them decided in the affirmative.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXVI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF NORTHAMPTON COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Northampton 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 not exceeding two thousand dollars, for the purpose of building, repairing and keeping up public bridges and for the support of the poor of said county. Special tax authorized.

Sheriff to collect.

SEC. 2. That the sheriff of said county of Northampton 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 purposes hereinbefore specified.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXVII.

AN ACT TO AMEND SECTION ONE, CHAPTER TWO HUNDRED AND EIGHTY OF THE GENERAL LAWS PASSED ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of an act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical and other purposes," ratified twelfth day of April, one thousand eight hundred and sixty-nine, be amended as follows: after the word "spring" in line nine, insert the following words, "or for the purpose of keeping a hotel and improving any watering place."

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXVIII.

AN ACT FOR THE RELIEF OF THE SHERIFF OF STOKES
COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Relief.
enact, That William H. Gentry, sheriff of Stokes county,
be and he is hereby released from all the penalties that he
incurred by not settling the state tax as the law prescribed
for such failure.

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

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXIX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF UNION
COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do* Commissioners au-
enact, That the county commissioners of the county of thorized to levy tax.
Union are hereby authorized to levy a special tax, not to
exceed one-half of one per cent. on all subjects of taxation
in said county, to repair the public buildings, to pay the
interest on the county bonds and provide a sinking fund to
pay the same at maturity and provide for the current
expenses of the county.

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXX.

AN ACT IN RELATION TO THE PUBLIC PRINTING.

State printer elected
by general assem-
bly.

SECTION 1. *The General Assembly of North Carolina do enact*, That a state printer shall be elected by a joint vote of the two houses of the general assembly, who shall give bond in the sum of five thousand dollars for the faithful performance of his duties, and who shall hold his office for the term of one year from the date of his election and until his successor is elected. His bond shall be approved by the governor and shall be filed in the office of the secretary of state. And if, during the term mentioned, a vacancy should occur in the office, such vacancy shall be filled by the governor.

Bond to be ap-
proved by governor
and filed with sec-
retary of state.

Vacancy, how filled.

Shall execute all
printing.

SEC. 2. The state printer shall execute all printing for the state, including bills and other documents for the general assembly; the laws and journals of the two houses; the code as prepared by the commissioners; the reports of the decisions of the supreme court, and the blanks and other documents required by the governor and heads of departments. For all such work, with the exception of the blanks aforesaid, he shall be paid at the rate of seventy-five cents per thousand ems for composition of plain work, and one dollar and fifty cents for every thousand ems of rule and figure work, and seventy-five cents per token for press work. He shall be paid for the blanks such price as he may be allowed by the auditor. Every bill against the state for work which may be charged by the em and token shall be approved by some practical printer of integrity who is disinterested in the matter, before it is presented to the auditor; and no warrant for work shall be paid until it is approved by the auditor.

Printer to examine
accounts.

Printer to do all
binding at price al-
lowed by heads of
departments.

SEC. 3. The state printer shall also do all the binding for the state at such prices as may be allowed by the governor and heads of departments, to be approved by and paid on the warrant of the auditor.

SEC. 4. All paper that may be used for printing by the state printer shall be furnished by the secretary of state, at such prices as may be allowed by the auditor, and shall be paid for on the warrant of the auditor. Paper, by whom furnished.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed. Repealed.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 24th day of March, A. D. 1870.

CHAPTER CXXI.

AN ACT TO PREVENT THE SALE OF REVERSIONARY INTEREST IN HOMESTEAD LANDS.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful to levy or sell under execution for any debt the reversionary interest in any lands included in a homestead until after the termination of the homestead interest itself: *Provided*, That the statute of limitation shall not run against any debt owing by the holder of the homestead effected by this act, during the existence of his interest in the homestead. Not lawful to sell reversionary interest. Proviso.

SEC. 2. That any officer or person whatsoever selling such reversionary interest to satisfy an execution for any debt, or otherwise violating the prohibitions of the preceding section, shall be guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding five hundred dollars, and imprisonment not exceeding six months, either or both at the discretion of the court. Misdemeanor and penalty.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXII.

AN ACT TO EXTEND THE TIME FOR PERFECTING ENTRIES IN
THE COUNTY OF JACKSON.

Preamble.

WHEREAS, An act passed at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, ratified April tenth, year of our Lord one thousand eight hundred and sixty-nine, provided that all and every entry of land made as declared in the preamble, section 6 of said act, be and the same is hereby rendered valid in all respects to January first, one thousand eight hundred and seventy; and whereas, it is utterly impossible for grants to be procured where entries have been made in the county of Jackson, and have filed bonds for the same, to comply with the act of April tenth, (session one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine) as the office of state agent is now vacant and there is no agent to give receipts for the purchase money.

Entries declared
valid.

SECTION 1. *The General Assembly of North Carolina do enact*, That every entry of land made in the county of Jackson be and the same are hereby rendered valid in all respects, and the time for perfecting entries made prior to this date shall have until the first day of January, one thousand eight hundred and seventy-one to perfect entries and obtain grants from the State. This act shall only apply to the county of Jackson.

Time for perfecting
grants extended.Applies only to
Jackson county.

SEC. 2. That all laws and clauses of laws coming in conflict with this act are hereby repealed.

Repealing clause.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CATAWBA COUNTY TO SELL CERTAIN LOTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Catawaba county are hereby authorized and empowered to sell and convey in fee simple a certain lot in the town of Newton known as the male and female academy lot. Commissioners may sell.

SEC. 2. That said commissioners are hereby authorized to convey in fee simple to Caleb Herman, Levi Plank and Jacob Lutes, and their successors, for the purposes of a free school, a certain lot in said town known as the free school lot. To whom and for what purpose.

SEC. 3. That out of the proceeds of the sale of the first named lot, the said commissioners shall pay to Jonas Bost and A. Summit the amount due them for erecting buildings on said lot more than their proportionate part, which shall be ascertained by said commissioners, and shall also pay out of said proceeds the costs in a certain case involving the title of the same. How proceeds to be disposed of.

SEC. 4. That all laws and clauses of laws coming in conflict with this act are hereby repealed. Repealed.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXIV.

AN ACT TO AUTHORIZE AND EMPOWER THE LATE CHAIRMAN OF THE COUNTY COURT OF CALDWELL COUNTY TO EXECUTE DEEDS TO CERTAIN LOTS IN THE TOWN OF LENOIR, IN SAID COUNTY.

Preamble.

WHEREAS, By the twelfth section of an act ratified on the eleventh day of January, one thousand eight hundred and forty-one, entitled an act supplemental to an act passed by the present general assembly, entitled an act to lay off and establish a county by the name of Caldwell, it is provided that the chairman of the county court of said county shall execute title to the lots in the town of Lenoir, upon the payment by the purchasers of the purchase money for the same; and whereas, the county courts are now abolished, and consequently there are no chairmen of the same, and there being still some lots in the said town of Lenoir paid for by the purchasers thereof, but who have received no title to the same; therefore

Late chairman of county court to execute title.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases where the purchaser or purchasers of any lot or lots in the town of Lenoir, in the county of Caldwell, at the original sale of the same, and who has not hitherto received title therefor, upon satisfying the late chairman of the county court of said county that the purchase money for said lot or lots has been paid according to the requirements of the above recited act, the said late chairman is hereby authorized and empowered to execute title therefor, which shall be as good and valid in law as if executed by the said chairman before the abolishment of the county courts.

In case of death of chairman, commissioners to act.

SEC. 2. *Be it further enacted*, That if the chairman mentioned in the first section of this act shall die or leave the state before such deeds are made, then the commissioners of the town of Lenoir, or a majority of them, shall

have the same power now conferred by the first section of this act on the late chairman of the county court.

SEC. 3. That the town commissioners of the town of Lenoir, or a majority of them and their successors, are hereby empowered to dispose of and convey by deed or otherwise, any real estate or other property unsold, belonging to the corporation of said town.

Commissioners authorized to sell any unsold real estate.

SEC. 4. This act shall take effect after ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXV.

AN ACT FOR THE BETTER REGULATION OF THE FAIR HELD NEAR LAUREL HILL, RICHMOND COUNTY, N. C., AND KNOWN AS THE SCOTCH FAIR.

SECTION 1. *The General Assembly of North Carolina do enact*, That the fair meeting semi-annually on the second Tuesday in May and November of each year, near Laurel Hill, in Richmond county, North Carolina, shall occupy the ground originally chartered for that purpose, to-wit: on the northeast side of the old stage road leading to Cheraw, and known as the fair ground, and shall close at two o'clock, P. M., on Saturdays.

To occupy ground originally chartered

SEC. 2. That the commissioners of the townships for the time being, and the owner of the land on which the fair ground is situated, shall be and they are hereby constituted to keep order, and for this purpose may employ a sufficient police who, under the constable of the township as marshal, may arrest disorderly persons and bring the same before either of the magistrates for trial. The committee are also empowered to adopt such by-laws not inconsistent with the constitution and laws of the state, as they may from time to time find proper to adopt; they shall also have power to assess and collect a tax from each wagon trading

Who shall keep order, &c.

and from each tentholder as heretofore, which, with the fines collected on the ground for violations of this act, shall be handed over to the owner of the land, to pay for the timber and firewood used during the fair, and to pay the police employed to assist the marshal in the performance of his duties. Any law for the regulation of the fair inconsistent with this act is hereby repealed.

Repealing clause.

Gaming by cards, &c., prohibited.

SEC. 3. It shall not be lawful for any one to engage in any game of chance of cards, dice or any other known method of gambling within the limits of the fair grounds, and all offences committed against the provisions of this section are hereby declared a misdemeanor and shall be punished as such under the law of the state.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXVI.

AN ACT TO EXEMPT CITIZENS OF BUNCOMBE, MADISON AND HENDERSON COUNTIES FROM PAYING TOLL AT ANY GATE ON THE BUNCOMBE TURNPIKE ROAD WITHIN THEIR OWN COUNTIES.

Citizens compelled to pay toll.

SECTION 1. *The General Assembly of North Carolina do enact*, That no citizen of Buncombe, Madison and Henderson county shall be compelled to pay any toll at any toll gate on Buncombe Turnpike Road within the respective county of such citizen: *Provided*, That there shall be no discrimination of tolls between any of the citizens of the state out of the limits of said counties.

Provide.

Repealed.

SEC. 2. That all laws and clauses of laws inconsistent with this act shall be and the same are hereby repealed.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXVII.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF RICHMOND COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Richmond county are hereby authorized to levy for the year one thousand eight hundred and seventy a special tax upon the property of the citizens of said county, said tax not to exceed the amount of twelve thousand dollars, and to be used in paying the indebtedness of the county on account of the Wilmington, Charlotte and Rutherford Railroad Company: *Provided*, The foregoing special tax appropriated be submitted to the people at an election to be held on the first Thursday in August next.

Commissioners to levy special tax.

Proviso.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXVIII.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF ONSLOW COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of the county of Onslow are hereby empowered to levy a special tax of one-half of one per cent. on all the taxable property of said county, for the purpose of meeting the outstanding debt of the county.

Special tax authorized.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXIX.

AN ACT TO BE ENTITLED AN ACT AUTHORIZING THE INCORPORATION OF HOMESTEAD AND BUILDING ASSOCIATIONS IN THIS STATE.

Enacted.

WHEREAS, Divers persons, chiefly of the industrial classes, are desirous of forming associations for the purpose of accumulating by small periodical deposits, a savings fund with which they may secure a homestead, and for their mutual benefit; and whereas, it is the dictate of a sound policy that the protection and encouragement of the legislature should be given to associations having in view ends and objects so commendable in their character; therefore

Authorized to establish associations.

SECTION 1. *The General Assembly of North Carolina do enact*, That from and after the passage of this act it shall and may be lawful, and authority is hereby given to any individuals or persons in any city or county in this state, under any name by them to be assumed, to associate for the purpose of organizing and establishing homestead and building associations, and being so associated shall, on complying with the provisions of this act, be a body politic and corporate, and as such shall be capable in law to hold and dispose of property, both real and personal, may have and use a common seal, may choose a presiding and other officers, may enact by-laws for the regulation of the affairs of such corporation, and compel the due observance of the same by fines and penalties, may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this state, and do all acts necessary for the well ordering and good government of the affairs of such corporation, and shall exercise all and singular the powers incident to bodies politic or corporate: *Provided, however*, That before any such corporation shall be entitled to the privileges of this act, they shall lodge with the clerk of the superior court of the county where such corporation is designed to act, a copy of the articles of association of such

Proviso.

corporation, signed by at least seven members and certified by the secretary thereof, to be recorded in the office of such clerk.

SEC. 2. That any addition or additions to, alteration or alterations in, or amendments of the articles of association of any such corporation shall be signed, certified and recorded as is provided in the preceding section of this act.

Alterations to be certified and recorded.

SEC. 3. That any corporation created under and by virtue of the provisions of this act, shall have power to declare in their articles of association the number of shares of which the capital stock of such corporation shall consist; the par value of the same, to limit the number which each stockholder may be allowed to hold, to prescribe the entrance fee to be paid by each stockholder at the time of subscribing, to regulate the instalments to be paid on each share, and the times at which the same shall be paid and payable.

No. of shares, &c.

SEC. 4. That any such corporation shall have power to issue to each member of such corporation a certificate of the shares of stock held by him, and to enforce the payment of all instalments and other dues due to said corporation from the members or stockholders by such fines and forfeitures as the corporation may, from time to time, provide in the by-laws or articles of association of such corporation.

Power to force payment of dues.

SEC. 5. That any person or persons applying for membership or stock in any such corporation after the end of a month from the date of its incorporation, may be required to pay, on subscribing such bonds or assessments as may from time to time be fixed, and assessed in manner as may be provided by said corporation, in order to place such new member or stockholder on like footing with the original members and others holding stock at the time of such application.

New members to pay sum sufficient to place them on same footing with original members.

SEC. 6. That it shall and may be lawful for any such corporation at any time in advance of the time at which such corporation shall cease to exist, according to the plan contained in the article of association thereof, to advance to any member thereof for such premium as may be agreed

May be lawful to make advances, &c.

upon, the same which he would be entitled to receive upon the dissolution thereof, for any number of shares therein held by him, or to purchase from any member the share or shares of stock held by him at such price or sum as, according to the articles of association, such member may agree to receive, and on payment of said sum of money, to receive from such member security as is hereinafter mentioned for the payment by such members to said corporation of the unpaid instalments, to be paid on the share or shares of stock so sold or redeemed, together with interest at the rate of six per centum per annum, on the sum of money so paid or advanced to such member at such times, and under and subject to such fines and penalties for non-payment thereof as may be prescribed by the articles of association of such corporation.

Loans secured by mortgage.

SEC. 7. That the payment of the five unpaid instalments to be paid on the share or shares so purchased or redeemed with interest upon the sum of money paid therefor as aforesaid, at the rate heretofore mentioned, and all fines and penalties incurred in respect thereof by any such member shall be secured to such corporation by way of mortgage on real or leasehold property, or by hypothecation of stock of such corporation held by such member as may be provided in the articles of association of any such corporation: *Provided, however,* That in case of hypothecation of stock, no greater sum of money shall at any time be drawn out by any member than shall have already been paid in by him on all his shares at the time of such hypothecation, and any such mortgage or mortgages, and the mortgage debt or debts intended to be secured thereby as aforesaid, is and are hereby declared exempt from taxation, the property so mortgaged as aforesaid to the corporation being taxed in the hands of the mortgager.

Proviso.

May be altered at pleasure.

SEC. 8. That the power be and is hereby reserved to alter, amend or repeal this act at pleasure.

SEC. 9. That this act shall take effect from and immediately after the day of its passage.

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXX.

AN ACT TO FIX THE COMPENSATION OF THE COUNTY TREASURER OF RUTHERFORD, WILSON AND PERQUIMANS COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the compensation of county treasurer of Rutherford, Wilson and Perquimans counties shall be two per cent. on receipts and two per cent. on disbursements on all sums under five thousand dollars in each year, and one per cent. on receipts and one per cent. on disbursements on all sums over five thousand dollars: *Provided*, That the compensation of said treasurers shall not exceed three hundred dollars in each year.

Compensation of county treasurer.

Proviso.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXXI.

AN ACT TO BE ENTITLED "AN ACT TO REQUIRE THE SUPREME COURT OF NORTH CAROLINA TO EXAMINE APPLICANTS FOR LICENSE TO PRACTICE LAW IN THE SEVERAL COURTS OF THE STATE."

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter forty-six of the public laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine shall not be construed to prohibit the supreme court from examining all persons who may apply to that court for license to practice law in the several courts of the state, but in addition to the method therein prescribed, any person may apply to the supreme

Chapter 46, public laws of 1868-'69, how construed.

To pay a license.

court, and the justices of that court are hereby required to examine the applicant and if he shall pass an approved examination and pay a license tax of twenty dollars, to grant him under the seal of the court a certificate of approval, and upon the production of this certificate and taking the several oaths prescribed by law before the superior court clerk of any county, which facts shall be entered on the minutes of the court, the person so approved shall be deemed fully qualified to practice law in the courts of the state.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXXII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF SAMPSON COUNTY TO LEVY A SPECIAL TAX.

Sampson county to
levy special tax to
build bridges.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Sampson county are hereby authorized to levy a special tax of thirty cents upon the one hundred dollars worth of real and personal property, the said tax to be applied to the payment of debts incurred for the support of the poor, rebuilding bridges and to meet the expenses of the current year.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXXIII.

AN ACT TO DIVIDE HYDE COUNTY INTO WRECK DISTRICTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county of Hyde be divided into wreck districts, beginning and bounded as follows: The first beginning at the Dare county line and running thence to the eastern point of the great swash; the second beginning at said eastern point of the great swash and running to the Carteret county line.

Hyde county divided into wreck districts.

SEC. 2. All acts inconsistent herewith are hereby repealed. Repealed.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXXIV.

AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BERTIE COUNTY TO LEVY AND COLLECT A TAX FOR CERTAIN PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of the county of Bertie be and the same are hereby authorized to levy a tax not to exceed in amount the sum of fifteen hundred dollars, the same to be levied on the real and personal property of said county.

Special tax authorized.

SEC. 2. That this said sum of fifteen hundred dollars shall be applied to the maintainance of the poor of said county. To whom applied.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXXV.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF
WASHINGTON COUNTY TO LEVY A SPECIAL TAX.

Special tax author-
ized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of the county of Washington are hereby authorized to levy a special tax on all subjects of taxation in said county, not to exceed three thousand dollars for current expenses of said county, for the year one thousand eight hundred and seventy, to be collected as other public taxes.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER CXXXVI.

AN ACT TO BE ENTITLED AN ACT TO PREVENT THE FELLING
OF TREES AND PLACING OTHER OBSTRUCTIONS INTO THE
WATERS OF MILL CREEK, BETWEEN BENTONVILLE AND
NEUSE RIVER, IN THE COUNTY OF JOHNSTON.

Persons obstruct-
ing the waters of
Mill creek to be
fined.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person or persons shall fell any trees into the waters of Mill creek, or place any other obstruction therein between Bentonville and Neuse river, in the county of Johnston, without removing the same immediately, he or they so offending shall be subject to a fine of ten dollars each, and all costs for each violation of this act, to be recovered by warrant before any justice of the peace of the county wherein the offence is committed, and upon condition, one-half of said fine shall be paid to the informer and the other half to the county treasurer, to be applied towards the support of the poor of the county. Upon the failure or

How applied.

refusal of the defendant or defendants to pay said fine and cost, he or they being thus lawfully convicted of violating the provisions of this act, shall be committed by the justice before whom the case is tried, to the common jail of the county for not less than ten nor more than twenty days for each violation of this act, and shall be moreover liable for all costs.

Convicted parties to be committed to jail.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXXXVII.

AN ACT TO PROVIDE DRAINING WET LANDS.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person not a body corporate who may be interested in constructing any levee, drain, breakwater, or who may be interested in opening or clearing out any drain or water course, or doing any other work necessary to protect or reclaim any wet lands, which work cannot be completed without effecting the lands of other persons, may make application in writing to the commissioners of the county in which the lands to be affected thereby or the greater part thereof are situated, specifying the character of the work contemplated, its general course, extent, height, depth, width, the amount of fall per mile, the point of beginning and terminus, with a description of lands to be affected thereby, together with the names of the owners of such lands, if the same be known to such applicants or the name of the occupant of such lands, if any there be, and thereupon said commissioners shall appoint three disinterested freeholders of the county in which the application is made, and not of kin to any of the parties, appraisers to

How persons draining wet lands to proceed.

Three freeholders to be appointed.

assess the benefits and damages to any of such lands incident to said contemplated work.

Register to deliver transcript.

SEC. 2. The register of such county shall make out and deliver to such applicant a transcript of the application and of the proceedings of the commissioners therein; such applicant shall deliver said transcript to the persons appointed appraisers by the commissioners.

Owners to have ten days notice.

SEC. 3. The owners of such lands shall, if in the county in which said lands or some part thereof are situated and known to such applicant, have ten days notice of the time and place of meeting to make such assessment, and may attend before the appraisers and be heard on the subject of the proposed assessment; such notice shall be given personally by such applicant in writing, by reading or leaving a copy at last place of residence, if the party to be notified reside in the county where said lands or any part thereof are situated, otherwise the notice shall be given by a publication addressed to all whom it may concern for three weeks successively in a newspaper of general circulation most convenient to the proposed work; said notice, whether personal or made in person or by publication, shall state the time and place of making such assessment, and shall contain a clear description of proposed work. Notice by publication shall be proved by affidavit of the printer or publisher; personal notice shall be proved by affidavit of the applicant, attached to a copy of the notice, stating the time, place and mode of service, whether by reading or "by true copy left at the last and usual place of residence."

Notice, how proved.

Proofs, where filed.

The proofs so made shall be filed with other papers in the case in the office of the county register.

Appraisers to meet, where.

SEC. 4. Such appraisers, or any two of them, at the time mentioned in said notice, shall meet at the point of beginning of said work, and shall examine all lands in any way liable to be affected by said work, and shall make out a list of the same, and shall assess the amount of benefits or injuries to such tract of land and shall make out a schedule thereof with their assessment aforesaid, and shall append thereto their affidavits that the same is in all respects a

true assessment to the best of their judgment and belief, and cause the same to be filed in the register's office of the county in which the land is situated, and from which filing said assessment shall be a lien upon said several tracts respectively.

SEC. 5. Each appraiser shall receive as a compensation one dollar per day for the time employed in making said assessment. Compensation of appraiser.

SEC. 6. The register shall, upon receipt of said assessment, record the same, for which he may charge twenty-five cents for each tract of land therein described. Register to record, &c.

SEC. 7. Any person desiring under the provisions of this act to make application, may employ an engineer and enter upon such lands as may be necessary to make a survey and schedule, an estimate of the cost of construction of such proposed work. Persons may survey, &c.

SEC. 8. Such applicant shall pay all the expense of giving notice to parties of appraisers and recording assessment. Applicant to pay expenses.

SEC. 9. When said work is completed according to specifications in the applications, it shall be lawful for said applicant to demand of and receive from the owners of said lands, or any one of them the amount of benefits so assessed against his said lands, and if the same shall not be paid within ten days after demand, said applicant is hereby authorized to sue and collect the same in any court having jurisdiction to enforce liens on real estate: *Provided*, That if the owner of the land is not a resident of the county, or if he is unknown to the applicant, no demand shall be necessary. When work completed, &c. Proviso.

SEC. 10. When damages shall be assessed to any tract of land, said applicant shall not be authorized to enter upon such tract to make such improvements until he shall have paid or tendered to the owner thereof the damages so assessed: *Provided*, The owner be a resident of the county, or have an agent in the county known to the applicant. How to proceed in case of damages. Proviso.

SEC. 11. Any person aggrieved by the proceedings of said appraisers may appeal the same to the superior court of the county upon giving bond and within the time, as in Parties may appeal.

cases of appeal from justices of the peace, except that said bond be filed with the clerk of said courts.

Any person may take benefit of this act.

SEC. 12. Whenever any person or persons may desire to drain his or their lands by the construction of a new ditch into and communicating with any ditch previously constructed upon the lands of any other person or persons, he or they shall have the benefit of the provisions of this act in the appointment of appraisers to estimate the benefit that would accrue to, or the damages likely to be sustained by, the person or persons through whose lands the same may pass in order to communicate with such old ditch or outlet, and proceedings in such cases shall, in all respects, be similar to those in this act heretofore mentioned; *Provided, however,* That if the volume of water discharged by such new ditch shall be too large to pass or go through the old ditch without a too frequent overflow of adjoining lands, it shall be the duty of the person or persons constructing such new ditch to widen, deepen and enlarge the capacity of the old ditch, so as to make it of sufficient size for the flow of such increased volume of water at the ordinary stages thereof; and in case of failure or refusal so to do for the space of one month or longer after the construction of such new ditch, he or they be liable from time to time to the owners of land along the line of such old ditch, for all damages he or they may sustain in consequence thereof, with ten per centum thereon and costs of suit, to be recovered by suit in any court having jurisdiction in the proper county.

Proviso.

Liable for damages.

Obstructions, &c.

SEC. 13. Any person who shall obstruct a drain or ditch constructed under the provisions of this act, shall be liable to the person or persons injured thereby or to the persons opening such ditch, in the sum of one dollar for each day such obstructions shall remain in such drain, to be recovered in an action brought before a justice of the peace in the name of the person thus entitled to said damages.

Repealed.

SEC. 14. All laws or parts of laws coming in conflict with any of the provisions of this act be and the same are hereby repealed.

SEC. 15. This act shall be in force from and after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXXXVIII.

AN ACT TO AUTHORIZE THE SHERIFF OF UNION COUNTY AND TAX COLLECTOR OF MOORE COUNTY TO COLLECT ARREARS OF TAXES FOR THE YEARS ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. J. Hasty, sheriff of Union county, and the tax collector of Moore county, be authorized to collect arrears of taxes due for the years of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine. Authorized to collect arrears of taxes.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXXXIX.

AN ACT AUTHORIZING THE SALE OF CERTAIN LANDS.

SECTION 1. *The General Assembly of North Carolina do enact*, That authority is hereby given to the board of education to perfect a sale of the lands held by the said board in the counties of Hyde, Tyrell and Washington, for the sum of fifty thousand dollars or more, the said sale to be on five years time, the interest to be paid annually and to be Board of education authorized to sell, &c.

secured by the board under such regulations as the board may deem best.

Proviso.

SEC. 2. *Provided*, That in any sale which shall be made by the board of education, the following powers shall be expressly reserved to the state, to be reserved under such laws as are now or may be enacted by the general assembly :

1. To make any expedient regulations respecting the repair of the canals which have been cut by the state, or enlargement of said canals.

2. To impose taxes on the lands benefitted by those canals for their repair, and which shall not be closed.

Navigation to be free.

3. That the navigation of the canals shall be free to all persons, subject to a right in the state to impose tolls, which shall be spent exclusively in repairing or enlarging said canals to Pungo river from the mouth of the Pungo lake canal downwards to Leachville.

Land owners may drain.

4. That all land owners on the canals may drain into them, subject only to such general regulations as now are or hereafter may be made by the general assembly in such cases.

Road to be public.

5. The roads along the banks of the canals shall be public roads.

Lands to be disposed of to actual settlers.

6. That the said lands shall be disposed of to actual settlers, and that the deed to the same shall be withheld until one hundred families of *bona fide* settlers are located upon the land : *Provided further*, That the sale authorized by this act shall in no manner effect the titles of persons who occupy any of said lands under grants from the state, and in all cases where entries have been made grants shall be issued as now provided by law.

Proviso.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXL.

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

SECTION 1. *The General Assembly of North Carolina do enact*, The sheriff of Tyrrell county is hereby authorized and empowered to collect all arrears of taxes due for the years one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine.

SEC. 2. If any person, having paid his taxes for any or all of the years aforesaid, shall have received, or having received, shall have lost his receipt for the same, and shall make affidavit to that effect, said affidavit shall have the full force and effect of a receipt from under the sheriff's hand.

Persons having paid tax to make affidavit.

SEC. 3. This act shall be in force from and continue in force for twelve months after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXLI.

AN ACT TO REPEAL AN ACT WHICH AUTHORIZES THE SECRETARY OF STATE TO FURNISH STATIONERY TO COUNTY OFFICERS.

SECTION 1. *The General Assembly of North Carolina do enact*, That all laws and clauses of laws authorizing the secretary of state to furnish county officers with stationery other than blank books and dockets be and the same are hereby repealed.

Repealed.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXLII.

AN ACT IN RELATION TO TAKING OR SHOOTING MOUNTAIN TROUT
IN THE WATERS OF THE COUNTIES WEST OF THE BLUE RIDGE.

When shooting fish
prohibited.

SECTION 1. *The General Assembly of North Carolina do enact*, That from and after the first day of April, one thousand eight hundred and seventy, there shall be no taking of mountain trout by shooting or otherwise, from the fifteenth day of October until the thirtieth day of December following, in the counties west of the Blue Ridge.

Unlawful to catch
said fish at all times.

SEC. 2. That it shall be unlawful to catch said fish in said counties by seining at all times.

Misdemeanor and
penalty.

SEC. 3. Any person violating the provisions of this act shall be considered guilty of misdemeanor, and on conviction shall be fined and imprisoned at the discretion of the courts.

How proceeds of
fines disposed of.

SEC. 4. 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.

Not to refer to cer-
tain counties.

SEC. 5. That the operations of this act shall not apply to the counties of Yancey, Buncombe, Henderson, Transylvania and Macon.

SEC. 6. This act shall be in force from and after this first day of April, one thousand eight hundred and seventy.

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXLIII.

AN ACT TO AUTHORIZE AND EMPOWER THE THE COUNTY COMMISSIONERS OF BURKE COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF PAYING THE INDEBTEDNESS OF SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Burke county are empowered to levy a special tax not to exceed six thousand dollars upon all the taxable property in said county for the purpose of paying there indebtedness of said county: *Provided*, That if the commissioners levy more than three thousand dollars it shall be submitted to a vote of the people.

Levy a special tax.

Proviso.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXLIV.

AN ACT TO AMEND SECTION NINETEEN OF AN ACT CONCERNING GUARDIANS AND WARDS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the judge of probate of Hertford county, in lieu of private citation, to guardians who fail to renew their bonds as directed in section eighteen of "An act concerning guardian and ward," may give forty days public notice at the court house and three other public places in each township in the county, and any guardian failing to renew his bond in that time, unless prevented by sickness, the court of probate shall remove him and appoint a successor.

Probate judge of Hertford county may give notice, &c.

Ratified the 26th day of March, A. D. 1870,

CHAPTER CXLV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE
THE CAPE FEAR AND WACAMACK CANAL AND LUMBER COM-
PANY.

amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter ninety-two of the laws of one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five be and the same are hereby amended as follows: In section 1, strike out one hundred (100) and insert ten (10.) In section (2) strike out the names of S. L. Fremont, John L. Hewitt, George Wortham, R. W. Rutland, John Mercer, Thos. Galloway, George Hooper, W. G. Hooper, H. H. Waters, Lorenzo Frisk, E. Boyman and John T. Phelps, and insert the names of John A. Maulsby, Lemuel Bannister, John Thompson, Thos. C. Dunn, H. B. Short, Samuel Frink, Peter Ronrke, Franklin Galloway, C. O. Breers, Thomas Drew, Dr. W. G. Curtis, B. D. Merrill, E. W. Taylor, John Inman and John Thesee. In section (6) six, strike out fifty (50) and insert three hundred (300.)

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXLVI.

AN ACT CONCERNING CONSTABLES IN NEW HANOVER COUNTY.

Not lawful to serve
notice inside city
limits.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for the constable of the township in New Hanover county, outside of the city of Wilmington, to serve process or act in any manner as constable within the corporate limits of said city.

SEC. 2. That any constable violating the provisions of ^{Misdemeanor and penalty.} this act shall be deemed guilty of a misdemeanor, and fined not less than twenty-five dollars for each and every offence.

SEC. 3. That all laws and parts of laws conflicting with ^{Repealed.} or repugnant to this act are hereby repealed.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXLVII.

AN ACT TO AMEND PARAGRAPH ONE HUNDRED AND NINETY-NINE, CHAPTER FOUR, OF THE CODE OF CIVIL PROCEDURE.

SECTION 1. *The General Assembly of North Carolina do* ^{Amended.} *enact*, That paragraph one hundred and ninety-nine, chapter four, of the code of civil procedure, be amended by inserting in line five after the word “or,” the words “within some county where the defendant has property or.”

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXLVIII.

AN ACT CONCERNING ELECTION AND REGISTRATION IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

SECTION 1. *The General Assembly of North Carolina do* ^{What officers to be elected in 1870.} *enact*, There shall be an election held for the following

officers on the first Thursday of August, year of our Lord one thousand eight hundred and seventy :

- 1st. Members of congress in the several districts ;
- 2d. Members of the general assembly for their respective counties and districts ;
- 3d. A county treasurer ;
- 4th. A register of deeds ;
- 5th. County surveyor ;
- 6th. Five county commissioners ;
- 7th. An attorney general ;
- 8th. A coroner ;
- 9th. A sheriff.

Powers of county Commissioners.

SEC. 2. The county commissioners shall have power to establish, alter, discontinue or create such separate places of election in their respective counties as they may deem expedient, giving thirty days notice thereof by advertisement in some public journal, if there be one published in the county, or in lieu thereof in three public places in such county and at the court house thereof, but there shall be at least one polling place in every township, as nearly central as possible, and there shall be a polling place open in each ward of a city numbering over three thousand inhabitants.

Secretary of state to furnish registration books.

SEC. 3. The secretary of state shall, on or prior to the first Monday of June, year of our Lord one thousand eight hundred and seventy, provide for and forward to the commissioners of counties, on their requisition, suitable registration books, when needed, for each election precinct as established for the presidential election held in year of our Lord one thousand eight hundred and sixty-eight, or for any new precincts established under this act.

Commissioners may furnish at expense of state.

SEC. 4. If the commissioners of counties do not receive a sufficient number of registration books as provided in the last section, they are authorized and directed to provide the same for their respective counties at the expense of the state.

Commissioners to elect registrar.

SEC. 5. The commissioners of counties shall select, on or before the first Monday of July, year of our Lord one thousand eight hundred and seventy, one justice of the peace for

each election precinct, who shall act as registrar of voters for such precinct; and when for any cause there are not enough justices of the peace to have one at each precinct, the commissioners shall appoint some discreet person to act as registrar of voters.

SEC. 6. Registrars shall be furnished with a registration book, and shall at all times, from the first Thursday in July, year of our Lord one thousand eight hundred and seventy, to the first Thursday of August, year of our Lord one thousand eight hundred and seventy, till the close of the polls on the last mentioned day, receive and register such qualified voters as may offer themselves for suffrage, taking care in each case to administer the oath provided by the second section of the sixth article of the constitution to each voter; he shall receive a fee of three cents for each voter registered, to be paid out of the county treasury. Duty of registrar.

SEC. 7. The county commissioners on or before the first day of July next shall appoint two electors at each precinct, who shall with the registrar be judges of the election herein ordered to be held on the first Thursday of August next. The said judges of election shall attend at the places for which they are severally appointed on the day of election, and they shall be sworn by any person authorized by law to administer oaths, to conduct the election fairly and impartially according to the constitution and laws of the state; and in default of acting, every such judge of election shall be guilty of a misdemeanor. Such judges, in addition to the powers conferred on them by this act, shall have all the powers and perform all the duties heretofore vested in inspectors of election not inconsistent herewith, and be subject to the same penalties. Commissioners to appoint electors.

SEC. 8. Every male person born in the United States, and any male person who has been naturalized, twenty-one years old or upwards, who shall have resided in the state twelve months next preceding the election and thirty days in the county in which he offers to vote, shall be deemed an elector and shall be entitled to registration upon application. Who deemed an elector.

Exceptions.

SEC. 9. Except in cases provided for in section eleven of this act, no person shall be allowed to vote at any election unless his name shall be found upon the registration books of the precinct in which he offers to vote, unless he take the following oath: "I, ———, do solemnly swear (or affirm) that I will support the constitution and laws of the United States, and the constitution and laws of North Carolina, not inconsistent therewith; that I have been a resident in the state of North Carolina for twelve months, and in the county of ——— for thirty days, and that I have neither registered or voted during this election in any other precinct." Such person having taken this oath shall thereupon be registered.

Duty of judges.

SEC. 10. It shall be the duty of the judges of elections to keep the registration books for their precinct at the place of holding the election during the day of such election, and to register therein the name of any legal voter, first administering the oath as provided in the last section, before receiving the vote of any elector not previously registered.

When registrar to furnish certificate.

SEC. 11. The registrar of voters shall, at the request of any legal registered voter in his precinct, furnish to such voter, under his signature, a certificate of registration stating the county and precinct in which such voter is registered, and shall make an entry of such certificate against the name of such voter on the registration book. Upon such certificate of registration such elector may vote at any precinct in his county without further registration.

Polls opened, how long.

SEC. 12. That the polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day; and each voter whose name may appear registered, or who may produce sufficient evidence that he has been registered in another township or precinct, as well as those who may be registered on that day, shall hand in their ballots to the judges who shall carefully deposit the ballot in the ballot box.

Judges to deposit books with register of deeds.

SEC. 13. Immediately after any election the judges of election shall deposit the registration books for their

respective precincts with the register of deeds of their county.

SEC. 14. All the officers whose election is ordered by the first section of this act shall be voted for on one ballot either written or printed.

SEC. 15. When the election shall be finished the registrar and judges of election, in presence of such of the electors as may choose to attend, shall open the boxes one after another and number the ballots of one box before they shall open another, at the same time reading aloud the names of the persons who shall appear on each ticket; and if there shall be two or more tickets rolled up together or any ticket shall contain the names of more persons than such elector has a right to vote for, in either of these cases such ticket or tickets shall not be numbered in taking the ballots, but shall be void.

How boxes to be opened.

SEC. 16. Returns from all the precincts shall be made by the judges of election by noon on Saturday ensuing the day of election to the county commissioners, who shall, in the presence of such persons as choose to attend, proceed to add the number of votes returned, and so far as county officers, members of the house of representatives and senators, where the senatorial district consists of but one county, are concerned, the person having the greatest number of votes shall be deemed duly elected, (should any two persons have an equal number of votes for the same office, the commissioners shall decide which of the two shall be elected) and the commissioners shall proclaim the result at the court house door of the voting in their county for all the persons voted for and the number of votes cast for each, and shall immediately thereafter file with the register of deeds and with the sheriff of their county, and in case there be no sheriff, with the coroner, a certified statement of the same: *Provided*, The counties of Carteret and Hyde shall be allowed until Tuesday after the election to make their returns. The commissioners shall also file with the register of deeds the returns made by the judges of the election of each precinct.

Returns, when to be made.

Proviso.

Sheriffs to meet, &c.

SEC. 17. The sheriffs in the various senatorial districts composed of more than one county shall, after receiving the returns as prescribed in the last section, meet on the second Thursday in August, one week after the election, at the following places in their respective districts for the purpose of comparing the polls: In the first district, at Hertford; in the second district, at Plymouth; in the third district, at Leachville; in the fifth district, at Colerain; in the ninth district, at D. W. Winstead's; in the tenth district, at Newbern; in the eleventh district, at Trenton; in the twelfth district, at Richlands; in the thirteenth district, at Wilmington; in the fourteenth district, at Whiteville; in the sixteenth district, at Fayetteville; in the eighteenth district, at Goldsboro; in the nineteenth district, at Raleigh; in the twenty-first district, at Oak Hill; in the twenty-sixth district, at Gibsonville; in the twenty-seventh district, at Cagle's Mill, Montgomery county; in the twenty-eighth district, at Mineral Springs, Moore county; in the twenty-ninth district, at Wadesboro; in the thirty-first district, at Mount Pleasant; in the thirty-second district, at Ford's Mills, in Rowan county; in the thirty-fourth district, at Germantown, in Stokes county; in the thirty-fifth district, at Rockford; in the thirty-sixth district, at Statesville; in the thirty-seventh district, at Lincolnton; in the thirty-eighth district, at Rutherfordton; in the thirty-ninth district, at Laurel Springs; in the fortieth district, at Hendersonville; in the forty-first district, at Lenoir; in the forty-second district, at Burrowsville; in the forty-third district, at Franklin. If by accident any of said sheriffs or returning officers are prevented from meeting at said places respectively on the aforesaid second Thursday in August, the returns of such officer shall be waited for and received if they arrive on the following day, and the returning officer failing to attend at the time and place required as aforesaid shall forfeit and pay one thousand dollars to be recovered in the superior court of his county by any person who may sue for the same, and moreover shall be guilty of misdemeanor: but if the returns of all the counties of the district

be not in by Friday noon, then the returning officer shall adjourn from day to day till the returns from all the counties be received, and in the meantime shall dispatch a competent person, under oath, to the county of the delinquent returning officer for a certified copy of the vote of that county, which shall be furnished by the register of deeds of said county, and when received shall be counted; and when the sheriffs shall be convened as aforesaid the polls for the different counties shall by them, in the presence of one justice and five electors, to be summoned by the sheriff of the county where they shall meet, be examined and compared; a certificate under the hands and seals of the returning sheriffs shall be given to the candidate in each district for whom the greatest number of votes shall have been given; but if two or more candidates shall have an equal number of votes the said officers shall determine which shall be a senator, and if no decision shall be made by them they shall determine the same by lot.

SEC. 18. The sheriff or other returning officers of the counties of each congressional district shall meet on the third Thursday of August, at the following places in the several districts for the purpose of comparing the polls for members of congress, namely: In the first district, at the court house in the town of Edenton, in the county of Chowan; in the second district, at the court house in the city of Newbern, in the county of Craven; in the third district, at the court house in the town of Lumberton, in the county of Robeson; in the fourth district, at the court house in the city of Raleigh, in the county of Wake; in the fifth district, at the court house in the town of Greensboro', in the county of Guilford; in the sixth district, at the court house in the town of Salisbury, in the county of Rowan; in the seventh district, at the court house in the town of Asheville, in the county of Buncombe: *Provided, always,* That if any accident may prevent any returning officer from meeting on the day aforesaid, the returns shall be received on the day following; and the returning officer failing to attend as required at the time and place above

Congressional returns, how and where made.

mentioned shall forfeit and pay one thousand dollars, to be recovered for the use of the state in any superior court of law; but if the returns from all the counties of the district be not in by Friday noon, then the returning officers present shall adjourn from day to day till the returns from all the counties are received, and in the meantime shall dispatch a competent person, under oath, to the county of the delinquent returning officer for a certified copy of the vote of that county, which shall be furnished by the register of deeds of said county, and when received shall be counted, and when the returning officers shall be convened, the poll for the several counties shall be examined and compared by them in the presence of a justice of the peace and ten electors, to be summoned by the returning officers of the county when they shall meet; and a certificate under the hands of said returning officers shall be given to the candidate for whom the greatest number of votes shall have been given in said district; but if two or more candidates shall have an equal number of votes, the returning officers shall determine, which of them shall be representative, and if no decision is made by them they shall determine it by lot.

Sheriff to furnish certificates.

SEC. 19. The sheriff of each county shall furnish, before the first Monday in September, the member or members elected to the house of representatives and to the senate, where the district is not composed of more than one county, a certificate of election under his hand and seal; he shall also, at least ten days before the first day of September, notify all persons elected in the county to meet at the court house on the first Monday in September, to be qualified. The commissioners elect shall be qualified before the clerk of the superior court by taking the several oaths of office, and shall thereupon organize by electing one of their number as chairman, and proceed to qualify the other officers elected in the county, and take the several bonds as prescribed by law.

Sheriff to transmit under seal.

SEC. 20. The sheriff of every county shall transmit by mail on or before the fifteenth of August, to the secretary of state a statement, under his hand and seal, of the votes

taken in his county for attorney general, which statement shall be in the form prescribed for returns for governor; and a failure to make such returns shall be punished by a fine of two thousand dollars to be recovered for the use of the state in any superior court of law. The governor at twelve o'clock on the first Thursday in September shall assemble the council of state in the office of secretary of state, who shall open said returns, proceed to add the number of votes returned and declare the person elected. The governor shall thereupon issue a proclamation announcing the result, which shall be published in the daily papers of the city of Raleigh. The person so declared elected shall be qualified by taking the several oaths of office before any judge of the superior or supreme court of the state.

SEC. 21. Every person duly elected a representative to congress, upon obtaining a certificate of his election as aforesaid, shall procure from the governor a commission, certifying his appointment as a representative of the state, which the governor shall issue on such certificate being produced.

Governor to commission.

SEC. 22. Every sheriff or other returning officer shall be allowed three dollars per day for the time actually employed and ten cents per mile for distance traveled for making the returns for senators and members of congress, and one dollar for each notice served upon the county officers elect, and one dollar for giving certificates to representatives to the general assembly, and to the senators whose district is a single county; all to be paid by the county treasurer upon the affidavit of the returning officer.

Per diem of sheriff or returning officer.

SEC. 23. It shall be the duty of the judges provided for in this act to furnish one ballot box on the day of the election at their respective precincts for the convenience of voters, and as many more boxes as they may think necessary. Two judges shall preside at each ballot box, and if a majority of the judges think more boxes necessary, they shall appoint two additional judges for each additional box. The registrars shall assist at all the boxes.

Judges to furnish ballot boxes.

Registrar to furnish original registration book.

SEC. 24. The registrar of voters shall furnish the original registration book to the judges of the election in the precinct for which he is appointed, and if there be more than one box he shall furnish one additional copy for each additional box.

Registrar to receive, &c.

SEC. 25. The registrar shall receive one cent for each name copied from the original registration book.

Penalty for attempting to vote more than once, &c.

SEC. 26. Any person who shall, with intent to commit a fraud, vote at more than one box or more than one time, or who shall induce another to do so, shall be guilty of a misdemeanor, and on conviction shall be imprisoned not less than six nor more than twelve months, or fined not less than one hundred nor more than five hundred dollars, at the discretion of the court; and any registrar of voters or any clerk or copyist who shall make any entry or copy with intent to commit a fraud shall be liable to the same penalty.

Books to be opened for inspection.

SEC. 27. The books of registration shall be open to inspection at all times between the hours of nine a. m. and three p. m. of each day preceding the day of election, and during these hours the name of any person who has been registered may be challenged, and thereupon it shall be the duty of the registrar to hear and examine all testimony that may be adduced concerning the qualification of such person as an elector, notice having been given to him of the time and place of hearing the evidence. If such person shall be found not duly qualified, as prescribed in the constitution, article six, section one, the registrar shall erase his name from the books.

Challenge.

SEC. 28. No registered voter shall be challenged on the day of election, but those offering to register on the day of election may be challenged, and every person applying for registration before the election may be challenged at that time in like manner.

Repeal.

SEC. 29. All acts inconsistent with the provisions of this act are hereby repealed.

Secretary of State to furnish printed copy.

SEC. 30. The secretary of state shall furnish a printed copy of this act to the commissioners of each county.

SEC. 31. This act shall be in force from and after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER CXLIX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CAMDEN COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Camden county are hereby authorized and empowered to levy and collect for the year one thousand eight hundred and seventy a special tax not to exceed three thousand dollars, to be applied to the liquidation of the outstanding debt of said county. Special tax authorized.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CL.

AN ACT FOR THE RELIEF OF EXECUTORS AND ADMINISTRATORS.

SECTION 1. *The General Assembly of North Carolina do enact*, That where any executor or administrator has paid any debt of his testator or intestate before all the debts of higher dignity have been paid and satisfied, and the estate of such testator or intestate was at the time of such payment solvent, but has since been rendered insolvent by the emancipation of the slaves, or the insolvency of the debtors of the estate, or other cause, without any fault or want of Payment deemed valid.

diligence on the part of the executor or administrator, or when any creditor has refused to accept payment of his debt in Confederate currency, and such currency was afterwards used by the executor or administrator in payment of debts of the estate, or it became of no value by the termination of the war, in all such cases payments thus made shall be deemed and held valid in law, and shall be allowed to such executor or administrator in all suits by creditors of the estate seeking to charge such executor or administrator with assets of the estate or with *deceit* thereof without regard to the dignity of the debt thus paid, or on which such suit may be brought.

SEC. 2. This act shall be in force from and after its ratification, and shall apply to suits now pending as well as to those hereafter to be brought.

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLI.

AN ACT TO AUTHORIZE E. F. COX, SHERIFF OF LENOIR COUNTY,
TO COLLECT ARREARS OF TAXES.

Sheriff authorized
to collect taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. F. Cox, sheriff of Lenoir county, be and he is hereby authorized and empowered to collect arrears of taxes due from the citizens of said county for the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine.

SEC. 2. That this act shall be in force from the date of its ratification and shall continue in force till the first day of January, one thousand eight hundred and seventy-one.

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLII.

AN ACT TO ESTABLISH A FERRY ACROSS PEEDEE RIVER.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. M. Packett, T. C. Capel, J. J. Dunlap and N. D. McLaughlin, their heirs and assigns, are hereby authorized and required to establish and keep up a public ferry across Peedec river, in the county of Anson, at the head of the falls known as Pickett's Landing, for and during the full term of thirty-nine years.

Public ferry to be kept up.

SEC. 2. That it shall be lawful for the said W. M. Pickett, T. C. Capel, J. J. Dunlap and N. D. McLaughlin, their heirs and assigns, to charge the rates of ferriage usual on said river above and below.

Rates of ferriage.

SEC. 3. That it shall be lawful for any person, persons or corporators to construct any ferry across said river within two miles of said ferry.

It shall be lawful, &c.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLIII.

AN ACT TO PROTECT BONA FIDE CONVEYANCES OF LAND IN CERTAIN CASES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the provisions of the act of the general assembly entitled "An act restoring to married women their common law rights of dower," chapter fifty-four, ratified on the second day of March, one thousand eight hundred and sixty-seven, shall not be so construed as to affect the right or title of any person claiming real estate under a convey-

Bona fide conveyances not affected.

ance made within thirty-days after the passage of the said act, but all such conveyances shall have the like force and effect as if the said act had been enacted to take effect at the end of thirty days after the passage of the same.

Ratified the — day of March, A. D. 1870.

CHAPTER CLIV.

AN ACT REQUIRING COUNTY AND TOWNSHIP OFFICERS TO REPORT TO BOARD OF PUBLIC CHARITIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of each county in this state shall in each year on or before the first Monday in November, report to the board of public charities such information in regard to the number and condition of the inmates of their poorhouse and persons, together with the number of outdoor paupers, and the deaf, dumb, blind, idiotic, and insane of their county not in asylum or almshouse, and such other information as may be desirable to get a complete view of the number and condition of these classes of persons in the state. The board of public charities shall prepare and furnish to the commissioners of each county carefully arranged circulars indicating the information desired, the blank column of which shall be correctly filled in the report.

SEC. 2 That it shall be lawful for the commissioners of each county in aid of this purpose to require the trustees of each township in their county to prepare and furnish information to them of all the facts called for in the circular of the board of public charities.

SEC. 3. The commissioners of any county or the trustees of any township who shall refuse or neglect to furnish the information required by this act when they have been provided with the necessary blank forms for paupers, shall on

Commissioners to report to board of public charities.

Board to furnish circulars, &c.

Penalty for refusing.

complaint being made before any judge of the superior court shall be fined a sum not exceeding one hundred dollars.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLV.

AN ACT IN RELATION TO A HOUSE ON BAPTIST SQUARE, IN
THE CITY OF RALEIGH.

WHEREAS, Many years ago certain persons in the city of Raleigh, known as the Baptists, erected a church, or house of worship, in said city on a lot known as Baptist Square; and whereas, said building has long since ceased to be used as a house of worship; therefore

SECTION 1. *The General Assembly of North Carolina do enact*, That Rev. H. B. Hayes, M. McWilliams and Willis Moss, be and they are hereby authorized to remove said house to a lot westward of the executive mansion, there to be used as a house of worship by the colored people of Raleigh known as Christians.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLVI.

AN ACT IN RELATION TO THE ELECTION OF TOWNSHIP TRUSTEES
IN THE COUNTIES OF CHOWAN, POLK, WASHINGTON AND
GATES.

When election for
trustees to be held
in certain counties.

SECTION 1. *The General Assembly of North Carolina do enact*, That the election for township trustees in the counties of Chowan, Polk, Washington and Gates be held on the first Thursday in August next under the same rules and regulations now in force governing such elections: *Provided*, That no such election was held in said counties on the first Thursday of February, one thousand eight hundred and seventy.

Repealed.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall go into effect from its passage.

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLVII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO MAKE
NEUSE RIVER A LAWFUL FENCE, TO A CERTAIN EXTENT,
IN THE COUNTY OF JOHNSTON," RATIFIED APRIL TWELFTH,
ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That the above recited act be amended by striking from the same the words "from the railroad bridge between Selma and Wilson's mill, on the North Carolina Railroad, down to the county bridge known as Turner's bridge, over the Neuse river," and inserting in the place of the words so stricken out the words "upon the Wake and Johnston

county line across said river down to the lower line of David Smith's plantation, below Turner's bridge on said river."

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLVIII.

AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF WAYNE COUNTY TO COLLECT ARREARS OF TAXES DUE FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact,* That the county commissioners of Wayne county be and they are hereby authorized and empowered to collect all arrears of taxes due and uncollected on the tax list in said county for the year one thousand eight hundred and sixty-seven, and shall have and exercise the same power and authority for collecting said taxes as the sheriff may exercise in like cases: *Provided,* That no taxpayer shall be compelled to pay taxes for said year who has once paid the same, or who will produce a receipt showing the payment of his or her taxes for the year one thousand eight hundred and sixty-seven, or who will make oath that the same has been paid, and any guardian, executor, administrator, trustee or agent, who will make oath that he believes the taxes on the person or property he represents have been paid for the year one thousand eight hundred and sixty-seven, shall not be required or compelled to pay the same again for the said year, and said taxes when collected shall be properly applied by the county commissioners to the payment of the ordinary debts and liabilities of the county.

Arrears of taxes to be collected.

Provided.

SEC. 2. All laws and clauses of laws coming in contact with the provisions of this act are hereby repealed.

Repealed.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLIX.

AN ACT CONCERNING TOWNSHIPS IN THE COUNTY OF CUMBERLAND.

Boundaries defined.

SECTION 1. *The General Assembly of North Carolina do enact*, That the amendments reported by the commissioners of Cumberland county to their report laying off the county into districts to the session of the general assembly, to-wit, Black River township boundary line changed so as to read "following said road to the new bridge on Black river, instead of Starling's bridge on Black river, the township to cover the old election precinct." Flea Hill township changed so as to read "Beginning at Dickson's ferry on Cape Fear river, thence following the Warsaw stage road to blue sand hills, thence the road to Maxwell's bridge on Black river, thence up the river to the corner of Black river township, thence as said line to Cape Fear river, then down said river to the beginning." Cedar Creek township: the line between this township and Flea Hill township changed so as to read "From Maxwell's bridge following the road to blue sand hills, thence the Warsaw stage road to Dickson's ferry on Cape Fear river," thence down the river to the beginning—is hereby approved.

Corporate powers. &c.

SEC. 2. The said districts, in obedience to article seven, (7) section three and four (3 and 4) of constitution, shall have corporate powers and shall be known as townships by the boundaries and by the names respectively as designated in said report, in as full and ample a manner as if said districts had come under and within the provisions of "An act concerning townships," being chapter one hundred and

eighty-five of the public laws, passed at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and ratified the tenth day of April, year of our Lord one thousand eight hundred and sixty-nine, and the election for township officers under the said article of the constitution, and the act of the general assembly referred to in this section shall take place on the first Thursday in August, year of our Lord one thousand eight hundred and seventy, and the provisions of said act shall apply in respect to the election herein directed.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLX.

AN ACT TO BE ENTITLED AN ACT TO INCORPORATE THE
GEORGETOWN AND CHARLOTTE RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That there shall be a body politic and corporate known as the Georgetown and Charlotte Railroad Company with corporate powers and franchises to the same extent as are possessed by the North Carolina Railroad Company. Body corporate.

SEC. 2. The said Georgetown and Charlotte Railroad Company shall have power to build a railroad with one or more tracts from Charlotte, North Carolina, to the South Carolina line, upon such route as may be determined, to connect with a railroad starting at Georgetown, South Carolina, and running in the direction of the North Carolina line, and for the purpose of building the said road the said company shall have power to open books of subscription for two million of dollars of shares of fifty dollars each at such times and places, and to keep them open for such periods of time, as they may deem proper. Power to build, &c. Capital.

Commissioners.

SEC. 3. That Major C. Dowd, M. S. Weston, A. A. N. M. Taylor, Dr. C. J. Fox, R. P. Warring, Thos. H. Brem, Gen. Rufus Barringer, Thos. P. Vail, E. C. Grier, J. S. Sample, Major William Smith, Col. S. H. Walkup and J. N. Davis, and such other persons as they may appoint, and such others as may be appointed by the legislature of South Carolina, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, any three of whom shall have power to act, first giving ten days notice in one or more papers published in North and South Carolina; any five of said commissioners, at any time after the books of subscription have been opened for thirty days, shall have power to call together the subscribers to the capital stock of said company for the purpose of organizing said company, and the said commissioners may, after the organization of said company, from time to time, receive further subscription to said company as they may deem proper, and the subscriptions to said capital stock may be made in money or land, at a rate per cent. to be agreed upon at the time of subscription, and that each and every person subscribing land, shall execute a deed for the same to the said company, and that all amounts subscribed either in land or in money, shall constitute a joint stock capital for the purpose of constructing and carrying into operation the railroad provided for by this act.

Subscriptions in money or lands.

When declared incorporated.

SEC. 4. That whenever the sum of one hundred thousand dollars shall have been subscribed by responsible persons, corporations, towns or counties in North or South Carolina, to the capital stock of said company, and the sum of five dollars per share shall have been paid in, the general commissioners, the subscribers, their successors, executors, administrators or assigns shall be and are hereby declared incorporated into a company under the name and style of the Georgetown and Charlotte Railroad Company, and the general commissioners shall forthwith call together the stockholders of said company by giving public notice in one or more papers in the respective states for thirty (30) days of the meeting, who shall proceed to organize said company

and elect ten (10) directors out of their number, four of Directors. whom shall reside in North Carolina, who shall serve for one year and until others are elected, and the said directors shall elect a president from among their number.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLXI.

AN ACT FOR THE RELIEF OF E. G. HILL, SHERIFF OF JOHNSTON COUNTY, AND MARTIN WALKER, SHERIFF OF RUTHERFORD COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That E. G. Hill, sheriff of Johnston county, and Martin Walker, sheriff of Rutherford county, be allowed until the first day of January, one thousand eight hundred and seventy-one, to collect arrears of taxes for the year one thousand eight hundred and sixty-eight: *Provided,* That Time extended to 1871. no person shall be compelled to pay said taxes who shall Proviso. make oath that he or she has paid said taxes and has lost his or her receipt.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLXII.

AN ACT TO AMEND SECTION NINETEEN, CHAPTER ONE HUNDRED AND EIGHTY-FIVE, OF THE PUBLIC LAWS ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, ENTITLED AN ACT CONCERNING TOWNSHIPS, RATIFIED TENTH APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE."

Town constables to have same power as sheriffs.

SECTION 1. *The General Assembly of North Carolina do enact*, That section nineteen of the act referred to in the title to this act be amended by adding after the word assessed the following words: "and the township constables shall have the same power to collect such taxes as are now given by law to sheriffs."

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLXIII.

AN ACT TO AUTHORIZE J. T. PATTERSON, SHERIFF OF BURKE COUNTY, AND JOHN PATTERSON, SHERIFF OF CLAY COUNTY, TO COLLECT ARREARS OF TAXES.

Collection of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. T. Patterson, sheriff of Burke county, shall have power to collect arrears of taxes due for the years one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven; and John Patterson, sheriff of Clay county, shall have the power to collect arrears of taxes due for the year one thousand eight hundred and sixty-seven.

SEC. 2. That no person shall be compelled to pay said tax who produces a receipt or makes oath that said tax has been paid.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLXIV.

AN ACT TO AMEND CHAPTER SEVENTY, SECTION EIGHTY-THREE, OF THE REVISED CODE, AND SECTION SIX OF AN ACT ENTITLED "AN ACT TO ORGANIZE THE MILITIA OF NORTH CAROLINA, RATIFIED THE SEVENTEENTH DAY OF AUGUST, ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That the provisions for paying the militia contained in chapter seventy, section eighty-three, of the revised code shall be construed to apply to all cases when the militia has been and may hereafter be called into actual service by the governor or any superior court judge or any local civil officer according to existing laws, and the words "county commissioners" shall be inserted in the place of "county court" in the aforesaid section.

SEC. 2. That the words "and enrolled men" shall be stricken out of section six (6) of an act to organize militia, ratified the seventeenth day of August, one thousand eight hundred and sixty-eight, so that no private in the militia shall be required to take the oath prescribed in said act. Privates not required to take oath.

SEC. 3. That when the militia or any portion thereof shall be or may heretofore have been called into actual service according to law to serve any county of the state, guarding the jail of such county on account of prisoners from some other county being imprisoned in such jail the By whom paid.

county commissioners of the county from which said prisoners may be or may have been taken shall audit the account of said militia and draw a warrant upon the county treasurer for the same, and the county treasurer shall pay the same out of any county funds not otherwise appropriated.

Exemptions from jury and militia duty.

SEC. 4. That any citizen of the state who has faithfully served as an active fireman in this state in any organized fire company for a period of seven consecutive years may obtain exemption from jury duty and, except in time of insurrection or invasion, from militia duty by procuring a certificate of the facts aforesaid from the principal officer of the company in which the service was rendered, or if the company has been disbanded then on affidavit of the facts of such service by some officer or member of the late company in which such service was rendered shall be sufficient to entitle the holder thereof to such exemption.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLXV.

AN ACT RELATING TO HOME INSURANCE COMPANIES.

Bond deposits not required till par value reaches 60 per cent.

SECTION 1. *The General Assembly of North Carolina do enact*, That all insurance companies incorporated by this general assembly that are required by their respective charters to deposit state bonds with the public treasurer, be relieved of such requirement until the market value of such bonds shall be at least sixty per cent. on their par value, and that when bonds have been deposited they shall be returned by the treasurer to said companies on demand.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLXVI.

AN ACT TO AMEND CHAPTER SIXTY-FIVE AND ONE HUNDRED AND TWELVE OF THE PUBLIC LAWS OF NORTH CAROLINA, RATIFIED THE NINTH DAY OF MARCH, YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section eight of chapter sixty-five of the public laws of North Carolina, ratified the ninth day of March, one thousand eight hundred and sixty-nine, entitled "An act to incorporate the Central North Carolina Railroad Company," be and the same is hereby repealed, and authority is hereby granted said company to construct branch roads as it may deem expedient. Repeal and branch roads authorized.

SEC. 2. That so much of section seven, chapter one hundred and twelve, of the laws of North Carolina, passed at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, as prescribes the guage of the Plaster Bank and Salt Works Railroad, be and the same is hereby repealed. Repealed.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CLXVII.

AN ACT TO PAY THE EXPENSES OF IDIOTS AND LUNATICS INCURRED BY COUNTIES IN CERTAIN CASES.

WHEREAS, The constitution of the state makes the care of idiots and lunatics a state charge, to be borne by general taxation, Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, Wherever any county has sustained any expense in Expenses of maintaining idiot, how paid.

maintaining any idiot or lunatic person, who would be entitled to a place in the lunatic asylum, and have been refused admission, the commissioners of the county in which such person is resident shall make out a semi-annual account of the charges for maintaining any such person, which shall be presented to the treasurer of the state, who, upon the same being duly audited by the auditor, is authorized to pay such account in like manner as if the charges were incurred at the asylum for the insane: *Provided*, Said amount shall not exceed one hundred dollars in any one year.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXVIII.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-SEVEN, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Specifications.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter two hundred and seventy-seven, laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine be amended as follows:

SEC. 566. *Specifications* :

Paragraph two, line three, strike out one and insert two, so that it will read as follows: Arrest of a defendant in civil action and taking, including attendance to justify and all other services connected therewith, two dollars.

Paragraph three, line two, strike out one and insert two,

so that it will read as follows: Arrest of a person indicted ^{Specifications.} including all services connected therewith, two dollars.

Paragraph five. Strike out twenty-five and insert thirty, so that it will read as follows: Executing subpoena on a witness, without mileage, thirty cents.

Paragraph six. Add the words for each mile travelled, so that it will read "conveying the prisoner to jail to another county, ten cents for each mile travelled.

Paragraph seven. Strike out the words "and approved by the county commissioners," and add "for each mile travelled," so that it will read: "For a prisoner, guard if necessary, per mile for each, five cents for each mile travelled."

Paragraph eight. Strike out the words "whatever may be allowed by the county commissioners" and insert before the word "in" in the fourth line, "to be paid by the county," so that it will read as follows: Expense of guard and all other expenses of conveying prisoner to jail or from one jail to another, for any purpose or to any place of punishment, to be paid by the county in which the indictment was issued on the affidavit of the officer in charge.

Paragraph eighteen. Changed so as to read as follows: Summoning a jury, for each man summoned, thirty cents.

Paragraph twenty-two. For every execution, either in civil or criminal cases, seventy-five cents.

Paragraph twenty-three. For summoning and qualifying appraisers and for performing all duties in laying off homesteads and personal property exemption, or either, three dollars and mileage, to be included in the bill of cost.

Paragraph twenty-four. For levying an attachment, one dollar.

Paragraph twenty-five. For attendance to qualify jurors, lay off dowers, of commissioners to lay off year's allowance, the same pay as is allowed a juror, or commissioners as the case may be, and for attendance to qualify commissioners for any purpose, the same pay as may be allowed one of said commissioners.

Paragraph twenty-six. Executing a deed for land or any

interest in land sold under execution, one dollar and fifty cents, to be paid by the purchaser.

Paragraph twenty-seven. Service of writ of ejectment, one dollar and necessary expenses.

Paragraph twenty-eighth. In case of murder, assault or larceny, where an officer immediately pursues criminals or property, and after using all diligence, fails to capture or recover, ten cents per mile for distance actually travelled by such pursuing officer in such pursuit and return to his courthouse, is allowed to be paid by the commissioners.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXIX.

AN ACT IN RELATION TO OFFICIAL BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. *When official bonds to be renewed:*

Renewal of bonds.

Every clerk of the superior court, county treasurer, sheriff, coroner, register of deeds and county surveyor shall regularly renew his official bonds before the board of county commissioners, who shall approve the same, on the first Monday of September of each year; but nothing herein shall be deemed to modify or repeal any provision of law whereby the commissioners are empowered at any time to require the sheriff, county treasurer or other officer to renew or justify his bonds.

SEC. 2. *Vacancy on failure to renew:*

Vacancy, on failure to renew.

Upon the failure of any officer named in the preceding section to make such regular annual renewal of his bonds, it is the duty of the commissioners, by an order to be

entered in their proceedings, to declare his office vacant, and to proceed forthwith to appoint a successor, if the power of filling the vacancy in the particular case be vested in the commissioners; but if otherwise, they shall immediately inform the proper person having the power of appointment of the fact of such vacancy.

SEC. 3. *Surety on official bonds :*

Every surety on an official bond required by law to be taken or renewed and approved by the commissioners, shall take and subscribe an oath before the chairman of the commissioners that he is worth a certain sum (which shall be not less than one thousand dollars) over and above all his debts and liabilities and his homestead and personal property exemptions, and the sum thus sworn to shall in no case be less in the aggregate than the penalty of the bond.

Surety on official bonds.

SEC. 4. *Approved execution and custody of official bonds :*

The approval of all official bonds taken or removed by the commissioners or by a majority of them shall be recorded by their clerk. Every such bond shall be acknowledged by the parties thereto or proved by a subscribing witness, before the chairman of the commissioners, registered in the register's office in a separate book to be kept for the registration of official bonds, and the original bond, with the approval of the commissioners endorsed thereon and certified by their chairman, shall be deposited with the clerk of the superior court, except the bond of said clerk which shall be deposited with the register of deeds for safe keeping.

Approved execution and custody of bonds.

SEC. 5. *Clerk to record names of commissioners present :*

It is the duty of the clerk of the commissioners to record in the proceedings of the board the names of those commissioners who are present at the time of the approval of any official bond and who shall vote for such approval, and every clerk neglecting to make such record is guilty of a

Clerk to record name of commissioners.

misdeemeanor and beside other punishment shall forfeit his office.

SEC. 6. *Commissioners liable as surety, when :*

Every commissioner who approves an official bond which he knows or believes to be insufficient in the penal sum, or in the security thereof, shall be liable as if he were a surety thereto, and may be served accordingly by any person having a cause of action on said bond.

SEC. 7. *Commissioners liable to indictment :*

Every commissioner liable as in the last section prescribed, shall be moreover liable to a criminal action and, on conviction, shall be removed from office and forever disqualified from holding or enjoying any office of honor, trust or profit under the state.

SEC. 8. *Copy of record evidence :*

In all actions under the last two sections, a copy of the proceedings of the board of commissioners in the particular case, certified by their clerk under his hand and seal of the county, shall be conclusive evidence of the facts in such record alleged and set forth, but any commissioner may cause his written dissent to be entered on the records of the board.

SEC. 9. *Penalty on officers not giving bond before :*

Every person or officer of whom an official bond is required, who shall presume to discharge any duty of his office before executing such bond in the manner prescribed by law, is liable to a forfeiture of five hundred dollars to the use of the state for each attempt so to exercise his office, and is moreover liable to a criminal action upon conviction, in which he shall be ejected from office and be forever disqualified from holding or enjoying any office of honor, trust or profit under this state.

Commissioners
liable as surety.

Commissioners
liable to indict-
ment.

Copy of record
evidence.

Penalty on officers
not giving bond
before acting.

SEC. 10. *Suits on official bonds brought; injured persons:*

Every person injured by the neglect, misconduct, misbehavior in office of any clerk of the superior court, register, entry-takers, surveyor, sheriff, coroner, constable, county or township treasurer, or other officer, may institute a suit or suits against said officer or any of them and their sureties upon their respective bonds for the due performance of their duties in office in the name of the state to whom the said bonds are made payable without any assignment thereof; and no such bond shall become void upon the first recovery, or if judgment shall be given for the defendant, but may be put in suit and prosecuted from time to time until the whole penalty shall be recovered.

Suits on official bonds.

SEC. 11. *Complaint must show relator:*

Any person who may bring suit in manner aforesaid shall state in his complaint on whose relation and in whose behalf the suit is brought, and he shall be entitled to receive to his own use the money recovered, but nothing herein contained shall prevent such person from bringing at his election an action against the officer to recover special damages for his injury.

Complaint must show relator.

SEC. 12. *Sheriff and Constable liable for whole debt, when:*

When a claim shall be placed in the hands of any sheriff, coroner or constable for collection, and he shall not use due diligence in collecting the same, he shall be liable for the full amount of the claim notwithstanding the debtor may have been at all times and is then able to pay the amount thereof.

When sheriff and constable liable for whole debt.

SEC. 13. *Remedy before justice of peace on bond:*

When any sheriff, clerk, coroner, constable, register, county or township treasurer or other officer shall have received any money by virtue of his office and shall fail to pay the same to the person entitled to receive it, a justice of the peace may issue a summons against him and his sureties whether he be in office or out, and give judgment

Remedy before justice of peace on bond.

for any sum demanded not exceeding two hundred dollars and costs of the action, notwithstanding the amount nominated in the penalty of the bond sued on.

SEC. 14. *Summary remedy in superior court :*

Summary remedy
in superior court.

Whenever a sheriff, coroner, constable, clerk, county or township treasurer or other officer shall have collected or received any money by virtue or under color of his office, and on demand shall fail to pay the same to the person entitled to require the payment thereof, the person thereby aggrieved may move for judgment in the superior court against such officer and his sureties for any sum demanded that exceeds two hundred dollars and the cost of the motion ; and the court shall try the same and render judgment at the term when the motion shall be made, but ten days notice in writing of the motion must have been previously given.

SEC. 15. *Damages of twelve per cent. on money detained :*

Damages of 12 per
cent on money
detained.

Whenever money received as aforesaid shall be unlawfully detained by any of said officers, and the same shall be sued for in any mode whatever, the plaintiff shall be entitled to recover, besides the sum detained, damages at the rate of twelve per centum per annum from the time of detention until payment.

SEC. 16. *Irregularity in taking or in form of bonds, not to invalidate such bonds :*

Irregularity not to
invalidate.

Whenever any instrument shall be taken by or received under the sanction of the board of county commissioners or board of township trustees, or by any person or persons acting under or in virtue of any public authority, purporting to be a bond executed to the state for the performance of any duty belonging to any office or appointment, such instrument notwithstanding any irregularity or invalidity in the conferring of the office or in making of the appointment, or any variance in the penalty or condition of the instrument from the provision prescribed by

law, shall be valid and may be put in suit in the name of the state for the benefit of the person injured by a breach of the condition thereof, in the same manner as if the office had been duly conferred or the appointment duly made, and as if the penalty and condition of the instrument had conformed to the provisions of law: *Provided*, That the instrument be in all other respects executed with the solemnities which are required by law: *And provided further*, That no action shall be sustained thereon because of a breach of any condition thereof or any part of the condition thereof which is contrary to law. Proviso.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXX.

AN ACT TO EMPOWER THE SHERIFF OF ORANGE COUNTY TO COLLECT ARREARAGES OF TAXES, BEING SUPPLEMENTAL TO AN ACT ENTITLED AN ACT IN RELATION TO ARREARAGES OF TAXES IN ORANGE COUNTY.

WHEREAS, In conveyance of default of H. B. Guthrie, late sheriff of Orange county, his sureties have been rendered liable on his official bond; and whereas, taxes are yet due from a portion of the time during which said Guthrie was sheriff: therefore Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That John Turner, recent sheriff of Orange county, be authorized to collect, under the regulations now prescribed by law, the arrearages of taxes, state and county, for Orange county for the year one thousand eight hundred and sixty-six. Turner to collect taxes.

SEC. 2. That the said sheriff, after paying to the state and county out of said taxes the taxes due for the year aforesaid, and also any and all judgments that may have been rendered against the said Guthrie in his capacity as sheriff,

shall, if any surplus remains, turn it over to the sureties of the said Guthrie for the year aforesaid for their benefit and indemnity.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXI.

AN ACT TO REGULATE THE MANNER OF APPLYING FOR PARDONS.

Preamble.

WHEREAS, The constitution declares, article three, section six, that the governor shall have power to grant reprieves, commutation 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; now therefore, for regulations thereof,

The General Assembly of North Carolina do enact:

SECTION 1. *How application to be made:*

Applications, how made.

Every application for pardon must be made to the governor in writing, signed by the party convicted, or by some person in his behalf.

SEC. 2. *What application to contain:*

What application to contain.

Every such application shall contain the grounds and reasons upon which the executive pardon is asked, and shall be in every case accompanied by a certified copy of the indictment, and the verdict and judgment of the court thereon, together with a statement of the evidence both for and against the prisoner, which statement shall be verified by the oath of the judge who tried the criminal action, or the solicitor for the state who prosecuted the same, or of

three jurors who heard the case and rendered the verdict, and said oath shall be to the effect that the statement is true and contain a substantial account of all the testimony given on the trial of the party convicted.

SEC. 3. *Notice to judge and solicitor :*

The governor shall in no case consider any application for pardon unless it appears that a copy of the said application therefor has been served on the judge who tried and the solicitor who prosecuted the party convicted, at least ten days before such application is presented to the governor ; such service may be made and certified by any sheriff, coroner, or constable, or by any counsel representing the convict.

Notice to judge and solicitor

SEC. 4. *Duty of attorney general :*

No pardon shall issue until the same has been submitted to the attorney general, who shall certify thereon that the provisions of this act respecting the manner of application, have been complied with.

Duty of attorney general.

SEC. 5. *What pardons void :*

Every pardon granted contrary to the provisions of this act and without the certificate of the attorney general, specified in the last section, shall be void and of no effect whatever, and every officer having custody of any convict in whose behalf such pretended pardon has been granted, shall proceed to execute the sentence of the court in the particular case, such pretended pardon to the contrary notwithstanding.

What pardons void.

SEC. 6. *When act to go into effect :*

This act shall be in force from its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXII.

AN ACT TO CEDE TO THE UNITED STATES OF AMERICA JURISDICTION OVER CERTAIN LAND IN CRAVEN COUNTY.

Land ceded to United States for national cemetery.

WHEREAS, The government of the United States of America has purchased for use as a national cemetery a certain piece or parcel of land in Craven county bounded and described as follows, to-wit: Beginning at a stone in the south-east corner of the enclosure running thence north thirty-three degrees west four hundred feet, thence west three hundred and fifty, south eight hundred and thirty-three feet to the north-east corner, thence south three hundred and fifty, east three hundred and eighty-nine and a half feet, and thence east three hundred and fifty, north eight hundred and twenty-two feet to the beginning, containing seven and five hundred and eighty-nine thousandths acres; and whereas, it is expedient that the United States should have exclusive jurisdiction of the land described above and used as aforesaid: therefore

Exclusive jurisdiction.

SECTION 1. *The General Assembly of North Carolina do enact*, That the exclusive jurisdiction of seven acres, five hundred and eighty-nine thousandths of an acre of land in Craven county, and used as a national cemetery, shall be ceded and is hereby vested in the United States upon condition that the said national cemetery be continued and kept up.

Officers not debarred from serving process, &c.

SEC. 2. That nothing herein contained shall be so construed as to debar or hinder any of the officers of this state from levying any process or levying execution within the limits over which jurisdiction is by this act ceded to the United States, in the same manner and to the same effect as if this act had never been passed.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXIII.

AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WILKES COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Wilkes county be and they are hereby authorized to levy a special tax on all the taxable property of said county, for the purpose of building a bridge across the Yadkin river at or near Wilkesboro': *Provided*, The question of levying said tax shall first be submitted to the qualified voters of said county.

Special tax authorized.

Provided.

SEC. 2. That the amount of said taxes shall not exceed three thousand dollars.

Not to exceed three thousand dollars.

SEC. 3. That said taxes shall be levied and collected in the same manner and accounted for in every particular, as all other county taxes are.

Collected as other taxes.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXIV.

AN ACT TO AMEND AN ACT IN RELATION TO THE SPECIAL TAX MONEY NOW IN THE TREASURY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the act ratified the twelfth day of March, one thousand eight hundred and seventy, and entitled an act in relation to the special tax money now in the treasury, be amended by inserting two hundred and fifty thousand dollars (\$250,000), instead of one hundred and fifty thousand dollars (\$150,000), and adding the words "on the appropriation to the insane asylum, institution for the deaf, dumb and

Amended.

the blind, and the penitentiary," after the words "ordinary expenses of the state government:" *Provided*, That this act shall not have the effect to increase appropriations made to the said asylum, institution, and penitentiary by other acts passed at this session.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXV.

AN ACT IN RELATION TO EXECUTION OF PROCESS IN CASE
WHERE SHERIFFS ARE INTERESTED.

Sheriff of adjoining
county to issue.

SECTION 1. *The General Assembly of North Carolina do enact as follows:* In all cases where the sheriff of any county shall be interested, if there is no coroner in said county, process may be issued to and shall be executed by the sheriff of any adjoining county. All process heretofore issued or executed in accordance with the provisions of this act is declared valid.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXVI.

AN ACT TO AMEND CHAPTER THREE OF CHAPTER NINETY-THREE OF THE ACTS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, ENTITLED "AN ACT TO PROVIDE THE PROCEDURE IN SPECIAL PROCEEDINGS GENERALLY, AND IN APPLICATIONS FOR WIDOW'S YEAR'S SUPPORT AND IN DOWER."

SECTION 1. *The General Assembly of North Carolina do* Amended
enact, That section thirty-three of chapter three of chapter ninety-three of the acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, entitled "An act to provide the procedure in special proceedings generally and in applications for widow's year's support and in dower," be amended so as to read as follows:

SEC. 33. Every married woman upon the death of her husband intestate, or in case she shall dissent from his will, shall be entitled to and estate for her life in one-third in value of all the lands, tenements and hereditaments whereof her husband was seized and possessed at any time during the coverture, in which third part shall be included the dwelling house in which her husband usually resided, together with offices, out houses, buildings and their improvements thereunto belonging or appertaining; she shall in like manner be entitled to such an estate in all legal rights of redemption and equities of redemption or other equitable estates in lands, tenements and hereditaments whereof her husband was seized in fee at any time during the coverture, subject to all valid incumbrances existing before the coverture or made during it with her free consent lawfully appearing thereto.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXVII.

AN ACT TO DECLARE THE LAW OF EVIDENCE IN CERTAIN
CASES.Co-defendant to
testify.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all criminal actions in the courts of this state it shall not be lawful for co-defendants in the same indictment to testify for or against each other.

Repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act shall be repealed.

When in force and
duty of secretary of
state.

SEC. 3. That this act shall be in force from its ratification, and the secretary of state is directed to send forthwith, upon the ratification of this act, a certified copy thereof to each judge and solicitor for the state of every judicial district.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXVIII.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF CUR-
RITUCK COUNTY TO LEVY A SPECIAL TAX.Special tax autho-
rized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Currituck county be and they are hereby empowered and authorized to levy and collect for the year one thousand eight hundred and seventy, a special tax for the purpose of repairing the court house, poorhouse and public bridges of said county, not to exceed three thousand dollars, said tax to be levied and collected as other taxes are levied and collected and to be accounted for by the collecting officer in the like manner as he accounts for other taxes.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXIX.

AN ACT FOR THE RELIEF OF THE SHERIFF OF HALIFAX COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That John A. Reid, sheriff of Halifax county, be allowed until the first Monday in June, one thousand eight hundred and seventy, to settle in full with the county treasurer.

Sheriff allowed time, &c.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXX.

AN ACT CONCERNING THE MAINTENANCE OF CONVICTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the expense of keeping, maintaining, conveying and guarding any convict who has heretofore been or may hereafter be sentenced to confinement in the penitentiary, shall be defrayed by the state treasury from the time of the sentence of such convict, and said expense shall not be borne by the county in which such convict may be imprisoned while awaiting transfer to the penitentiary.

Expenses of convict while awaiting transfer.

SEC. 2. That any sheriff having any such convict in his charge imprisoned in the county jail, may from time to time make out his account for keeping and maintaining such convict at the usual rates for prisoners in his jail, and adding thereto the actual and necessary costs of any guard for such convict, and said account being verified by the affidavit of such sheriff before the chairman of the board of county commissioners and duly audited by the auditor of state, shall be paid to such sheriff by the state treasurer.

Sheriff to make out account, &c.

When Sheriff to
send prisoner.

SEC. 3. That the sheriff having such prisoner in charge shall proceed to send the same to the penitentiary within five days after the adjournment of the court at which they were sentenced: *Provided*, That no appeal has been taken to the superior court. That criminals in any of the jails of the several counties under sentence of imprisonment for a longer term than twelve months may be conveyed by the sheriff to the penitentiary, and the treasurer of the state shall not pay anything for keeping, maintaining or guarding them if they are kept in jail for a longer time: *Provided*, That the provisions of this section shall not apply to any county until the sheriff of said county has received official information that such prisoners will be received at the penitentiary.

SEC. 4. That this act shall take effect from the date of its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXXI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HERTFORD COUNTY TO DISPOSE OF PART OF THE LANDS BELONGING TO POORHOUSE.

Commissioners to
dispose of land.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Hertford county be and they are hereby authorized to dispose of such part of the land belonging to the poorhouse as they may deem proper, for the better protection of the poor of said county.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXXII.

AN ACT TO AUTHORIZE THE LEVYING A SPECIAL TAX FOR
THE COUNTY OF ANSON.

SECTION 1. *The General Assembly of North Carolina do enact,* That the board of commissioners of Anson county shall be authorized to levy a special tax not to exceed twelve thousand dollars, to meet the interest due upon the bonds of said county, said tax to be levied and collected as other taxes. Special tax authorized.

SEC. 2. That no tax shall be levied under this act until the question shall be submitted to the qualified voters of the county, at an election to be held under the direction of the commissioners and approved by a majority of those voting thereon. To be submitted to qualified voters.

SEC. 3. That this act shall take effect from its ratification, but shall have no force until approved as required by section two.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXXIII.

AN ACT TO AUTHORIZE THE ISSUANCE OF GRANTS TO VACANT
LANDS IN CERTAIN CASES.

WHEREAS, In the year one thousand eight hundred and sixty-seven one Thomas J. Dula by himself, and by S. A. Dula as his agent, did make and cause to be made in the entry taker's office in the county of Caldwell, two hundred and twenty-seven entries of vacant lands in said county, being numbered on the said entry taker's books beginning with the number two thousand and sixty and extending to two thousand two hundred and eighty-seven, both inclusive, Preamble.

each of said entries for the granting of six hundred and forty acres; and whereas, also, the said Thomas J. Dula having gone into bankruptcy under the act of congress "Providing for a uniform system of bankruptcy in the United States," and the interest claimed by the said Thomas J. Dula having been sold at public auction by the assignee in bankruptcy and bid off by one Sethe Pancost for a valuable consideration; and whereas, also, doubts exist as to the legality of the issuance of the grants by the state for these lands without further legislation: therefore

vacant lands and
how grants are to
be issued.

SECTION 1. *The General Assembly of North Carolina do enact.* That at any time within eighteen months from the ratification of this act, if the said Sethe Pancost by himself or agent shall pay or cause to be paid to the secretary of state the price fixed by law for the vacant lands of the state, the governor is hereby authorized and required to issue a grant or grants for all the vacant lands covered by the said entries, beginning at number two thousand and sixty and extending to number two thousand two hundred and eighty-seven, both inclusive, each of six hundred and forty acres and entered in the entry taker's office of Caldwell county, in the name of T. J. Dula, or in the name of S. A. Dula, the said grant or grants to be issued to the Sethe Pancost, or to any other person, corporation or company which he may order or direct.

Surveys to be made.

SEC. 2. That before the issuance of said grants the said Sethe Pancost shall cause the same to be surveyed by any competent person, and the plot and certificate filed in the office of the secretary of state, whereupon, after the payment of the price fixed by law, the grants shall issue as provided in the first section of this act.

Authority for
survey.

SEC. 3. The authority for the survey of these lands shall be the written authority and request of the said Sethe Pancost, his agent or attorney, who shall be liable for the costs of the same.

Grants to be valid.

SEC. 4. All grants issued by virtue of this act shall be valid to all intents and purposes, any irregularities in the entries or any lapse of time to the contrary notwithstanding.

SEC. 5. All laws and parts of laws inconsistent with this Repeated.
act are hereby repealed.

SEC. 6. This act shall be in force from and after its ratifi-
cation.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXXIV.

AN ACT TO AMEND THE LAW OF DIVORCE AND ALIMONY,
CHAPTER THIRTY-NINE, REVISED CODE.

SECTION 1. *The General Assembly of North Carolina do* To be added as a proviso.
enact, That the following shall be added to section seven,
chapter thirty-nine, revised code, as an additional proviso:
Provided, If any wife shall file in the office of the superior
court clerk of the county where she resides an affidavit,
setting forth the fact that she intends to file a petition or
bring an action for divorce against her husband, and that
she has not had knowledge of the facts upon which his said
petition or action will be based for six months, then and
in that case it shall be lawful for such wife to reside sepa-
rate and apart from her said husband, and to secure for her
own use the wages of her own labor during the time she
shall so remain separate and apart from her said husband:
Provided further, That if such wife shall fail to file her Provided further.
petition or bring her action for divorce within thirty days
after the six months shall have expired since her knowledge
of the facts upon which she intends to file her said petition
or bring her said action, then she shall not be entitled any
longer to the benefit of this act.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXXV.

AN ACT IN RELATION TO THE PROBATE OF DEEDS OF NON-RESIDENTS.

Judge to issue commission.

SECTION 1. *The General Assembly of North Carolina do enact*, Whenever it shall appear to the judge of probate county that any person non-resident of this state, desirous of acknowledging or conveying to be proved a power of attorney, deed or other conveyance touching any real estate situated in the county of said judge, he shall issue a commission to a commissioner for receiving such acknowledgment, or taking such proof, and said commissioner may likewise take the acknowledgment and privy examination of a married woman separate and apart from her husband, touching her assent to any power of attorney, deeds or other conveyances, touching real estate in said county. The commissioner shall make certificate of the acknowledgments or proof and privy examination made by him, and shall return the same to the probate judge, whereupon he shall adjudge that such conveyance, power of attorney or other instrument is duly acknowledged or proved, and that such examination is in due form, and shall order the same to be registered.

Examinations and registrations declared valid.

SEC. 2. All probate examination and registration heretofore had in accordance with the foregoing provisions, are declared valid and sufficient.

Applies to all conveyances.

SEC. 3. The provisions of the foregoing sections shall apply to all conveyances of whatever kind required or allowed to be registered.

Who may issue commission.

SEC. 4. The governor or any judge of the supreme or superior court of this state, is authorized to issue the commission hereinbefore authorized, but the certificate of the commissioner and the said commission shall be returned to the probate judge of the county whereby the law requires the registration should be made.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXXVI.

AN ACT IN RELATION TO DRAWING SEINES IN THE WATERS OF TAR RIVER AND TRANTER'S CREEK.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any persons to draw a seine in the waters of Tar river and Tranter's creek between the bridge at Washington and the falls at Wm. S. Battle's factory, or from the mouth of Tranter's creek to the Myers mills on the said creek after Friday evening sunset until Monday morning sunrise, in the months of February, March, April and May. When not lawful to draw seines.

SEC. 2. That any person violating this act shall forfeit and pay the sum of one hundred dollars or be imprisoned two months, said fine to be recovered by any person who will bring suit for the same, one-half to the informer the other to the poor of the county.

SEC. 3. That each day's continuance to violate section first of this act shall constitute a separate and distinct offence. Each day to constitute new offence.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXXVII.

AN ACT TO REGULATE APPEALS FROM JUSTICES' COURTS IN CERTAIN CASES.

When appellant not to give written notice.

SECTION 1. *The General Assembly of North Carolina do enact*, Where any party prays an appeal from a judgment rendered in a justices' court, and the adverse party is present in person or by attorney at the time of the prayer, the appellant shall not be compelled to give any written notice of appeal either to the justice or to the adverse party; but if the judgment be for twenty-five dollars or less the appellant shall nevertheless state in writing the grounds upon which the appeal is founded, which statement shall be returned by the justice with the other papers in the case to the clerk of the superior court, who shall transmit the same to the judge of the district.

May give bond, &c.

SEC. 2. In all cases of appeal from justices' courts the appellant may, if he choose, give his bond or undertaking for the appeal before the justice who tried the cause, and who shall endorse his approval thereon, instead of before the clerk of the appellate court as now provided by law.

Judge to endorse, date, &c.

SEC. 3. When an appeal is sent up to the judge of the district on a judgment for twenty-five dollars or less, it shall be the duty of the judge to endorse thereon the day when he received it, and he shall render his decision thereon within twenty days after its receipt, and return the same immediately to the clerk of the appellate court.

SEC. 4. This act to be in force from its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXXVIII.

AN ACT TO AUTHORIZE THE JUDGES OF PROBATE TO APPOINT TRUSTEES IN CERTAIN CASES.

WHEREAS, In many cases trustees in deeds of trust have died or removed from the county and state where the trusts were executed, or became incompetent to execute the said trusts, therefore

SECTION 1. *The General Assembly of North Carolina do enact*, That where any trustee of a deed of trust has died, removed from the county where the deed was executed and the state, or in any way become incompetent to execute the said trust, that the judge of probate of the county wherein the said deed of trust was executed, be authorized and empowered to appoint some discreet and competent person to act as trustee, and execute the said deed of trust according to its true intent and meaning, and as fully as if appointed by the parties to the deed.

In what case judge of probate to appoint trustee.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CLXXXIX.

AN ACT TO AMEND SECTION NINETY-FIVE OF AN ACT ENTITLED "AN ACT CONCERNING THE SETTLEMENT OF THE ESTATES OF DECEASED PERSONS."

SECTION 1. *The General Assembly of North Carolina do enact*. That section ninety-five of an act entitled "An act concerning the settlement of the estates of deceased persons," ratified the sixth day of April, year of our Lord one thousand eight hundred and sixty-nine, be amended by

adding to said section as follows, to-wit, “and any judge of the superior court or any commissioner appointed by said court, upon any plea of fully administered to take effect and state an account of the assets of any deceased person in the hands of any executor or administrator, shall have power and be authorized and directed to allow such executor, administrator or commissioner not exceeding five per centum upon the amount of receipt and expenditures which shall appear upon the trial of said cause or taking of such account to have been fairly made in the course of administration.”

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXC.

AN ACT TO BE ENTITLED “AN ACT TO AMEND SECTION ONE HUNDRED AND NINETY-NINE, CHAPTER FOUR, OF THE CODE OF CIVIL PROCEDURE, CONCERNING ATTACHMENT OF PROPERTY OF FOREIGN CORPORATIONS AND NON-RESIDENTS, ABSCONDING OR CONCEALED DEFENDANTS.”

Amende 1.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one hundred and ninety-nine, chapter four, of the code of civil procedure, concerning attachments of property of foreign corporations and of non-residents, absconding or concealed defendants, be and the same is hereby amended to read and declare as follows: If the action be not formed on a contract, or if the sum demanded exceeds two hundred dollars, a warrant of attachment must be obtained from the judge of the judicial district within same county of which the cause of action arose or the defendant or defendants has or may have property, or in case the defendant absconds or conceals himself, or is a

non-resident, or if they be a foreign company or corporation, within same county of which he or they traded or did business, or within same county of which the defendant or defendants resided, traded or did business, within twelve months next preceding the issuing of the summons, or from the clerk of the superior court of any county within said district; it shall be made returnable to the superior court of a county in which the cause of action arose, or in which the defendant or defendants resided or did business, within six months next preceding the issuing of the summons, or in which the property of the defendant or defendants sought to be attached, or some part of it, is or may be at the issuing of the summons, or in case the defendant or defendants be a non-resident or a foreign company or corporation, in which he, they, or it traded or did business.

SEC. 2. All laws and parts of laws inconsistent with this act are hereby repealed. Repealed.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXCI.

AN ACT CONCERNING TOWNSHIPS IN THE COUNTY OF WAKE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the district reported by the commissioners of the county of Wake to the present general assembly are hereby approved, and said districts in obedience to article seven, sections three and four, of the constitution, and each of said districts shall have corporate powers and shall be known as townships by the boundaries and by the names respectively designated in said report in a full and complete manner as if said districts had come under and within the provisions of an act of the general assembly entitled "An Report approved, corporate powers granted.

act concerning townships," being chapter one hundred and eighty-five of the public laws passed at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and ratified the tenth day of April, year of our Lord one thousand eight hundred and sixty-nine.

Provided.

SEC. 2. *Provided notwithstanding*, That the election for township officers under the said articles of the constitution and the act of the general assembly referred to in the first section shall take place on the first Thursday of August, one thousand eight hundred and seventy, and the provisions of said act shall apply in all respects to the election herein directed.

SEC. 3. That this act shall have force from its ratification. Ratified the 28th day of March, A. D. 1870.

CHAPTER CXCII.

AN ACT TO BE ENTITLED AN ACT TO AMEND SECTION TWO HUNDRED AND EIGHTY-THREE OF TITLE TWELVE OF CODE OF CIVIL PROCEDURE.

Allowances to be inserted in entry.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two hundred and eighty-three, title twelve, of the code of civil procedure, be amended to read as follows :

§ 283. The clerk shall insert in the entry of judgment the sum of the allowances for cost, as provided by this code, the necessary disbursements, including the fees of officers allowed by law, the fees of witnesses, the reasonable compensation of commissioners in taking deposition, the fees of referees, and the expense of printing the papers for any hearing where required by a rule of the court. The disbursements shall be stated in detail. Whenever it shall be necessary to adjust costs in any introductory proceedings.

or in any special proceedings, the same shall be adjusted by the clerk of the court to which the proceedings were returned, except in those matters in which the allowance is required and to be made by the judge.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXCIH.

AN ACT TO REQUIRE A DEFENDANT IN AN ACTION FOR THE RECOVERY OF REAL ESTATE TO FILE A BOND FOR COSTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all suits in the superior courts for the recovery of real property or the possession thereof, the defendant before he is permitted to plead, answer or demur, shall execute and file in the office of the clerk of the superior court of the county wherein the suit is pending, a bond with good and sufficient securities for the sum of two hundred dollars, to be void upon condition that the defendant pay to the plaintiff all such costs and damages as the said plaintiff may recover in the action. Defendant to file bond.

SEC. 2. That in all cases in which the said action or suit has been commenced but not determined, and the said bond has not been filed, the same shall be done upon the plaintiff or his attorney giving ten days notice to the defendant to file the same. Bond to be given in cases not determined.

SEC. 3. That it shall be lawful for the plaintiff or his attorney to require the securities in sections one and two of this act to justify, or the defendant give better security. Sureties may be required to justify.

SEC. 4. That upon failure of the defendant to file the bond as required by sections one and two, or upon failure of the securities to justify as required by section three of this act, the plaintiff shall have judgment and execution for Relief on failure to justify

Provided.

the relief demanded in the complaint: *Provided*, That no defendant shall be required to give said bond if any attorney practicing in the court where the action is pending will certify to the court in writing that he has examined the case of the defendant and that in his opinion the plaintiff is not entitled to recover, and said defendant shall further file an affidavit that he is unable to give said bond.

SEC. 5. This act to be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXCIV.

AN ACT TO AMEND CHAPTER TWENTY-ONE OF THE REVISED CODE.

Secretary to prepare list, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, The secretary of state shall as soon as may be prepare and cause to be printed a list of all persons who, since the first day of May, one thousand eight hundred and sixty-five, have been appointed commissioners of affidavit and to take the probate of deeds in the several states and territories of the United States and in the District of Columbia, under section two, chapter twenty-one, of the revised code, setting forth the states, territory or district for which such persons were appointed, and the dates of their respective appointments, and he shall send a certified copy of said list to every clerk of a court in this state.

List to be printed.

SEC. 2. The secretary of state shall cause a copy of said list to be printed in the next volume of the act of the general assembly.

To be printed in all subsequent volumes of acts of assembly.

SEC. 3. He shall also have printed in every subsequent volume of the acts of the general assembly a list as aforesaid of all such commissioners appointed since the date of the previous list.

SEC. 4. The list commissioners so published in any volume of the act of the general assembly shall be conclusive evidence in all courts of the appointments therein stated, and of the dates thereof.

List to be conclusive evidence.

SEC. 5. The secretary shall also add to each of said list that may be published after that provided for in section one of this act a list of all such commissioners whose appointments have been revoked, or have resigned, removed or died since the date of the list previously published, as far as the same may be known to him, with the dates of such revocation, resignation, removal or death.

List of revocations to be published.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER. CXCIV.

AN ACT TO APPOINT COMMISSIONERS TO LAY OFF AND ESTABLISH THE DIVIDING LINE BETWEEN THE COUNTIES OF HERTFORD AND NORTHAMPTON.

WHEREAS, The dividing line between the counties of Hertford and Northampton is not sufficiently described in many places, whereby it has become expedient, in order to prevent disputes and inconveniences between the inhabitants of said counties, that the said dividing line should be more accurately ascertained and laid off:

Preamble.

SECTION. 1. *The General Assembly of North Carolina do enact*, That William Vaughan, Sr., John Liverman, J. G. Moore, of the county of Hertford, and Morris Futrell, Norman Parker and Henry Gatling, of the county of Northampton, or a majority of them, be and they are hereby appointed commissioners with full power and authority to lay off, establish and make the line between the said counties, whenever the county commissioners of the respective coun-

Commissioners to lay off dividing line, &c.

ties deem it necessary, due regard being had to the former line.

Commissioners to
appoint survey and
others

SEC. 2. That the said commissioners shall appoint such surveyor and other attendants as shall be necessary for the making and establishing the said line, and shall make or cause to be made a return of the proceedings to each of the board of county commissioners of the said counties to be deposited and kept among the records thereof, and a copy of the proceedings shall be deposited in the office of the secretary of state, and the said line, when so extended and laid off, shall forever thereafter be established and confirmed as the dividing line between the said counties.

Expenses, how
borne.

SEC. 3. That each county shall bear the expenses of its own commissioners thus appointed at such *per diem* as they may agree upon.

Expenses, how
paid.

SEC. 4. That the said counties jointly shall pay the expenses of the surveyor and other expenses.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXCVI.

AN ACT TO ENABLE POOR PERSONS TO APPEAL TO THE SUPERIOR COURT IN STATE CASES.

Convicts may ap-
peal without giving
security for costs.

SECTION 1. *The General Assembly of North Carolina do enact,* That in all cases of conviction in the superior court of this state for any criminal offence the defendant or defendants so convicted shall have the right to an appeal without giving security for costs upon filing of an affidavit that he is wholly unable to give security for the costs, and he is advised by counsel that he has reasonable cause for the appeal prayed for and that the application is in good faith.

SEC. 2. It shall be the duty of the judge, on filing of the affidavit required in section one of this act, to grant the appeal without security for costs, and for any offence liable by the laws of this state shall require the defendant to enter into bond or recognizance in a reasonable sum to make his appearance at the first term of the superior court to be held in the county after the adjournment of the superior court to which the appeal was prayed and to further answer the charge preferred. Judge to appeal.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXC VII.

AN ACT RELATING TO INVESTMENTS MADE BY PERSONS IN A FIDUCIARY CHARACTER.

WHEREAS, Many difficult questions have arisen and are likely to arise respecting the liability of guardians, administrators, executors and trustees, for investments of the money or property of their *cestui que trusts*, between the first day of May, one thousand eight hundred and sixty-one, and the first day of May, one thousand eight hundred and sixty-five; and whereas, it is desirable that such questions may be settled while the evidence can be procured, Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That any guardian, administrator, executor or other trustee, who may have made investments of the money or property of his *cestui que trusts*, between the first day of May, one thousand eight hundred and sixty-one, and the first day of May, one thousand eight hundred and sixty-five, may issue a summons and file his petition before the probate judge for the county in which the guardianship, letters of administration, or letters testamentary were granted, or in the case of an express trust otherwise arising, of the county May file petition and issue summons.

in which the trustee resides, in which petition he shall set forth a full and true account of his dealings with the estate of his *cestui que trusts*, and state the nature and amount of his investments, and upon and under what circumstances they were made, and what he then hath in hands, and the names and residences of all persons interested in the trust; all persons so interested shall be made parties as in other cases of special proceeding, and the probate judge shall state the account of said guardian, administrator, executor or other trustee, with his *cestui que trusts*, and shall put in writing and preserve the said account and all the evidence upon which the same shall be made up, and the account so stated and adjudged correct, shall have the force and effect of an account stated and settled between parties.

Judge to state account, &c.

Practice and appeal.

SEC. 2. The practice shall be as is provided in other cases of special proceedings, and any party may appeal as is provided in other cases of special proceedings.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXC VIII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE ERECTING OF A BRIDGE ACROSS JOHN'S RIVER IN BURKE COUNTY," RATIFIED THE TENTH DAY OF APRIL, YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That the first section of said act shall be amended as follows: John R. Suddrith and his 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 the following tolls, viz: for a footman five cents, horseman ten cents, buggy twenty-five cents, two horse wagon thirty cents, four horse wagon fifty cents, six horse wagon seventy-five cents, pleasure carriage fifty cents, cattle, sheep and hogs three cents, loose horse five cents.

SEC. 2. That the said bridge shall be completed within three years from the passage of this act. When to be completed.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXCIX.

AN ACT TO ALLOW THE COMMISSIONERS OF HALIFAX COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Halifax county and they are hereby authorized to levy a special tax for the purpose of repairing the public buildings and bridges and paying the lawful debt of the county, not exceeding six thousand dollars: *Provided*, That the same shall be submitted to the qualified voters of said county at the next ensuing regular election, August, one thousand eight hundred and seventy. Special tax.

SEC. 2. The said special tax shall be levied at the same time and in like manner as other county taxes are provided by law to be levied. How levied and collected.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CC.

AN ACT TO AUTHORIZE C. C. VEST, SHERIFF OF CHEROKEE COUNTY, TO COLLECT ARREARS OF TAXES DUE FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Arrears of taxes to be collected.

SECTION 1. *The General Assembly of North Carolina do enact*, That C. C. Vest, sheriff of Cherokee county, is hereby authorized and empowered to collect arrears of taxes due him from said county for the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine: *Provided*, That no person shall be required to pay said tax who will make oath that the receipt for said tax has been lost, or to the best of their knowledge they have paid their tax for the years above mentioned.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCI.

AN ACT TO MAKE DAN RIVER A LAWFUL FENCE TO A CERTAIN EXTENT IN THE COUNTY OF STOKES.

Dan river a lawful fence.

SECTION 1. *The General Assembly of North Carolina do enact*, That Dan river shall be a lawful fence in the county of Stokes from the mouth of Flat Shoal creek to the mouth of the Buck Island creek: *Provided*, That all parties taking the benefit of this act shall connect their fences with the river.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCII.

AN ACT AUTHORIZING THE COMMISSIONERS OF WAKE COUNTY
TO ISSUE BONDS.

SECTION 1. *The General Assembly of North Carolina do* Bonds, amount of.
enact, That the commissioners of said county are hereby authorized to issue coupon bonds, not exceeding in amount forty thousand dollars, in denominations of not less than twenty-five dollars and not more than five hundred dollars.

SEC. 2. That the said bonds shall not be issued to con- Bonds, for what purpose.
 tract any new debts against the county but to fund such liabilities of the county as are outstanding at the time of the ratification of this act.

SEC. 3. These bonds shall bear interest at the rate of Interest, &c.
 eight per cent. per year payable semi-annually, and that the coupons calling for such interest shall be received by the sheriff in payment of county taxes.

SEC. 4. The principal of bonds so issued shall be paya- When payable.
 ble as follows: the first five thousand dollars at the expiration of three years, the second five thousand dollars at the expiration of four years, the third five thousand dollars at the expiration of five years, and each succeeding issue of like amount shall be payable in like manner at intervals of one year from the time of payment of the issue immediately preceding it.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCIII.

AN ACT CONCERNING THE TREASURER OF THE TOWNSHIPS.

*The General Assembly of North Carolina do enact :*SECTION 1. *Who shall be township treasurer :*

Who shall be township treasurer.

The clerk of the board of trustees shall be also *ex officio* treasurer of the township.SEC. 2. *When elected :*

When elected.

The treasurer of the township shall be biennially elected in the manner provided by law.

SEC. 3. *When to be qualified :*

When to be qualified.

He shall qualify on the last Monday of August next ensuing his election, by taking and subscribing an oath of office before the other members of the board of trustees, either of whom is hereby authorized to administer such oath of office. The oath shall be filed with the clerk of the board of commissioners.

SEC. 4. *Vacancy :*

Vacancy.

When a vacancy exists or shall occur from any cause in the office of the treasurer of township, the other members of the board of trustees shall proceed forthwith to fill such vacancy by appointing a successor, who shall qualify as prescribed by law.

SEC. 5. *When board of trustees shall fail to appoint :*

When board of trustees shall fail to appoint.

If from any cause the board of trustees cannot agree, after ten ballots, in filling a vacancy, the board of county commissioners, to whom the fact shall be immediately reported, shall proceed to appoint a successor.

SEC. 6. *Bond:*

Every township treasurer, before entering upon the duties Bond. of his office, shall give a bond in the penal sum of at least five hundred dollars, and always equal to the probable amount of the taxes, other than school taxes, to be collected in one year in the township, payable to the state for the faithful accounting and disbursing of all moneys which may come into his hands, and for the discharge of all his duties as treasurer, which bond shall be signed by two or more sufficient sureties, and shall be proved by the oath of a subscribing witness, or acknowledged by the parties thereto, before the other members of the board of trustees, who shall approve the same and endorse their approval thereon, and then cause said bond to be registered in the book of official bonds in register's office, and the original deposited with the clerk of the superior court for safe keeping. The bond shall annually be renewed on the last Monday of August of each year.

SEC. 7. *Trustees may enlarge bond, &c.:*

The board of trustees or county commissioners may at Trustees may enlarge bond, &c. any time require the township treasurer to enlarge his bond or justify his present securities to his bond, so as at all times amply to protect the public funds of the township, and if, upon service of such an order to enlarge or justify his bond, the township treasurer fails or refuses for ten days to so enlarge or justify he shall be deemed to have vacated his office, and the trustees of the township shall proceed to fill such vacancy.

SEC. 8.

In case of any conflict or disagreement respecting the Disagreement. acceptance of a bond of any township treasurer the question shall be referred to the commissioners whose acceptance or rejection shall be final.

SEC. 9.

Vacated on failure
or neglect for 20
days.

The provisions of this act apply to present clerks of townships, and if any clerk of a township shall fail or neglect to give sufficient bond as provided by this act, for twenty days after notice of the passage of this act given him by the board of trustees or county commissioners, his office shall be considered vacated.

SEC. 10.

All laws inconsistent with the foregoing provisions are repealed, and this act shall be in force from its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCIV.

AN ACT TO AUTHORIZE THE SHERIFF OF WAKE AND PERQUIMANS COUNTIES TO COLLECT ARREARS OF TAXES.

Arrears of taxes to
be collected.

SECTION 1. *The General Assembly of North Carolina do enact*, That Timothy F. Lee, sheriff of Wake county, and Henry White, sheriff of Perquimans county, be authorized to collect the arrears of taxes due on their tax lists for the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, in compliance with the revenue law of one thousand eight hundred and sixty-nine: *Provided*, That the tax shall be collected in no case where the taxpayer makes oath before any justice of the peace for the counties of Wake and Perquimans that the tax claimed to be due has been paid.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCV.

AN ACT TO MAKE UNIFORM THE MODES OF PROCEDURE ARISING IN CASES UNDER AN ORDINANCE OF THE CONVENTION, RATIFIED THE FOURTEENTH DAY OF MARCH, YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT, AND ENTITLED "AN ORDINANCE RESPECTING THE JURISDICTION OF THE COURTS OF THIS STATE."

SECTION 1. *The General Assembly of North Carolina do enact*, That all distinctions in proceedings or remedies founded on the ordinance recited in the title of this act and created by the provisions of the code of civil procedure, be and the same and every part thereof are hereby repealed and abolished. Repealed.

SEC. 2. That all laws or clauses of laws in conflict with the foregoing section are repealed. General repeal.

SEC. 3. That this act be in force from its ratification. Ratified the 28th day of March, A. D. 1870.

CHAPTER CCVI.

AN ACT FOR THE PROTECTION OF MECHANICS AND OTHER LABORERS, MATERIALS, ETC.

SECTION 1. *The General Assembly of North Carolina do enact*, That every building built, rebuilt, repaired or improved, together with the necessary lots on which said building may be situated, and every lot, farm or vessel or any kind of property not herein enumerated shall be subject to a lien for the payment of all debts contracted for work done on the same or material furnished. What subject to lien.

SEC. 2. The lien for work on crops or farms or materials given by this act shall be preferred to every other lien or in- Lien on crops, &c

cumbrance which attached upon the property subsequent to the time at which the work was commenced or the materials were furnished.

Personal property
subject to lien.

SEC. 3. Any mechanic or artizan who shall make, alter or repair any article of personal property at the request of the owner or legal possessor of such property, shall have a lien on such property so made, altered or repaired for his just and reasonable charge for his work done and material furnished, and may hold and retain possession of the same until such just and reasonable charges shall be paid; and if not paid for within the space of thirty days, provided it does not exceed fifty dollars, if over fifty dollars ninety days, after the work shall have been done, such mechanic or artizan may proceed to sell the property so made, altered or repaired at public auction, by giving two weeks public notice of such sale by advertising in some newspaper in the county in which the work may have been done, or if there be no such newspaper, then by posting up notice of such sale in three of the most public places in the county, town or city in which the work may have been done, and the proceeds of the said sale shall be applied first to the discharge of the said lien and the expenses and costs of keeping and selling such property, and the remainder, if any, shall be paid over to the owner thereof.

Claims, where filed.

SEC. 4. All claims under two hundred dollars may be filed in the office of the nearest magistrate; if over two hundred dollars, in the office of the superior court clerk in any county where the labor has been performed or the material furnished; but all claims filed shall be in detail, specifying all materials furnished or labor performed, and at what date it was performed or material furnished in case of contract or otherwise. If the parties interested make a special contract for such labor performed, or if such material and labor are specified in writing, in such cases it shall be decided agreeable to the terms of the contract, provided the terms of such contract do not effect the lien for such labor performed or materials furnished.

SEC. 5. In case of any disagreement between the parties interested any such contract it may be brought before the nearest magistrate by the plaintiff or defendant for arbitration or otherwise, as the magistrate may decide, provided the amount claimed does not exceed two hundred dollars; if over that amount, all claims must be filed with the clerk of the superior court and entered on the calendar so as to be brought before the court at the first term after the filing of any claims. The judges of the superior court may appoint referees to ascertain the proper value of any labor performed on any building or farm, or any material furnished or specified in the application at the time of plaintiff or defendant filing his petition.

To be brought before magistrate in case of disagreement.

SEC. 6. That nothing contained in this act shall be construed to affect the rights of any person to whom any debt may be due for any work done which priority of claims filed with the proper officer.

What rights not affected.

SEC. 7. Costs are allowed to either party upon the rules established by law in actions arising or contracts made under the code of civil procedure.

Costs allowed to either party.

SEC. 8. The defendant in any suit to enforce the lien shall be entitled to any set off or claim arising between the contractors during the performance of the contract.

Defendant entitled to set off.

SEC. 9. That all laws or parts of laws coming in conflict with the provisions of this act are hereby repealed.

Repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCVII.

AN ACT TO INCORPORATE THE ONSLOW BRANCH OF THE WILMINGTON AND WELDON RAILROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of establishing communication

Body corporate with powers, &c.

by railroad from Teachey's on the Wilmington and Weldon railroad, to some point in the county of Onslow, near the navigable waters of New river, a company is hereby authorized to be incorporated under the name and style of the Onslow Branch of the Wilmington and Weldon Railroad Company, which shall have a corporate existence as a body politic 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 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.

Power to construct road.

SEC. 2. That the said company shall have power and authority to construct a railroad from Teachey's on the Wilmington and Weldon railroad, by the most practicable route to some point in the county of Onslow, via the navigable waters of New river in said county.

President may lease, &c.

SEC. 3. The president by and with the consent of a majority of the directors, may lease, rent or mortgage the said road for a definite period or consolidate with or become a branch of another railroad.

Capital.

SEC. 4. The capital stock of said company shall not exceed one million of dollars, divided into shares of one hundred dollars each, and the company may raise the same by subscriptions of individuals, counties, towns and corporations of any and every description whatever in land or money, equal in amount to a sum sufficient to complete and equip the road herein authorized to be built. To enable the aforesaid counties and city to pay such subscription they may issue seven per cent. bonds for that purpose, and when one hundred thousand dollars shall have been

subscribed and two per cent. of the same paid in, the president and directors shall proceed to construct said road.

SEC. 5. That M. C. Hoyt, Henry Jarman, Frank Thompson, Simon Taylor, Charles Duffy, C. Stephens, A. J. Murrill, E. M. Fonville, E. W. Ward, Jasper Etheridge, of Onslow county; and G. W. Bradham, H. Tremble, J. C. Kenan, W. C. Armstrong, H. G. Maxwell, J. J. Whitehead, J. C. Mallard, O. K. Burton, L. W. Hodges, J. N. Stallings, L. A. Merrimon, D. G. Morrissey, of Duplin county; S. L. Fremont, G. V. French, Roger Moore and E. D. Hall, of New Hanover county, 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 the said counties, any three of whom may have power to act, first giving ten days notice in one of the newspapers of the city of Wilmington 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 subscription to the capital stock as they may deem proper.

SEC. 6. That when the sum of twenty 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 commissioners, 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 Onslow Branch of the Wilmington and Weldon Railroad 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 and a president out of the number of stockholders, who shall

Incorporators.

When declared incorporated.

serve for one year and until others are elected, according to the rules and regulations contained in the charter of Wilmington and Weldon Railroad Company.

Power alike as granted to W. & W. R. R. Co.

SEC. 7. That for the purpose of raising the capital stock, organizing said company and constructing said railroad, this corporation is hereby invested with all the franchises, rights, powers and privileges, and made subject to the duties and liabilities that the Wilmington and Weldon Railroad Company are invested with and subject to by their charter.

Board of education authorized to grant alternate sections.

SEC. 8. That as in the opinion of the general assembly the construction of said railroad will greatly inure to the benefit of the state by bringing into cultivation a tract of land through which it may pass, now intrusted to the board of education hereinafter described, and will also greatly enhance the value of those lands, the board of education is hereby authorized to grant alternate sections of the lands of the tract known as "Angola Swamp," lying in the counties of Duplin, Onslow and New Hanover, having been surveyed and laid off in sections of six hundred and forty acres, or in smaller sections at the option of said company, to said Onslow Branch of the Wilmington and Weldon Railroad: *Provided*, The title in fee be retained by said board until the said Onslow Branch of the Wilmington and Weldon Railroad Company shall make it appear to the board of education that said road has been graded from its beginning, at Teachey's, in the county of Duplin, through said Angola Swamp, when a perfect title shall be made to said company.

Provided.

Annual meetings.

Provided.

SEC. 9. That said company 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 Wilmington and Weldon Railroad 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 Wilmington and Weldon Railroad Company are authorized to do by the said act of incorporation; and the gauge of this road shall be the same as the gauge of the Wilmington and Weldon Railroad.

SEC. 10. 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 mortgage upon the road or other property; and that the 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.

Power to borrow money.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCVIII.

AN ACT TO LEVY A SPECIAL TAX IN THE COUNTY OF FRANKLIN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the county of Franklin be and they are hereby authorized to levy a special tax not exceeding seven thousand dollars for the purpose of paying off the indebtedness of the county already incurred.

Special tax.

SEC. 2. *Provided, however*, That said commissioners shall not levy such tax unless the same is submitted to a vote of the people and is approved by a majority of the voters of said county.

Proviso.

SEC. 3. That the ballot on the proposition to levy such tax shall be submitted to and voted on by the people on the

Proposition to be submitted.

first Thursday of August, year of our Lord one thousand eight hundred and seventy, under such rules and regulations as the commissioners may adopt, to ascertain the will of the people thereon, and subject nevertheless to the general election law of the state and to the provisions of section eight, sub-division four, of an act entitled "An act concerning the government of counties," ratified the fourteenth day of August, one thousand eight hundred and sixty-eight.

SEC. 4. That this act shall be in force from its ratification. Ratified the 28th day of March, A. D. 1870.

CHAPTER CCIX.

AN ACT TO LEVY A SPECIAL TAX FOR THE COUNTY OF ASHE.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Ashe county shall have power to levy special tax not to exceed five thousand dollars, to be levied on all real and personal property of said county, for the purpose of relieving the poor and other expenses that have been incurred.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCX.

AN ACT TO LEVY A SPECIAL TAX IN THE COUNTY OF CRAVEN FOR THE SUPPORT OF THE POOR.

Commissioners to
levy special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Craven county are

authorized and empowered to levy a special tax for the ensuing fiscal year of twenty-five cents on the hundred dollars valuation of real and personal property, for the support of the poor and ordinary expenses.

SEC. 2. All vouchers issued and approved by the county commissioners of said county for the support of the poor and for the payment of grand and petit jurors after August first, one thousand eight hundred and sixty-nine, shall be securable by the sheriff of said county in payment of said tax. Vouchers approved taken in payment of tax.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXI.

AN ACT TO AUTHORIZE THE SHERIFF OF CHEROKEE COUNTY TO MAKE TITLES TO W. A. STRANGE, OF TRACTS OF LAND NUMBERS ONE HUNDRED AND TWENTY-FIVE AND ONE HUNDRED AND TWENTY-NINE.

WHEREAS, J. N. C. Pearcey, tax collector for Cherokee county, sold tracts of land numbers one hundred and twenty-five and one hundred and twenty-nine, and W. A. Strange was the purchaser thereof, Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall and that it may be lawful for the sheriff of Cherokee county to make the said W. A. Strange a title to said tracts of land. Sheriff may make title.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO LANDLORD AND TENANT," RATIFIED THE TENTH OF APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That the twentieth section of an act, entitled "An act in relation to landlord and tenant," ratified the tenth day of April, one thousand eight hundred and sixty-nine, be so amended that the oath required of the lessor or his assign, may be made by his or other agents or attorney, and the form of proceeding prescribed in said act be so amended that the oath required of the plaintiff may be sufficient if purporting to be made by his agent or attorney.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF COLUMBUS COUNTY TO CORRECT THEIR REPORT.

Preamble.

WHEREAS, An error was made in the report of the commissioners of Columbus county to this general assembly in locating the boundaries of Williams' township, therefore,

Commissioners allowed to correct report.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of said county be and they are hereby allowed to correct the same.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXXIV.

AN ACT IN RELATION TO CLAY COUNTY COURT.

WHEREAS, There was a term of the county court held Preamble.
in Clay county, beginning on the first Monday in July,
one thousand eight hundred and sixty-eight, after the ratifi-
cation of the present constitution; and whereas, the acts of
said term of said court are of doubtful validity, therefore,

SECTION 1. *The General Assembly of North Carolina do* Legalized.
enact, That all things done at the July term of Clay county
court, in the year one thousand eight hundred and sixty-
eight, which would have been regular and valid but for the
ratification of the present constitution of the state in the
month of April preceeding said term, be and the same are
hereby legalized.

SEC. 2. This act shall be in force from and after its rati-
fication.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXXV.

AN ACT TO BE ENTITLED "AN ACT TO AMEND AN ACT TO
ESTABLISH THE DAYS AND PLACES FOR SELLING REAL PROP-
ERTY UNDER EXECUTION, CHAPTER TWO HUNDRED AND
THIRTY-SEVEN OF THE LAWS OF ONE THOUSAND EIGHT
HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT
HUNDRED AND SIXTY-NINE."

SECTION 1. *The General Assembly of North Carolina do* When sale to be.
enact, That section eight of chapter two hundred and thirty-
seven of the public laws of one thousand eight hundred and
sixty-eight and one thousand eight hundred and sixty-nine,
be amended to read as follows: The sale shall be during

the first three days of the term of the superior court of the county, or on the first Saturday in a month and on the Monday and Tuesday next succeeding such Saturday.

Other proceedings
not invalidated.

SEC. 2. The amendment of the above mentioned section shall not invalidate any proceedings had under it before this act goes into effect, and no sale made under said section shall be invalid merely because of an inequality or mistake of the date of sale.

SEC. 3. This act shall take effect from and after the first day of April, one thousand eight hundred and seventy.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXVI.

AN ACT IN FAVOR OF THE SHERIFF OF ONSLOW COUNTY.

Treasurer to re-
fund.

SECTION 1. *The General Assembly of North Carolina do enact*, That the public treasurer is hereby authorized to refund to E. Murrill, sheriff of Onslow county, sixty-five dollars and fifty cents, amount of tax paid to the public treasurer upon insolvent polls for the years one thousand eight hundred and sixty-six and one thousand eight hundred sixty-seven.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXVII.

AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE MARY JANE TYSER TO CONSTRUCT A BRIDGE OVER DEEP RIVER IN MOORE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Mary Jane Tyser be and she is hereby authorized and empowered to construct a bridge over Deep river, in the county of Moore, at or near H. Tyser's and M. Womble's mills. Authorized to construct bridge.

SEC. 2. That said bridge when constructed shall be a toll bridge, and the said Mary Jane Tyser is hereby empowered to fix the rate of toll, to be approved by the county commissioners. Toll.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall be put in force from and after its ratification. Repeal

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXVIII.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That Robert M. Stafford, sheriff of Guilford county, is hereby authorized and empowered to collect arrears of taxes for the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine: *Provided*, That the authority herein conferred expires on the first day of January, one thousand eight hundred and seventy-one. Arrears of taxes.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXIX.

AN ACT TO EQUALIZE THE EXPENSE OF KEEPING UP BRIDGES
IN THE SEVERAL COUNTIES.

Expenses borne by
whole people of
county.

SECTION 1. *The General Assembly of North Carolina do enact*, That the expense of building and keeping up public bridges in the several counties of this state shall be borne by the whole people of each, and not by the people of the township separately in which such bridges may be situated; and it shall be the duty of the commissioners to adjust this burden equally among the people of the respective counties, and they shall exercise a due supervision over the action of the respective township trustees, so as to prevent the boards of any township from establishing any unnecessary number of bridges in their respective townships.

SEC. 2. That this act shall take effect from the date of its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MOORE COUNTY
TO LEVY A SPECIAL TAX.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the county of Moore are hereby authorized to levy and collect during the year one

thousand eight hundred and seventy, in the same manner as other taxes are levied and collected, a special tax of not more than seven thousand dollars, (\$7,000,) for the purpose of paying off the indebtedness of the county: *Provided*, The said tax shall be submitted to the qualified voters of the county to be held at a time agreed upon by the commissioners, by giving thirty days notice.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXI.

AN ACT TO CHARTER A BRIDGE ACROSS THE SOUTH YADKIN RIVER.

SECTION 1. *The General Assembly of North Carolina do* Toll bridge.
enact, That Ford, Tatum and Company are hereby granted the exclusive right and privileges of building and keeping up a toll bridge between the Shoals and the mouth of South Yadkin river, and no other person or persons shall be allowed to build any bridge on said limits: *Provided*, Provided. That if said bridge be not built by them within five years, their exclusive privileges herein granted shall expire; but if the same be built within the said five years, this exclusive privilege shall continue for the term of fifty years, or until abandoned by said parties through their failure to keep up a good and safe bridge; and they may also keep up a ferry across said river at or near Ford's mills.

SEC. 2. That they may fix the rates of toll for passing over said bridge, said rates, however, to be subject to the approval of the county commissioners of Rowan and Davie counties.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXII.

AN ACT TO AUTHORIZE JOHN A. TAYLOR TO CONSTRUCT A
BRIDGE.

Bridge.

SECTION 1. *The General Assembly of North Carolina do enact*, That John A. Taylor, his heirs and assigns, are hereby authorized and empowered to construct and keep up a bridge across the northwestern branch of the Cape Fear river, known as Brunswick river, in the county of Brunswick, at the western terminus of the causeway passing through Eagle island at the point where the ferry is now kept up by the said John A. Taylor, and to demand and receive such tolls for crossing the same as is now authorized to impose and receive by the charter granted to William Dry, and amendments to the same, for crossing in boats provided by him for that purpose.

Public highway.

SEC. 2. 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 safety and convenience, be liable to indictment and punishment in the same manner that overseers of public highways now are, and shall be liable also in civil action for damages to any person who may suffer injury to their person or property on account of such failure.

Property.

SEC. 3. The property in such bridge may pass by mesne conveyance as real estate or by will, and the interest of the said John A. Taylor shall be in perpetuity to his heirs and assigns.

Repeal.

SEC. 4. All acts or parts of acts in conflict herewith are hereby repealed.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CCXXIII.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE ACROSS
THE FRENCH BROAD RIVER AT OR NEAR MARSHALL.

SECTION 1. *The General Assembly of North Carolina do* Bridge.
enact, That Wm. R. Trull, J. J. Judger, Garrison Roberts
and their successors be and they are hereby constituted a
body politic with corporate privilege, under the name and
style of the "Marshall Bridge Company at Marshall," and
in that name to have succession, sue and be sued, plead
and be impleaded, and to make such rules and regulations
as they may deem necessary for the construction of and
management of a bridge across the French Broad at or
near Marshall, not inconsistent with the laws and constitu-
tion of the State of North Carolina, and to alter the same
from time to time as they may deem necessary.

SEC. 2. That amount and rates of toll be received by the Toll.
said corporation for persons and property passing over said
bridge shall be regulated by the county commissioners of
said county, and cause the same to be entered on the min-
utes of their proceedings.

SEC. 3. That if any person or persons, after the comple- Forfeitures.
tion of said bridges, shall pass over said bridge and refuse
to pay the toll to which the said company may be entitled
to by the said commissioners, that every such person shall
forfeit and pay double the amount of said toll, to be recov-
ered by warrant before a justice of the peace by the owners
of said bridge, together with costs of the same.

SEC. 4. That in case the said company shall fail to erect When owners lia-
and keep up a bridge in good order and repair, so as to ble.
render the passage of persons and property safe to cross the
same, the said owners shall be liable to indictment in the
superior court of said county.

SEC. 5. That the commissioners shall annually and from Bridge to be exam-
time to time examine said bridge, and if in case they or a ined.
majority of them shall deem it unsafe for persons and pro-

perty to pass over the same, they shall cause the same to be entered on their minutes and posted up at the end of said bridge, and the said company shall not be allowed to collect any tolls until the said commissioners shall again examine and determine that said bridge is in a safe condition for persons and property to pass over the same.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 14th day of February, A. D. 1870.

CHAPTER CCXXIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ROBESON COUNTY TO ERECT A BRIDGE OVER LUMBER RIVER AT OR NEAR GRIFFIN'S BLUFF.

Bridge.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of Robeson county are hereby authorized and empowered to erect a safe and commodious bridge for foot passengers and vehicles across Lumber river, in the county of Robeson, at or near Griffin's Bluff.

Special tax.

SEC. 2. That for the purpose of carrying out the provisions of the foregoing section, the commissioners of said county are hereby authorized and empowered to levy such a special tax as in their judgment may be necessary to construct said bridge at the earliest practicable time: *Provided, however,* That before such tax be levied the same shall be submitted to a vote of the people at an election to be held on the first Thursday in August, one thousand eight hundred and seventy.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXV.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES BY THE STATE AND BY THE SEVERAL COUNTIES OF THE STATE, ON PROPERTY, POLLS AND INCOME.

The General Assembly of North Carolina do enact :

SECTION 1. *Valuation of lands, when to be made :*

The township board of trustees shall list the lands of the state on the valuation of one thousand eight hundred and sixty-nine, and shall assess all the personal property in their township that is not exempt by this act, at the cash value on the first day of April, one thousand eight hundred and seventy, and for such services shall be allowed not more than ten dollars each, annually, except in townships where cities and towns are located, and in that case such compensation as the commissioners of such county may allow. Whenever no legal board of trustees shall exist in any township the county commissioners of such county, at a meeting to be held thirty days after the ratification of this act, shall appoint in every such township 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 trustees for the township, for the purpose of performing all the duties of a regular board of trustees; said board shall be entitled to the same *per diem* as regular boards of trustees.

Valuation of lands, when to be made.

SEC. 2. *Meaning of the words "lands and real property" in this act :*

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 assessments appurtenant thereto, and all mines or minerals on or under the surface.

Meaning of the words "lands and real property" in this act.

SEC. 3. *Board shall be notified :*

Board shall be notified.

The county commissioners, by their clerk, shall give to the township board, previous to the thirtieth day of April, a notice to list the taxable lands and assessments of personal property according to the first section of this act, together with the proper blanks for the same: *Provided*, That ten days notice after the reception of a copy of this act shall be allowed to the commissioners of the several counties of the state to give said notice for this year.

SEC. 4. *Board to advertise in their townships :*

Board to advertise in their townships.

The board shall advertise in three or more public places within their township, within ten days after they have been notified by the county commissioners as provided for in section three.

SEC. 5. *When the list to be given in :*

When the list to be given.

Tax lists shall be given in within ten days after due notice has been given 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. 6. *Real property and farming stock, &c., shall be given in where situated on the first of April :*

Real property, farming stock, &c., 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. 7. *All other property and polls to be given in where tax payers reside on the first day of April :*

All other property and polls.

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 prop-

erty 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.

SEC. 8. *Tax payer to give in list of his property :*

At the time and place appointed by the board the tax payer shall attend, and the board shall read over to each one giving in his list all the articles and subjects of taxation, and thereupon he shall render to the board his or her list of taxables, and at the same time taking the following oath :

Tax payer to give in list of his property.

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 and in any other capacity, are by law required to list for taxation, according to my best knowledge, information and belief. So help me God.

SEC. 9. *What the list shall contain :*

The list shall state the taxable property of the person giving in, and shall refer to the first day of April in that year :

What list to contain.

1st. The quantity of land listed in the township last valuation. The land shall be described by name if it has one, otherwise in such way that it may be identified.

2d. The number of horses, mules, jacks, janetts, goats, cattle, hogs and sheep separately, and the value thereof.

3d. The estimated value, without specifying the articles, of farming utensils, tools of mechanics, household and kitchen furniture, provisions, arms for muster, wearing

apparel for the use of owner and family, libraries and scientific instruments.

4th. Money on hand or on deposit in any bank.

5th. 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; 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.

6th. Stocks in any incorporated company or joint stock association and their estimated value; but the stock shall not be taxed if the company pays a tax.

7th. All other personal property whatever, including therein all musical instruments, plated and silver ware, and the watches and jewelry possessed by the party, his wife or any minor child.

8th. 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 any trade, purchase or profession taxed by the laws of this state.

9th. If the party be a non-resident of the county, and owns 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. 10. *Guardians, executors, etc., to give in separately :*

Guardians, exccu-
tors, etc., to give in
separately.

Every guardian, executor, administrator or trustee shall, in like manner, but on separate list, give in the property held by him in that capacity. The value of the franchise of every railroad, 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 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 required by law to be. The rolling stock of every railroad company, and the vessels employed by any canal or navigation company on its canal or works, shall be valued with the franchise.

SEC. 11. *What property exempt from taxation :*

1st. The property belonging to the United States or to this state, or to any county or incorporated city or town. What property exempt from taxation.

2d. The property belonging to and set apart and exclusively used for the university, colleges, institutes, academies, the Masonic fraternity, order of Odd Fellows, Good Templars and Friends of Temperance, schools for the education of youth, or the support of the poor or afflicted, such property as may be set apart for and appropriated to the exercise of divine worship or the propagation of the gospel or used as parsonages.

3d. Such property as may be set apart for graveyards or burial lots, except such as are held with a view to profit or for the purpose of speculating in the sale thereof.

4th. Such property of the state and agricultural societies as may be set apart and used by them for agricultural fairs.

5th. Arms for muster, wearing apparel and provisions 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 three hundred dollars: *Provided*, That the exemption from taxation shall not

exceed three hundred dollars in behalf of any individual taxpayer.

6th. Any township board of trustees in any county of the state that fails to allow the exemptions prescribed in the last preceding subdivision, or knowingly allows any taxpayer more than is exempted in said section, shall be guilty of a misdemeanor.

SEC. 12. *The list to refer to the first day of April ;*

The list to refer to first day of April.

The lists shall refer to 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 age of the party, in reference to his liability to a poll tax on that day.

SEC. 13. *How the property shall be valued :*

How property shall be valued.

In the year prescribed for the valuation of the lands, the board 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. 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 nine 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 the board 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 that fact to the solicitor for the judicial district in order that the offender may be prosecuted. In valuing the property of railroads 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 state is taxed.

SEC. 14. *Auditor to provide forms and sheriffs to distribute to boards of trustees :*

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 fifteenth day of May with a sufficient number of printed copies, and the sheriff shall deliver to the board of each township a sufficient number of such forms for their use.

Auditor to provide forms and sheriff to distribute to board of trustees.

SEC. 15. *Board to make an abstract of their tax lists :* •

The board shall make an abstract of the tax lists given in to them according to form, to be furnished them by the auditor of the state, and shall, on or before the first Monday of June in each year, return such abstract to the clerk of the commissioners. They shall also return a list of all property in their township not given in for taxation, with a description and valuation thereof made by the board, and the names of the occupant and the 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 paying a fee of ten cents.

Board to make an abstract of their tax list.

SEC. 16. *County commissioners to revise lists, when :*

The county commissioners of each county shall meet on the first Monday in June and revise the tax lists and valuation 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 three days at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their

County commissioners to revise lists, when.

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 board 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 board 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 it five per cent. on the regular amount of his tax for that year.

SEC. 17. *How complaints of excess proceeded with :*

How complaints of
excess proceeded
with.

If any person shall complain before the commissioners that his property, either real or personal, 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. If they decide against the complaint, they shall also give judgment against him for the costs of the investigation. If they decide for him, the county shall pay the costs. The complaint 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, conditioned 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 clerks 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 lists so far as it concerns the complaint, the original evidence taken by the commissioners, the complaint and 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 five per cent. thereon in addition and the costs, and execution may issue for the costs as upon other judgments. The amount of the judgment (except the costs) shall be placed by the sheriff on the abstract of the tax list in his hand, and collected and accounted for as other taxes are.

SEC. 18. *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 names 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.

Persons not giving in to be charged with a double tax.

SEC. 19. *County commissioners may exempt from poll tax:*

The county commissioners shall have the power to exempt any person from the payment of a poll tax on account of poverty and 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 be entitled to a deduction for such taxes in any settlement he may be required to make.

County commissioners may exempt from poll tax.

SEC. 20. *Copies of revised tax list: how distributed:*

The county commissioners shall cause to be made out two copies of the tax lists of each township, 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, the other shall be delivered to the sheriff on or before the second Monday in

Copies of revised tax list, how distributed.

July in each year, and he shall 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 of a judgment and execution against the property of the person charged in such list. In such list the clerk shall note all appeals from the judgment of the commissioners which have been perfected by the giving of bond as prescribed.

Clerk to return lists, when.

SEC. 21. The clerk of the commissioners, on or before the first Monday in August after the lists are returned, shall return to the auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and colored polls separately, and specify every other subject of taxation, and the amount as state and county tax paid on each subject, and the amount paid on the whole. At the same time the clerk shall return to the auditor an abstract of the lists of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each hundred dollars value of real property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Penalty for default or failure.

SEC. 22. If any clerk shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the auditor a copy of the sheriff's returns made, sworn to and subscribed as required in section thirty-two of this act, he shall forfeit and pay to the state one thousand dollars, to be recovered against him and the sureties of his bond in the superior court of Wake county, at the term next after the default, on motion of the state solicitor, and it shall be the duty of the auditor to inform the solicitor of such default.

SEC. 23. *In case land be divided how tax may be apportioned:*

In case land be divided, how tax may be apportioned.

In case within the interval between two regular periods for the valuation of land, any piece of land or real property

shall 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 five days notice to the other part owners, apply to the township board of trustees for an apportionment of 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 operate to effect that tax.

SEC. 24. *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 become destroyed or depreciated over twenty-five per cent. on its assessed value otherwise than by 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, cleaning, building or the like.

If where falls or rises, valuation altered, when.

SEC. 25. *When taxes may be paid when due:*

All taxes shall be due on the first day of July 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

When taxes may be paid when due.

date of payment: *Provided*, The sheriff shall not collect the taxes for any year until he shall have settled in full with the state and county treasurer for the taxes of the previous year, (if he was the sheriff.) Before receiving the tax lists he shall produce the receipts of the state and county treasurer, (if he was sheriff for the previous year,) to the clerk of the county commissioners, and in the event the sheriff fail to produce the aforesaid receipt, the county commissioners shall appoint a tax collector who shall give bond as required by the sheriff to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies who are not sworn, or other, such persons shall, before the clerk of the board of commissioners or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with the sheriff or other person authorized to receive them. Said oath shall be filed and kept on the docket of the county board, and for failure of any deputy sheriff to pay over such tax as he may collect, he shall be guilty of a misdemeanor.

SEC. 26. *Sheriff to attend to receive taxes :*

Sheriff to attend to receive taxes.

The sheriff in person or by deputy shall constantly attend at the courthouse of his county during the month of September for the purpose of receiving taxes; he shall also in like manner attend at least one day after the second Monday of July at some place in each township, of which twelve days notice shall be given by advertisement at three or more public places in the township.

SEC. 27. *How sheriff to collect :*

How Sheriff to collect.

Whenever the taxes shall be due and unpaid, the sheriff shall immediately proceed to collect them as follows :

1. If the party charged have personal property of a value equal to the tax charged against him, the sheriff shall seize and sell the same as he is required to sell other property under execution.

2. And before sale on land no insolvent taxables shall be

credited to the sheriff in the settlement with the auditor but such as shall be allowed by the county commissioners, a list whereof containing the names and amounts, and subscribed by the sheriff, he shall return to the county commissioners before said settlement and the same shall be allowed only on his making oath that he has been at the dwelling house or usual place of abode of each of the taxpayers and could not there or elsewhere in the county find property wherewith to discharge his taxes or such part thereof as is returned unpaid, and that the persons contained in the lists were insolvent at and during the time where by law he ought to have endeavored to collect their taxes; such list shall be recorded in commissioners' docket, and a copy thereof, within ten days after its return into the office of the said commissioners, shall be returned to the auditor of the state.

3. 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. Said sheriff shall return a list of said levy to the probate judge, who shall confirm said levy by issuing execution as in cases of other judgments, and the judge shall enter the same on his docket as in cases of other executions. The sheriff 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 to such agent, and shall be mailed postpaid to 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 sale 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.

SEC. 28. *Who is to be purchaser and what he shall pay :*

Who is to be 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 costs 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.

When sheriff to bid off property.

SEC. 29. 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 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. 30. *The delinquent may redeem the property within twelve months :*

The delinquent may redeem the property within twelve 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 on the margin of his registration of the receipts from the sheriff to the purchaser. After the payment to the purchaser or to the clerk for his use as aforesaid, his right under the purchase shall cease. No sale of the property by the purchaser or by the delinquent within twelve months shall convey to their respective vendees any other rights or estates than the parties themselves possess.

SEC. 31. *If the delinquent fail to redeem :*

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 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.

If delinquent fail to redeem.

SEC. 32. Every sheriff shall keep a record of the taxes collected by him from the clerk of the court and under schedule B of the revenue act, and all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects,

Sheriff to keep record, &c.

and on all before the fourth Monday in August, shall deliver to the clerk of the county commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from such person, the subjects on which received and the aggregate amount, accompanied by an affidavit taken and subscribed before the clerk and attested by him that the statement is correct, and that no receipt has been omitted. And the clerk shall, by the first Monday in November, send a duplicate of said statement and affidavit to the auditor of the state, register the name in a book kept in his office for that purpose, and keep a copy of the same posted in a conspicuous place in the court house until the first of January next ensuing.

SEC. 33. *When state taxes to be paid by sheriff:*

When state taxes to be paid by sheriff.

On or before the first day of October in each year every sheriff shall return on oath to the auditor of the state a duplicate account of all taxes collected by him, adding the sum apparently due from the tax list, the amounts collected for penalties for delinquents. The auditor shall deduct from the sum as returned:

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.

2. All poll taxes and taxes on personal property certified by the commissioners of the county through their chairman 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. 34. In every case of failure by a sheriff or other accounting officer to settle his accounts within due time, or to take the oath required on his settlement, the auditor shall forthwith report to the treasurer the account of such sheriff or officer and furnish him with a copy of the official bond of said officer and his sureties, but adding thereto one thousand dollars for the amount of taxes supposed not to appear in the list transmitted by the clerk, and if the whole amount be not paid, the treasurer, on motion of the solicitor of the state in the superior court of Wake county, at the first court, either general, special, or court of oyer and terminer, after the default shall have occurred, shall recover judgment against him without other notice than is given by the delinquency of the officer.

Auditor to report to treasurer on failure of sheriff to settle.

SEC. 35. *Sheriffs to pay county taxes, when :*

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 ten per centum per month to the county upon all sums so unlawfully retained. On or before the first day of December in each year, the sheriff shall account with the county treasurer or other lawful officer, for all taxes which have been collected by him for the county during the fiscal year. He shall be charged with the sums appearing by the tax lists 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.

Sherif to pay county taxes, when.

SEC. 36. *County commissioners to appoint a committee to assist in settlements :*

County commis-
sioners to appoint
committee to assist
in settlements.

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 settlements between the sheriff and the county treasurer provided for in the 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 fraud or specified error.

SEC. 37. *Penalty of sheriff for failing to account :*

Penalty for failure
by sheriff to ac-
count.

In case the sheriff of the 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 in such account, 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 chairman 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-four.

SEC. 38. *Other county officers, when to account, and penalty for failure :*

Other county
officers, when to
account, and pen-
alty for failure.

In each year the county treasurer shall give five 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 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. 39. *When act goes into effect :*

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 28th day of March, A. D. 1870.

CHAPTER CCXXVI.

AN ACT TO ALLOW THE COUNTY OF DARE TO VOTE WITH THE FIRST CONGRESSIONAL DISTRICT IN ELECTION FOR MEMBER OF CONGRESS.

SECTION 1. *The General Assembly of North Carolina do* In first district.
enact, That until otherwise ordered by the general assembly, the county of Dare shall form one of the counties of the first congressional district of North Carolina, and in any election, either general or special, for a member of congress in said district, the vote of Dare county shall be cast, received and counted as other counties of said district, and received and counted in said elections.

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

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CCXXVII.

AN ACT TO PROVIDE FOR TAKING THE DEPOSITIONS OF WITNESSES
IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS IN THE SEVERAL
COURTS IN THE STATE.

Depositions, &c.

SECTION 1. *The General Assembly of North Carolina do enact,* Depositions may be taken *de vene esse* in all civil actions and special proceedings in the superior courts and in all proceedings before judges of probate, in the manner hereinafter prescribed.

Party to notify adverse parties.

SEC. 2. The party desiring the deposition of a witness shall notify the adverse parties that he was at a certain place and before some named person take the depositions of one or more witnesses, whom he shall name and describe by their residences, if their names and residences be known to him, to be read on the trial of a certain action, (to be described by the names of the plaintiffs and defendants,) then pending in a described court, and that the interrogatories which he will put to the witnesses are filed in the office of the clerk of the superior court in which said action is pending, and that they (the adverse parties) may attend within five days after service of the notice before the said clerk and move respecting the commissioners and file cross-interrogatories to the witnesses.

On whom notice to be served.

SEC. 3. This notice shall be served on the parties or their attorney as other notices are required to be.

When notice may be given.

SEC. 4. The notice may be given and deposition taken at any time after the issuing of the summons in the action or proceeding.

Parties allowed to file cross-interrogatories.

SEC. 5. The parties on whom the notice is served shall be allowed five days after service of the notice (exclusive of the day of service) within which they may file cross-interrogatories, and may object to the commissioner named, or required of the clerk that another commissioner named by them shall be associated with the one named by the adverse party.

SEC. 6. The application to associate another commissioner shall always be allowed by the clerk, but it shall be in his discretion to reject any commissioner named by either party, and in case the parties do not agree on one or more commissioners, the clerk shall name two impartial and competent commissioners to take the depositions.

Clerk to name competent commission.

SEC. 7. The clerk, within three days after the time for the appearance of the parties notified has expired, and on due proof of the service of the notice, shall send to the commissioner or commissioners agreed or decided on, the the interrogatories and cross interrogatories filed, if any, and commission, in the following or some equivalent form :

Duty of clerk after notice served.

A. B., plaintiff,)
vs.
 C. D., defendant,)

The State of North Carolina, to (here name the commissioner or commissioners,) GREETING :

You are hereby empowered to cause to come before you at (here describe the place,) and at such time as shall be convenient, (here name the witnesses and their places of residence if known,) and them, together with such others as may be brought before you for the purpose, to examine on oath upon the interrogatories and cross-interrogatories (if any) hereto annexed, and touching all they may know of the matters in controversy in an action now pending in the superior court for the county of ———, in the state aforesaid, wherein the plaintiffs and defendants are as above stated: their evidence you shall reduce to writing; you will return this commission and the interrogatories and the evidence of the witnesses, together with a certificate under your hands and seals, of when and where and how you shall have executed the power, sealed in an envelope and directed to the clerk of the superior court of ——— county, at ———, county of ———, on or before (here name a certain day either agreed on by the parties or adjudged by the clerk.) You will endorse on the envelope the name of the case.

Witness, E. F., clerk of our superior court of ——— county,
and the seal of said court.

Issued the ——— day of ———, 187—.

(Seal of court.)

E. F., *Clerk.*

When depositions
to be taken within
state. &c.

SEC. 8. If the depositions are to be taken within the state, and within one hundred miles of the court house of the county in which the action is pending, the party against whom they are to be taken may, if he desire to be present at the taking, require the party proposing to take them to name a day on which they will be taken, or begun to be taken, and in such case the day shall be named by the commission, and the depositions shall be taken on that day, or some one of them shall be begun to be taken on that day, and the taking shall be continued from day to day (Sundays and holidays excepted) until completed.

How returned.

SEC. 9. The depositions shall be taken and returned as directed in the commission.

Commission. to
whom directed.

SEC. 10. The commission may be directed to any one or more judges of any court of record, or to any one or more commissioners for the state of North Carolina, in the state or county in which it is to be executed, or to any person or persons authorized by the laws of the state or county to administer an oath, or, by consent of parties, to any person or persons whatever; and if it shall appear to the clerk that in the place where the commission is to be executed it will be inconvenient to procure the services of any fit and competent person authorized by the laws of the state or county to administer an oath, he may, in his discretion, direct the commission to any two persons of supposed honesty and intelligence.

Depositions read on
trial.

SEC. 11. Every deposition taken and returned as herein prescribed, may be read on the trial of the action or proceeding in the following cases:

1. If the witness is dead or has become insane since the deposition was taken; or

2. If the witness is a resident of a foreign country or of another state and is not present at the trial; or

3. If the witness is confined in the state prison of this or of any other country or state, or in the jail of any county other than of that in which the trial takes place ; or

4. If the witness be so sick or infirm as to be unable to attend court without danger to his life or health ; or

5. If the witness be a president of the United States, or the head of any department of the federal government, or a judge of any circuit or district court of the United States, and the trial shall take place during the term of his courts ; or

6. The governor of this state, or the head of any department of the state government, or the president of the university of the state ; or

7. A justice of the supreme court, or a judge of a superior court, and the trial shall take place during a term of his court ; or

8. A member of the congress of the United States, or a member of the general assembly of the state, and the trial shall take place during a session of the body of which he is a member ; or

9. If he has been duly summoned, and at the time of the trial is temporarily absent from the state without the procurement or consent of the party offering his deposition, and not likely to return during the term : *Provided*, That Provided. in such case it shall be discretionary with the judge, on motion before the trial has begun, either to admit the deposition or to refuse it, or to postpone the trial on such terms as shall seem just.

SEC. 12. No deposition shall be quashed or rejected on objection first made after a trial has begun, merely because of an irregularity in taking the same : *Provided*, It shall appear that the party objecting either had the notice of its being taken as herein prescribed, or had notice that it had been taken and was on file long enough before the trial to enable him to present the objection as prescribed in the next section. Depositions not to be quashed. Provided.

SEC. 13. At any time before any action or proceeding has begun, any party may move the judge to reject a deposition for irregularity in the taking of it, or the whole or Party may move judge to reject.

any part of it, for scandal and impertinence, or for the incompetency of the testimony, or for any other sufficient cause; he shall state his exceptions in writing, and particularize the parts excepted to. The judge may thereupon decide on the exceptions in the first instance, or he may refer them to some attorney of the court who shall decide on them; an appeal shall be from his decision to the judge; the appellant shall give no bond or undertaking; if the decision of the referee be not appealed from, or if his decision be sustained on the appeal, he shall be entitled to receive three dollars, to be paid by the party against whom the final decision is, and if not paid, the referee may, on motion during the term at which the final decision shall be made, have judgment and execution therefor.

Costs.

SEC. 14. The costs of taking depositions, including reasonable fees to the commissioners and witnesses, if they shall appear to have been paid by the party asking to be allowed them, shall be taxed as costs in the cause: *Provided*, That if from any cause the depositions are not read at the trial, the costs of them shall not be taxed against the opposite party; the receipt of the commissioners and witnesses, or the oath of the party, shall be sufficient evidence of the payment of the fees.

Deposition to be taken before clerk superior court.

SEC. 15. Any party to a civil action or proceeding pending before a justice of the peace, desiring to take the depositions of one or more witnesses *de bene esse* in the county in which the action is pending, may, without previous application to the justice, in giving to the opposite party ten days notice of the time and place, proceed and take the same before the clerk of the superior court, or before any justice of the peace for the county; and the same may be read on the trial in the cases in which it is allowed to be read by section eleven of this act.

Party to give notice when taken out of county.

SEC. 16. If the deposition in the action or proceeding before a justice is to be taken out of the county, the party desiring it shall give notice to the opposite party, as is prescribed in section two of this act, and the proceedings shall be in all respects as is required in taking depositions in

actions pending in a superior court. After the depositions shall have been taken and returned to the clerk, he shall deliver them to the party at whose instance they were taken, and they may be read in evidence on the trial before the justice in all the cases in which a deposition is allowed by this act to be read on a trial in a superior court; and in the additional case of the witnesses being absent out of the county of the justice without the consent of the party offering the deposition, although the witness may be within the state.

SEC. 17. On appeal from any judgment given by a justice of the peace, exceptions may be taken to any depositions read or offered before him and on file in the case, whether the same was excepted to before the justice or not; and the exceptions shall be heard and decided as is required by this act in the case of exceptions to depositions taken in all actions pending in a superior court. Appeal.

SEC. 18. No deposition of a witness residing within this state shall be read in a superior court on the trial of an appeal from a justice of the peace, unless it be authorized by section eleven of this act, notwithstanding it may have been lawfully read on the trial before a justice. In what case deposition not to be read.

SEC. 19. Section sixty-three of chapter thirty-one of the revised code is hereby repealed, but the repeal shall not affect any depositions heretofore taken. Repeal.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXVIII.

AN ACT GRANTING THE CONSENT OF THE STATE OF NORTH CAROLINA TO THE PURCHASE BY THE UNITED STATES OF CERTAIN LANDS FOR THE PURPOSE OF ERECTING THEREON A BUILDING FOR THE ACCOMMODATION OF THE CUSTOM HOUSE, POST OFFICE, UNITED STATES COURTS AND INTERNAL REVENUE OFFICES AT NEWBERN, AND CEDING JURISDICTION OVER THE SAME.

Lands in Newbern.

SECTION. 1. *The General Assembly of North Carolina do enact*, That the consent of the state of North Carolina is hereby given to the purchase by the United States of one or more pieces of land, situated in the city of Newbern, not exceeding two acres in quantity, on which to erect a building for the accommodation of the custom house, post office, United States courts, internal revenue and other government offices, and the said United States shall have, hold, use, occupy and own the said land or lands, when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Jurisdiction ceded to United States.

SEC. 2. The jurisdiction of the state of North Carolina in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be and the same is hereby ceded to the United States: *Provided, however*, That the jurisdiction hereby ceded shall continue no longer than the United States shall own the said land or lands.

Proviso.

Consent and jurisdiction not to debar execution of process against criminals.

SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of North Carolina shall retain a concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil powers in all cases, and such criminal or other process as may issue under the laws or authority of the state of North Carolina against any person or persons charged with crime or misdemeanor committed within said

state, may be executed therein in the same way and manner as if such consent had not been given and jurisdiction ceded, except so far as such process may effect the real or personal property of the United States.

SEC. 4 The jurisdiction hereby ceded shall not vest until Title. the United States shall have acquired the title to the said land or lands by purchase or by grant, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of the state.

SEC. 5. That any malicious, wilful, reckless or voluntary Fines and punishments. injury to or mutilation of the grounds, building or appurtenances shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added for an aggravated offence imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

SEC. 6. This act shall take effect from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXIX.

AN ACT TO RAISE REVENUE.

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, one thousand eight 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.

Polls.

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 ten 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, how applied.

SEC. 3. The taxes hereafter designated shall be applied to defray the expenses of the state government and to pay appropriations for schools, charitable and penal institutions.

CLASS 1.

A. & V. & rem.

SECTION 1. There shall be an *ad valorem* tax of twenty 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 for county purposes. Upon all moneys, credits, investments in bonds not exempted by law, four-twentieths of one per cent. Upon all stocks, joint stock companies, or otherwise, four-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, shall in no case exceed two-thirds of one per cent., except special taxes for county purposes, when such taxes have been or may be ratified by a majority of the qualified voters in the counties in which the taxes are proposed to be levied, unless they are for necessary expenses of said counties.

Proviso.

SEC. 2. And that a special tax of one-twelfth of one per cent. shall be levied, in addition to the ordinary tax provided for in this act, on all taxable property for the support of public schools of the state, to pay the appropriation of one hundred thousand dollars made in chapter one hundred and eighty-four (184), section fifty-three (53), of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine. School tax.

SEC. 3. A special tax of one-twelfth of one per cent. shall be levied and collected on all the taxable property of the state, to be applied to the erection of the penitentiary and support of the convicts. Penitentiary

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 a tax of one and a 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 :

1. Taxes other than the income tax due this state.
2. Rent for use of buildings or other property, or interest on encumbrances 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 expenses 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.

Real and personal
estate.

SEC. 2. Upon all real and personal estate, whether legal or equitable, situated 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 relations 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 one 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. The personal estates 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. 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 or her 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.

To facilitate the collection of 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.

SCHEDULE B.

The taxes in this schedule imposed are for the privileges of carrying on the business or doing the act named.

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 forty 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. Concerts, &c.

SEC. 3. On museums, wax works or curiosities of any kind, natural or artificial (except paintings and statuary), on each day's and night's exhibiting shall be paid five dollars. Museums, &c.

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. Circuses.

SEC. 5. On all itinerant companies or persons who exhibit for amusement of the public, otherwise than is mentioned in the four preceding sections, five dollars for each exhibi- Itinerant companies.

tion. Exhibitions given without charge for admission and also those exclusively for charitable objects shall be exempt.

Gift enterprises.

SEC. 6. 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, one per cent. upon the gross receipts. This tax shall not be construed to relieve such persons or establishments from any penalties incurred by a violation of the law.

Bank agencies.

SEC. 7. Every agency of a bank incorporated out of the state fifty dollars.

Billiard tables.

SEC. 8. The tax on billiard saloons shall be ten dollars on each table. Every place where a billiard table is kept for hire shall be considered a billiard saloon within the meaning of this act.

Bowling alleys and bagatelle tables.

SEC. 9. To keep a bowling alley or alley of like kind, or bowling saloon, 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 ten dollars on each alley.

Liquors, retailers.

SEC. 10. Every retail dealer in spirituous, vinous liquors, porter, lager beer, or other malt liquors, shall pay a tax of two and a half per cent. on the amount of purchases, and every person who buys and sells spirituous, vinous or malt liquors in quantities less than one quart shall, within the meaning of this act, be a retail dealer.

Liquors, wholesale.

SEC. 11. Every wholesale dealer or person who buys and sells spirituous, vinous or malt liquors in quantities not less than one quart, shall pay a tax of two and a half per cent. on the amount of his purchases.

Liquor, distillers.

SEC. 12. Every person distilling spirituous liquors shall pay a tax of two and a half per cent. on the cash value of the liquors distilled from grain, potatoes, molasses and sugar cane.

Sheriff to demand taxes.

SEC. 13. It shall be the duty of the sheriff to demand that every merchant, liquor seller, trader, auctioneer, commission merchant, or other person required to list his purchases,

who may do business in his county, shall pay taxes on the same as the law requires, said taxes to be collected by the sheriff on the first days of January, April, July and October in each year, which tax shall be one-eighth of one per cent. on his purchases for each 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.

Sheriff may require books to be submitted.

SEC. 14. On the gross receipts of hotels, boarding houses, (except those used for educational purposes and as private boarding houses,) restaurants and eating houses, the tax shall be one per cent.

Boarding houses.
&c.

SEC. 15. The tax on public ferries, toll bridges, and gates across highways, one per cent. on net receipts.

Ferries and bridges.

SEC. 16. 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.

Brokers

SEC. 17. Every person who, for himself or as an agent for another, sells riding vehicles not manufactured within the state, shall pay two per cent. on his sales.

Vehicles

SEC. 18. Every auctioneer on all goods, wares or merchandise, sold by himself or agent, whether by an ascending or descending bid, or at public outcry, whether the growth

Auctioneers.

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 "auction and auctioneers."

Commission merchants.

Provided.

SEC. 19. Every commission merchant shall pay a tax of one-eighth of one per cent. on his sales as commission merchant: *Provided*, That when spirituous, vinous or malt liquors are sold by commission merchants, they shall pay a tax of two and a half per cent. on their sales of such liquors.

Horse or vehicle hire.

Provided.

SEC. 20. Every person whose occupation or business is to keep horses or vehicles for hire, or to let, shall pay a tax of two 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.

License retailers.

SEC. 21. Every licensed retailer of spirituous liquors, wines or cordials, twenty-five dollars for one year. Every retailer of malt liquors only, shall pay fifteen dollars. The tax in this section shall be in addition to the tax imposed on purchases of liquors in this schedule.

Dentists, doctors, painters and artists.

Provided.

SEC. 22. Every itinerant dentist, medical practitioner, portrait or miniature painter, daguerrean artist and other persons taking likenesses of the human face, ten dollars for each county in which he carries on his business: *Provided*, That such person as shall furnish satisfactory evidence to the sheriff of the county in which he proposes to practice that he is a resident of the state and has listed the receipts of his profession for the previous year, shall be exempt from the tax imposed in this paragraph.

Peddlers.

SEC. 23. Every person that peddles goods, wares or merchandise, either by land or water, or any drugs, nostrums, or medicines, whether such person shall travel by foot or with a conveyance or otherwise, shall have obtained from the commissioners 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 ten dollars tax, to-wit: 1st. That not more than one person shall peddle under the

license. 2nd. That every person who temporarily carries on a business as merchant in any public place and then remove his goods shall be deemed a peddler. 3rd. That nothing in this section contained shall prevent any person freely selling live stock, vegetables, fruit, oysters, fish, books, charts, maps, printed music, or the articles of his own growth or manufacture within this state. 4th. 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. Said license may be issued quarterly on the payment of a *pro rata* tax.

SEC. 24. Every itinerant who deals in or puts up light-Lighting rods. ning rods, five dollars for each county in which he carries on business; and every threshing machine brought into this state for the purpose of threshing wheat and owned by persons living out of this state, a tax of five dollars.

SEC. 25. Every itinerant who sells spirituous liquors, wines Wines, &c., not product of his own farm. 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.

SEC. 26. Every company of gipsies or strolling company Gipsies. of persons who make a support by pretending to tell fortunes or begging, fifty dollars in each county in which they offer to practice any of their craft, 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.

SEC. 27. Every non-resident or drummer or agent of a Drummers, agents, &c. non-resident, who shall sell any spiritous, vinous or malt liquors, goods, wares or merchandise, by sample or otherwise, whether delivered or to be delivered, shall pay an annual tax of five dollars on each county in which he makes any sales, 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, or by his depositing a sufficient amount of money with said sheriff as will cover the tax on his sales in said county. Any person violating the provisions of this paragraph, and section thirteen of this act, shall be deemed guilty of a petty misdemeanor, and upon conviction before any magistrate, shall be fined not exceeding fifty dollars or imprisoned not exceeding one month, and shall forfeit and pay besides two hundred dollars to the sheriff, to be collected by distress or otherwise, one-half of which shall be accounted for as other taxes, the other half to the use of the informer and the sheriff equally.

Banks and private
bankers.

SEC. 28. The chief officers of banks, including private bankers and saving banks, and such banks, 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.; 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 two 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.

Licenses.

SEC. 29. 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

Provided.

shall apply to licensed practicing physicians, lawyers or dentists.

SEC. 30. The form of the license shall be in substance as Form of license. follows :

Received this day of, 18.., 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.

SEC. 31. The amount of tax to be paid on obtaining the Tax on license, how proportioned. 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.

SEC. 32. Every insurance company not incorporated in Insurance companies. this state doing business therein, shall pay an annual tax of one per cent. to the treasurer of the state, upon the gross receipts derived from the premiums charged for insurance obtained therein, unless the company shall exhibit to the governor, auditor and treasurer a sworn statement of investments in real property situate in this state, or loans secured by mortgage to citizens of the state, of an amount equal to one-half of such gross receipts, when the tax shall be one-half of one per cent., said tax to be paid quarterly, viz : on the first days of April, July, October and January in each year. Each general agent shall be required on the above named days to make a statement to the treasurer, under oath, that the amount by him returned is a full and correct statement for such quarter. On failure to comply with the provisions of this section, every such company

shall pay as tax two thousand dollars, and the principal agent shall be liable therefor. Every such company shall be required to appoint a general agent who shall obtain a license from the state treasurer before transacting any business therein, and before such license is granted the applicant shall show to the treasurer his appointment as general agent under seal of the company, and thereupon the license shall be granted by the payment of one hundred dollars, and such license shall be renewed annually by the payment of said sum. And it shall be the duty of said general agent to furnish each of his sub-agents with a commission authorizing him to do business. And any one found soliciting insurance without such commission shall be deemed guilty of a misdemeanor, and be fined not less than one thousand dollars or imprisoned not less than ninety days. The agent effecting the insurance shall, on the first days of April, July, October and January, make returns to the sheriff of the county in which the insurance is effected of all the business done by him during the preceding quarter in said county, and shall pay to him the county tax assessed on such business. The general agent shall also on the first days of April, July, October and January make return to the sheriff of each county if the amount of gross receipts for premiums received from such county for such quarter. It shall further be required of the general agent or his local agent to pay to the sheriff of each county the county tax assessed upon the gross receipts of premiums collected in such county at the time and in the manner as required by the state, and no municipal corporation shall be allowed to add any addition tax: *Provided*, That no county or corporation shall be allowed to tax insurance agents for license. On failure to make returns or to pay as aforesaid, said agent shall pay twenty-five dollars for each policy effected or negotiated by him in such county.

Provided.

License in advance.

SEC. 33. 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 January, April, July and October.

SEC. 34. 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 ten cents from every person licensed.

Register to countersign before license valid.

SEC. 35. 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 third 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 of deeds to record license.

SEC. 36. 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 penalty the sheriff of the county in which it is incurred shall cause

Misdemeanor.

to be prosecuted for before any justice of the peace of the county.

Sheriff to report to register of deeds.

SEC. 37. 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.

Tax secured before license issued

SEC. 38. No license shall be granted to any person until the license tax due by such person shall be duly secured by bond as required in section thirteen of schedule B.

SCHEDULE C.

The taxes embraced in schedule C shall be listed and paid as especially 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 Mondays in January, April, July and October of each year, of the entire 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 this state shall, at the times and in the manner prescribed in the preceding section, make report of the entire receipts of said company within this state, and pay to the public treasurer two 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 state department, fifty cents to be collected by the secretary of state, and paid by him into the treasury; 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 officers 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 seroll is used in the absence of a seal, by any of said officers, the said tax shall be on seroll. 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 law, 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.

SEC. 4. On each marriage license, fifty cents, and on each 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 one thousand dollars, fifty cents, and twenty-five cents in addition for every additional one thou-

sand dollars. Where any of the foregoing instruments are proved before the clerk of the superior court, 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 superior court as directed by law.

Charters of incorporation.

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 corporation 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 first obtaining a certified copy of such act from the secretary of state, which shall not be furnished until the treasurer's receipt for said tax shall be filed in the office of the said secretary.

Fines, &c.

SEC. 6. Whenever any officer who receives or collects a fine, penalty or forfeiture in behalf of the state, he shall within ten days after such reception or collection, pay over and account for the same to the clerk of the superior court, who shall forward any such fine, penalty or forfeiture to the treasurer of the board of education for the benefit of the fund for common schools.

Penalties.

SEC. 7. That any officer convicted of violating the preceding section, shall be deemed guilty of embezzlement, and may be punished not exceeding five years in the state prison at the discretion of the court.

Repeal.

Provided.

SEC. 8. All laws imposing taxes, the subject 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. 9. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXX.

AN ACT TO AUTHORIZE THE WILMINGTON, CHARLOTTE AND RUTHERFORD RAILROAD TO CONSTRUCT A BRANCH ROAD IN THE DIRECTION OF EAST TENNESSEE OR WESTERN VIRGINIA RAILROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of the Wilmington, Charlotte and Rutherford Railroad Company be amended so as to authorize said company to construct a branch road from some point at or near Lincolnton, to cross the Western North Carolina Railroad west of the Catawba river, to extend in the direction of the East Tennessee and Virginia Railroad, and to make such connections as they deem proper, either with the East Tennessee and Virginia Railroad, or such other roads as may now or hereafter be completed through East Tennessee and Western Virginia.

Authorized to construct branch of said road.

SEC. 2. That for the purpose of building this branch road, the company shall have all the powers, privileges and rights as now conferred by the several acts of the general assembly in regard to the Wilmington, Charlotte and Rutherford Railroad Company.

Powers, &c.

SEC. 3. The company shall have power to appoint commissioners for the purpose of opening books and receiving subscriptions for stock of said company in aid of the building of this branch road they shall have the power to make all necessary surveys for the purpose of locating said branch road: *Provided*, That the building of this branch road

Commissioners to open books.

Provided.

shall not interfere with the building of the main stem of said road, nor appropriate any of the funds now appropriated for the building of the main line: *Provided further*, That no part of the said Wilmington, Charlotte and Rutherford Railroad shall be mortgaged for the construction of said branch road, neither shall any of the earnings of said Wilmington, Charlotte and Rutherford Railroad be used for building the said branch until the main trunk of the said road is completed.

SEC. 4. This act shall be in force from its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXXI.

AN ACT TO ANNEX A PART OF NEW HANOVER COUNTY TO
SAMPSON COUNTY.

Boundaries.

SECTION 1. *The General Assembly of North Carolina do enact*, That that portion of New Hanover county included within the following boundaries, to wit: beginning at Faison's Cove, on the east bank of Black river, thence to the corner of Sampson and Duplin counties on the New Hanover county line, thence with the present Sampson county line to Black river, thence down said river to the beginning, be and the same portion of the county of New Hanover aforesaid is hereby annexed to the county of Sampson to form and to constitute a portion of the territory of said county.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER CCXXXII.

AN ACT TO APPOINT COMMISSIONERS TO LAY OFF AND ESTABLISH THE DIVIDING LINE BETWEEN THE COUNTIES OF HERTFORD AND NORTHAMPTON.

WHEREAS, The dividing line between the counties of Hertford and Northampton is not sufficiently described in many places, whereby it has become expedient in order to prevent disputes and inconveniences between the inhabitants of said counties, that the said dividing line should be more accurately ascertained and laid off:

SECTION 1. *The General Assembly of North Carolina do enact*, That Wm. Vaughan, sen., John Liverman, J. G. Moore, of the county of Hertford, and Morris Futrell, Norman Parker and Henry Gatling, of the county of Northampton, or a majority of them, be and they are hereby appointed commissioners, with full power and authority to lay off, establish and make the line between the said counties, whenever the county commissioners of the respective counties deem it necessary, due regard being had to the former line.

SEC. 2. That the said commissioners shall appoint such surveyor and other attendants as shall be necessary for the making and establishing the said line, and shall make or cause to be made a return of the proceedings to each of the board of county commissioners of the said counties, to be deposited and kept among the records thereof; and a copy of the proceedings shall be deposited in the office of the Secretary of the state, and the said line, when so extended and laid off, shall forever thereafter be established and confirmed as the dividing line between the said counties.

SEC. 3. That each county shall bear the expenses of its own commissioners thus appointed at such *per diem* as they may agree upon.

Expenses of survey.

SEC. 4. That the said counties jointly shall pay the expenses of the surveyor and other expenses.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXXIII.

AN ACT TO BE ENTITLED AN ACT IN RELATION TO THE PRIVY EXAMINATION OF MARRIED WOMEN.

Deeds proven before judge.

SECTION 1. *The General Assembly of North Carolina do enact*, That when any person shall desire to have registered any deed for land, or other estate situated within the state, or any powers of attorney to convey the same, or bills of sale or other instruments of writing required or allowed to be registered, whenever such deed, power of attorney, bill of sale, or other instrument may have been executed by *femes covert*s then residing within this state, and her privy examination is required to be taken by law, the same may be acknowledged by the grantor or proved by the witness before the judge of probate of any county of the state, and the judge of probate may issue a commission under the seal of such court to a justice of the peace of the county within which such *femes covert* resides, authorizing him to take the examination of such *femes covert* party to the same, and the proceedings of such justice of the peace so authorized as commissioner being returned to the probate court, the court may proceed to adjudge that such deed or other instrument is duly acknowledged or proved, and the said examination is in due form, and therefore the same with the said proceedings shall be registered, and such registration shall have the same effect as if the proceedings had been in open probate court: *Provided*, Nothing herein contained shall be construed to exclude the judge of probate from taking

Provided.

the privy examination of any *femes covert* who may appear before him.

SEC. 2. The judge of probate shall issue said commission in the following form, namely :

State of North Carolina to A. B., greeting :

WHEREAS, F. G. hath produced a deed of conveyance Commission. made to him from H. J., or other instrument as the case may be, and K. his wife, of a certain tract or parcel of land lying and being in the county of in our state, and procured the same to be proved or acknowledged by the said H. J. before me, judge of probate of said county, and it being represented to our said court that it is required by law that K., wife of the (said) H. J., to be privily (examined) as to her free consent in executing the said conveyance : Know ye, that reposing confidence in your prudence, I have appointed you and by these presents do give unto you full power and authority to take the privy examination of the said K., wife of the said H. J., concerning her free consent in executing the said conveyance and therefor command you that at such certain day and place as you shall think fit you go the said K., if she cannot conveniently come to you, and privily and apart from her husband examine her whether she executed the said conveyance freely and of her own accord and without fear of compulsion of her husband, the examination being plainly and distinctly written on the said deed or some paper annexed thereto, and when you have taken this examination you are to send the same closed up under your seal, together with this commission, to our said court of probate.

Witness, W. N., judge of probate of said county, at office this day of, year of our Lord

SEC. 3. That the return of said justice of the peace shall be substantially as follows :

Personally appeared before me, justice of the Return of justice. peace of county, K., wife of H. J., and acknowl

edged the due execution of the foregoing (or annexed) deed of conveyance, (or other instrument,) and the said K. being by me privately examined, separate and apart from her said husband, touching her (voluntary) execution of the same, doth state that she signed the same freely and voluntarily without fear or compulsion from her said husband or any other person and that she doth still voluntarily assent thereto; witness my hand and seal this day of A. D.

J. P. [Seal.]

Fee of judge.

SEC. 4. That the judge of probate shall be entitled to a fee of one dollar for issuing the commission and recording the returns, and the magistrate to a fee of fifty cents in addition to other fees allowed by law.

Clerk to certify, &c.

SEC. 5. That any clerk before whom such deed, power, or instrument is acknowledged or proved or the private examination of married women taking all returns in relation thereto shall certify the fact upon said deed, power of attorney or instrument, or some paper annexed thereto, and the clerk of the superior court of the county whereon 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, taken, or returned before him.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXXIV.

AN ACT TO BE ENTITLED AN ACT TO REPEAL CERTAIN SECTIONS—SEVENTEEN, EIGHTEEN AND NINETEEN—AND AMEND OTHERS IN CHAPTER TWO HUNDRED AND SEVENTY, LAWS ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That sections seventeen, eighteen and nineteen of chapter two hundred and seventy, laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be and the same are hereby repealed. Repealed.

SEC. 2. Section twenty of said chapter shall be made to read as follows: The secretary of state shall publish within forty days after the adjournment of the general assembly all the general statutes in a cheap form, which he shall distribute at once as follows: one to each county commissioner, one to each register of deeds for his office, and one to each justice of the peace. The copies for each county shall be sent to the register of deeds therein for distribution as above. Publication and distribution public laws.

SEC. 3. Whenever any book is published under the directions of the general assembly and at the cost of the state for distribution, until the whole number of copies required by law to be distributed have been forwarded to their proper destination, the selling of any such books shall be a misdemeanor, and the person so offending, upon conviction, shall pay a fine of one hundred dollars, and each book sold shall constitute a separate and distinct offence. When selling a misdemeanor.
Separate offence.

SEC. 4. Section fifty-six, fifty-seven and fifty-eight of said chapter shall read as follows: Stationery.

The secretary of state shall purchase stationery for the use of the executive, treasurer, auditor, superintendent of public instruction, superintendent of public works, supreme court, state librarian, the two houses of the general assembly and his own office. He shall also be required to furnish

all blank books for record purposes in the department above named, and all blank books needed by the county commissioners in their several offices, and by register of deeds, clerks of the superior courts, county treasurer, and dockets for justices of the peace.

Purchase books on requisition.

SEC. 5. The secretary of state shall, as soon as practicable after requisition is made on him, purchase such books as are mentioned in section four of this act, and as may be required by the several counties of the state, and forward the same to the several registers of deeds, with an invoice enclosed, who shall receipt for the same and distribute according to the provisions of this act.

Justice dockets.

SEC. 6. The register of deeds shall require each person receiving a justice's docket to pay for the same, and each register shall account with his sheriff for all such sums with his other official taxes.

Books at actual costs.

SEC. 7. All blank books furnished the counties shall be supplied at actual cost and no others shall be used except those used by the secretary of state.

Stationery.

SEC. 8. It shall be the duty of the secretary of state on or before the first day of August in each year, to send the executive, treasurer, auditor, superintendent of public instruction, superintendent of public works, clerk of supreme court, state librarian, the clerks of the houses of the general assembly and to each register of deeds, a blank estimate of the amount or quantity and kind of stationery, as allowed by this act, that will be required in their several offices for official use during the next succeeding year, which shall be properly filled and certified and returned to the secretary of state by the tenth day of September following.

Secretary to submit estimate.

SEC. 9. The secretary of state shall at the time these estimates are examined submit an estimate of stationery for official use in his own office.

Register of deeds to include superior court clerk.

SEC. 10. Each register of deeds in making out his estimate shall include the requirements of the superior court clerk, the county commissioners and county treasurer, and justices of the peace.

SEC. 11. Section sixty-one of said act shall be made to read as follows: Said sealed proposals must be forwarded to the secretary of state previous to the first day of November, marked on the back of the envelope "Sealed proposals for furnishing stationery," which shall be opened on said first day of November, at twelve o'clock, by the secretary of state, in the presence of the auditor and treasurer, and not elsewhere or otherwise; and the lowest bidder for each class, offering sufficient security, to be determined by the officer named in this section, shall be awarded the contract to supply the same; each award thus made shall be signed at the same time by the secretary of state, and no account for stationery furnished shall be audited or paid except on presentation of such award.

Proposal opened in presence of auditor and treasurer.

SEC. 12. No stationery shall be furnished at the expense of the state, except as provided in this act.

No stationery furnished except as herein provided.

SEC. 13. All laws and parts of laws coming in conflict with this act be and the same is hereby repealed.

Repeal.

SEC. 14. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CCXXXV.

AN ACT TO AMEND CHAPTER TWENTY-NINE, LAWS ONE THOUSAND EIGHT HUNDRED AND SIXTY AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the word "under," in section one, chapter twenty-nine, and the rates of pilotage established in said section first, chapter twenty-nine, laws one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, be and the same is hereby stricken out, and the rates of pilotage established by the commissioners of navi-

Pilotage.

gation and pilotage in one thousand eight hundred and sixty-nine inserted in lieu thereof.

Rates.

SEC. 2. The commissioners of navigation and pilotage shall not reduce the rates of pilotage below the established rates of one thousand eight hundred and sixty-nine.

Commissioners to establish rates of pilotage.

SEC. 3. It shall be the duty of the commissioners to establish rates of pilotage for all vessels for all vessels drawing odd inches over the even feet prescribed in section first, chapter twenty-nine, laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, *pro rata* with the rates for even feet established in one thousand eight hundred and sixty-nine by the commissioners of navigation and pilotage.

Commissioners, how appointed.

SEC. 4. The mayor and aldermen of the city of Wilmington shall at one of their regular meetings in the month of April of each and every year appoint five suitable persons to serve as commissioners of navigation and pilotage for the Cape Fear river and bars, who shall enter upon their duties on the first Monday in May of each and every year: *Provided*, That the mayor and commissioners of the town of Smithville shall at the same time appoint two (2) suitable persons to serve as commissioners of navigation and pilotage: *Provided*, That the commissioners appointed by the city of Wilmington and town of Smithville shall have power to do and perform all acts heretofore authorized by law to be done by the board of commissioners of navigation and pilotage.

Provided.

Permission granted to pilots.

SEC. 5. The commissioner shall have power to grant permission in writing to any pilot in good standing and authorized to pilot vessels, to run regularly as pilot on steamers running between the port of Wilmington and other ports in the United States, said pilot to have all the rights and emoluments that belong to the river and bar pilots.

Number of pilots.

SEC. 6. The number of pilots and apprentices shall hereafter be regulated by the board of commissioners of navigation and pilotage: *Provided*, The number of pilots shall not at any one time be reduced below the number of forty and apprentices below the number of twenty.

SEC. 7. The board of commissioners shall have power to Board may cancel. call in and cancel the branch of any pilot who has refused or neglected, except in case of sickness, his branch for the space of two (2) years in succession.

SEC. 8. All laws or classes of laws in conflict with the Repealed. foregoing are hereby repealed.

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

Ratified the 26th day of March, A. D. 1870.

PUBLIC RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA.

PUBLIC RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1869-'70.

RESOLUTIONS IN REGARD TO THE SPECIAL TAX ON BRANDY
AND TOBACCO.

WHEREAS, The laws of the United States require distillers of brandy to give a bond of five thousand dollars, (\$5,000), and pay a special tax of fifty dollars, (\$50), and two dollars per day, and fifty cents on each gallon of brandy distilled, and

Preamble.

Whereas, Citizens of the state who are men of small means are deprived of the privilege of distilling fruit in consequence of the want of means to pay this tax, and

Whereas, Various citizens of the state do live a great distance from market, have no other means of bringing their fruit to market except by distillation, and being men of small means are unable to pay the tax imposed, and thus are 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 permit men of limited means to engage in the distillation of brandy from fruit.

Senators requested to use influence, &c.

Endeavor to have
tax reduced.

Resolved further, That our representatives aforesaid be requested to use their best endeavors to have the tax on tobacco reduced.

Copy sent to mem-
bers of congress.

Resolved further, That the speaker of this house transmit a copy of these resolutions to each of our senators and representatives in congress.

Ratified the 9th day of December, A. D. 1869.

SENATE RESOLUTION IN RELATION TO THE CODE COMMISSIONERS.

Report.

Resolved by the Senate, That Victor C. Barringer, William B. Rodman and A. W. Tourgee, code commissioners, be and they are hereby respectfully and respectively requested, and each for himself in a separate report, to report to the senate without delay what time they have been each actually engaged in the performance of his duties as such commissioners aforesaid.

How report to be
made.

Resolved, That said commissioners are respectfully requested to make their report in accordance with the words used in section eight, chapter forty-one, of an ordinance of the state convention, ratified the thirteenth day of March, year of our Lord one thousand eight hundred and sixty-eight.

Clerk to forward
copies.

Resolved, That the clerk of the senate be requested and directed to forward copies of these resolutions to each of said commissioners immediately after their adoption.

Passed the 9th day of December, A. D. 1869.

RESOLUTION REQUESTING THE PUBLIC TREASURER TO REPORT TO THIS GENERAL ASSEMBLY THE NUMBER OF BONDS ISSUED TO RAILROAD COMPANIES IN PURSUANCE TO THE ACTS OF THIS BODY AT ITS LAST REGULAR SESSION.

Resolved, the senate concurring, That the public treasurer be and he is hereby requested to report to this general assembly as soon as practicable the number of bonds issued to each railroad company in the state as authorized at the last session of this general assembly, what amount of the various appropriations is still due each of said companies for which bonds have not been issued.

Public treasurer to make report.

Resolved, That he be requested to report what amount of bonds have been retained as collateral security for the payment of the interest on said bonds, the aggregate amount of bonds, and the amount due each company upon which the special tax has been levied and being now collected.

Amount retained as security.

Ratified the 9th day of December, A. D. 1869.

RESOLUTION REQUESTING THE SECRETARY OF STATE TO REPORT THE AMOUNT PAID FOR STATIONERY UNDER EXISTING LAWS SINCE THE NEW CONSTITUTION WENT INTO EFFECT.

Resolved, That the secretary of state be respectfully requested to report to this general assembly as soon as practicable the following facts for the information of this house:

Report concerning stationery.

1st. The actual amount paid, together with the amount due, for expenses incurred in furnishing of stationery by existing laws since the new constitution went into effect.

2nd. The amount of requisitions from each county.

3rd. The amount furnished to the general assembly and the chief officers of the state.

4th. The average prices paid for stationery.

5th. An estimate of the probable amount necessary to meet the annual expenses of the state in regard to stationery.

6th. The name and residence of the contractor (if any) to furnish the state with stationery.

Ratified the 9th day of December, A. D. 1869.

SENATE RESOLUTION IN RELATION TO BONDS AND COUPONS.

Bonds and coupons.

Resolved, That the treasurer of the state be and he is hereby requested to inform the senate (if he knows) what has become of the state bonds (one hundred thousand dollars) issued to D. J. Pruyn and J. M. Heck, on penitentiary matters, in November, one thousand eight hundred and sixty-eight; and of the bonds of (two hundred thousand dollars) issued to the Chatham Railroad Company, and since declared to be unconstitutional; whether said bonds can be distinguished readily from other bonds of the state, and if so, how; whether any of the coupons of the aforesaid bonds have been presented for payment at his office, and whether he can distinguish the coupons of said bonds after being clipped, from the coupons of all other bonds, and if so, how.

Passed the 9th day of December, A. D. 1869.

SENATE RESOLUTION IN RELATION TO THE PUBLIC TREASURY.

Treasurer to report
sum paid code com-
mission.

Resolved, That the treasurer of the state be and he is hereby requested to report to the senate, without delay, what sums of money have been paid by him to each of the code commissioners since their appointment, at what time

they began to draw pay, and for what months, naming each month for which they have drawn pay as commissioners as aforesaid.

Passed the 9th day of December, A. D. 1869.

SENATE RESOLUTION IN REGARD TO LEGISLATIVE CLERKS.

Resolved, That the public treasurer be and he is hereby Clerks. requested to inform the senate, as soon as practicable, what sum or sums of money he has paid (if any) to assistant enrolling and assistant engrossing clerks, and for extra clerical force in said offices, for what time, specifying dates and number of days or months paid, upon whose order and by whose authority such sums were paid.

Passed the 9th day of December, A. D. 1869.

RESOLUTION IN RESPECT TO THE MEMORY OF THE LATE JONATHAN WORTH.

Resolved by the General Assembly of North Carolina, That in the life of Jonathan Worth we recognize a long, pure and distinguished public career, in his death we mourn the loss of a faithful public servant and an honest man.

Resolved, That in commemoration of our esteem for the character of the distinguished dead, the members of the general assembly wear the customary badge of mourning for thirty days. Members to wear badge.

Resolved, That in further token of respect to the memory Token of respect. of the deceased, this general assembly do adjourn at one o'clock, p. m., this day.

Ratified the 9th day of December, A. D. 1869.

RESOLUTION REQUESTING THE OPINION OF THE CHIEF JUSTICE
AND ASSOCIATE JUSTICES OF THE SUPREME COURT.

Preamble.

WHEREAS, There is a difference of opinion in regard to the tenure of office of members of this general assembly; therefore,

Opinion requested.

Resolved by the senate, the house of representatives concurring, That the chief justice and associate justices of the supreme court be requested, in view of the importance of determining the doubt, to indicate what would be its construction of the constitutional provisions relating thereto in case the question should be presented in due course of law.

Ratified the 11th day of December, A. D. 1869.

RESOLUTION TO PROVIDE FOR THE INSANE.

Preamble.

WHEREAS, The constitution requires that the insane of the state shall be cared for at the charge of the state; and

Whereas, the asylum for them is filled to its utmost capacity and there are still about three hundred unprovided for; therefore,

Resolved, by the house of representatives, (the senate concurring,) That the board of public charities be instructed to ascertain:

Rent of temporary buildings.

1st. Where they can procure three suitable brick or stone buildings, each capable of accommodating at least one hundred insane patients, one building to be located in the eastern, one in the central and one in the western portion of the state;

2d. At what price they can rent the same for the use of the insane for four years and until permanent asylums can be erected for them by the state;

3d. What will be the cost of preparing said buildings for the use of the insane.

That they report to this general assembly on the first day of January, one thousand eight hundred and seventy, or as soon thereafter as practicable.

Ratified the 11th day of December, A. D. 1869.

RESOLUTION REQUESTING SENATORS AND REPRESENTATIVES
IN THE CONGRESS OF THE UNITED STATES TO URGE PAS-
SAGE OF GENERAL AMNESTY.

WHEREAS, The sun in all his course over our wide-spread Preamble. 1
country no longer shines upon the brow of a slave, and

Whereas, In view of our present political condition, our relations to the national government and the people of all sections of the country, the time has fully come when we can endorse without reservation the great measures of civil and political rights without distinction based either on color or on antecedent acts; therefore

Resolved by the general assembly of North Carolina, That our senators and representatives in the congress of the United States be and they are hereby respectfully requested to urge the passage of an act of general amnesty for the relief of those citizens of North Carolina and of the other states lately engaged in rebellion, who are rendered inelligible to office by the fourteenth amendment of the constitution of United States from the political disabilities which said article imposes.

Resolved further, That our senators and representatives Repeal urged. 2
in congress of the United States be and they are hereby respectfully requested to urge the repeal of the act known as the "test oath act," and also the repeal of any and every other act that is calculated to perpetuate the passions engendered by the late terrible civil war.

Governor to transmit copy.

Resolved further, That the governor of this state be and he is hereby respectfully requested to transmit a duly authenticated copy of these resolutions to each of our senators and representatives in the Congress of the United States.

Ratified the 11th day of December, A. D. 1869.

SENATE RESOLUTION CALLING ON THE AUDITOR FOR CERTAIN INFORMATION.

Preamble.

WHEREAS, The auditor's report for the fiscal year ending on the thirtieth day of September, year of our Lord one thousand eight hundred and sixty-nine, shows that seventy six thousand five hundred and six dollars and sixty-four cents was paid out of the public treasury for contingencies, and whereas the expenditure of this large amount shall be more fully explained to this general assembly; therefore

Auditor to report, &c.

Resolved, That the auditor be instructed to report as soon as practicable in detail the items which make up the amount of contingencies referred to in this preamble.

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

RESOLUTION CONCERNING RECESS.

Recess.

Resolved by the house of representatives, (the senate concurring,) That the general assembly take a recess from and after Monday, the twentieth instant, at six o'clock, a. m., until January tenth, one thousand eight hundred and seventy.

Per diem.

Resolved further, That no member or officer of the general assembly shall be entitled to receive *per diem* during such recess, or mileage to and from home.

Ratified the 14th day of December, A. D. 1869.

SENATE RESOLUTION IN REGARD TO CLERK ROOM.

Resolved, That no person shall be permitted access to Clerk room. the room of the enrolling and engrossing clerks, except the committee on enrolled and engrossed bills, unless invited by a member of the committee.

Ratified the 14th day of December, A. D. 1869.

SENATE RESOLUTION INSTRUCTING THE SENATE COMMITTEE ON FINANCE TO REPORT THE EXPENSES OF RUNNING EACH BRANCH OF THE GOVERNMENT THE LAST YEAR, ALSO THEIR ESTIMATE FOR RUNNING THE SAME THE ENSUING YEAR.

Resolved by the senate, That the committee on finance Finance committee to report. are hereby instructed to report at an early day the amount of expenditures made during the last fiscal year for each branch of each department of the state government. Said report shall be arranged in tabular form, stating the name of each officer making the expenditure, and shall be made in a plain and concise manner.

Resolved further, That the chief officer of each department shall furnish the committee at once with estimate of Estimate of money to be made. the amount of money necessary to run such department for the next fiscal year, and from said reports the committee shall report to the senate their estimate of the amount of money it will be necessary to raise by taxation the coming year.

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

SENATE RESOLUTION CONCERNING PENSIONS FOR THE SOLDIERS
OF THE WAR OF ONE THOUSAND EIGHT HUNDRED AND
TWELVE.

Preamble.

WHEREAS, There are a few remaining patriots who fought valiantly under General Jackson in the war of one thousand eight hundred and twelve, and who are now old and well stricken in years ; and

Whereas it has ever been the generous policy of the United States government to show a spirit of liberality to those who have stood firmly by the flag of our country in the days of her trial and danger ; and

Whereas, many of those worthy veterans are now bowed down with affliction and are in straitened circumstances and need the sympathy and aid of the government they helped to preserve ;

Pensions.

Be it therefore resolved by this general assembly, That our representatives and senators in congress be respectfully and earnestly requested to use their influence to secure the passage of a law which will give each of the surviving soldiers in the war of one thousand eight hundred and twelve, their widows and children, during the minority of said children, a liberal pension for life.

Copy to be sent to our senators.

Resolved, That a copy of this resolution be transmitted to the governor of this state with a request that he cause the same to be forwarded to each of our senators and representatives in the congress of the United States.

Ratified the 20th day of December, A. D. 1869.

RESOLUTION IN RELATION TO SPECIAL TAX BONDS.

Treasurer not to pay special tax bonds.

Resolved by the senate and house of representatives, That the treasurer be instructed and directed not to pay any

more interest on the special tax bonds, until authorized and directed so to do by this general assembly.

Ratified the 20th day of January, A. D. 1870.

SENATE RESOLUTION CONCERNING BANKS.

Resolved, That our senators and representatives in con- Bank privilege.
gress be instructed to use their influence to have the
banking privileges so increased that there may be more
banks in the southern states, that our people may be bene-
fitted thereby.

Ratified the 20th day of January, A. D. 1870.

SENATE RESOLUTION FOR INVESTIGATION.

Resolved by the Senate, That the president thereof ap- Investigating com-
mittee authorized.
point a committee of three whose duty it shall be to inquire
into, ascertain and report to the senate without delay :

1st. The number or value of the bonds of the state issued
to each railroad incorporation since May first, one thousand
eight hundred and sixty-five ;

2d. To whom said bonds were issued, and when ;

3rd. How those bonds in each case have been disposed
of, by whom sold, to whom sold, when sold, at what figures
sold, that is, for what sum, and if there were different sales,
the amount sold and received each sale ; and

4th. They shall especially inquire whether or not there
are any bonds unsold, and if so, where they are, what use
has been made or is being made of them, and still more
especially, what use has been made or is being made of the
money arising from the sale of said bonds.

Power to adminis-
ter oaths.

Resolved further, That said committee have plenary power to send for persons and papers, and administer oaths, the violation of which shall be perjury.

Resolved further, That said committee shall report promptly to the senate the failure or refusal of any person to appear or produce papers after notice so to do.

Ratified the 20th day of January, A. D. 1870.

RESOLUTION IN RELATION TO PENITENTIARY BONDS.

Payment of interest
forbid.

Resolved, (the senate concurring,) That the public treasurer is instructed to make no payment of interest on the coupons of bonds issued for the purchase of a penitentiary site.

Adopted the 24th day of January, A. D. 1870.

SENATE RESOLUTION.

Committee to take
oath.

Resolved, That Samuel F. Phillips, Thomas Bragg and Wm. L. Scott, appointed by the president of the senate as a committee under a senate resolution providing for a committee to investigate railroad corporations since one thousand eight hundred and sixty-five, be required to appear before the bar of the senate and take and subscribe to the following oath, viz: "I do solemnly swear before the Almighty God and this senate that I will discharge my duty as a member of the committee of which I have been appointed by the president of this senate, impartial, according to the constitution and laws of the state, so help me God."

Ratified the 24th day of January, A. D. 1870.

RESOLUTION IN RELATION TO THE SHERIFFS OF THE STATE.

Resolved, the house of representatives concurring, That the auditor of public accounts is authorized to move for judgment against any delinquent sheriff at the special term of the superior court to be held in the city of Raleigh on the fourth Monday in December, one thousand eight hundred and sixty-nine: *Provided,* That this resolution does not apply to those sheriffs already relieved by this general assembly.

Auditor to move judgment.

Provided.

Ratified the 25th day of January, A. D. 1870.

RESOLUTION ASKING OUR REPRESENTATIVES IN CONGRESS TO USE THEIR INFLUENCE FOR THE TOTAL ABATEMENT OF THE UNITED STATES DIRECT TAX ON REAL ESTATE.

Resolved, That this general assembly respectfully urge upon our representatives in congress to use all their influence to secure the total abatement of North Carolina's quota of the United States' direct tax on all real estate yet uncollected, and that they be requested to take all necessary steps to secure the same.

Taxes.

Resolved, That the senators and representatives in congress from this state be furnished each with a copy of these resolutions.

Copies furnished.

Ratified the 27th day of January, A. D. 1870.

RESOLUTION REQUESTING AN ADDITIONAL REPORT FROM THE
AUDITOR.

Additional report. *Resolved by the senate, the house of representatives concurring,* That the auditor of the state be requested to furnish, for the use of the general assembly, a statement of the amount of the taxable property of the state of all classes, as determined by the tax lists returned into the auditor's office during the fiscal year last passed.

Ratified the 27th day of January, A. D. 1870.

RESOLUTION IN FAVOR OF JAMES R. GRADY, SHERIFF OF HAR-
NETT COUNTY.

Allowed time. *Resolved, (the senate concurring,)* That James R. Grady, sheriff of Harnett county, do have until the fifteenth day of February next to collect and pay over to the public treasurer the taxes due from said county.

Ratified the 27th day of January, A. D. 1870.

HOUSE RESOLUTION IN REGARD TO THE STATE PRINTER.

Preamble. WHEREAS, The member from Rutherford has charged M. S. Littlefield, state printer, with charging an unfair and enormous price for the public printing, &c.; therefore

Committee authorized. *Be it resolved,* That a committee of three be appointed to investigate the matter and report to this house at the earliest day practicable.

Committee. *Resolved,* That Messrs. W. Ames, T. M. Argo and J. M. Justice constitute said committee.

Resolved, That said committee have power to send for persons and papers and take testimony, administer oaths and examine witnesses. Power to take testimony.

Ratified the 28th day of January, A. D. 1870.

SENATE RESOLUTION CONCERNING BONDS.

Resolved, That the treasurer of state be and he is hereby requested to inform the senate without delay what amount of state bonds he has issued since the date of his last annual report, September thirtieth, one thousand eight hundred and sixty-nine, the days on which they were issued and the days of delivery, the names of the applicants for such bonds and of the parties to whom they were delivered. Report concerning bonds.

Resolved, That the clerk of the senate be directed to furnish the treasurer with a certified copy of the above resolution immediately after its passage.

Ratified the 3d day of February, A. D. 1870.

SENATE RESOLUTION IN RELATION TO SUBSCRIPTION BY THE
CITIZENS OF RALEIGH TO THE PENITENTIARY.

WHEREAS, The patriotic citizens of Raleigh did, through their representative, submit to this general assembly the liberal proposition that if the legislature would locate the penitentiary at or near this city they would not only donate a suitable cite for the same but would also donate the sum of ten thousand dollars to aid in the erection of said penitentiary; Subscriptions.

Resolved by the senate, therefore, That the committee on the penitentiary be instructed to report to this body at an early day whether the aforesaid proposition has been com-

plied with, and if not, what steps should be taken in the premises.

Copy sent to Penitentiary committee.

Resolved further, That the secretary of senate send a certified copy of this resolution to the penitentiary committee.

Ratified the 3d day of February, A. D. 1870.

SENATE RESOLUTION IN RELATION TO THE BETTER PROTECTION
OF MARRIED WOMEN.

Judiciary committee to report bill, &c.

Resolved, That the judiciary committee are hereby requested to report a bill to better protect married women.

Ratified the 3d day of February, A. D. 1870.

SENATE RESOLUTION ON OFFICE OF SECRETARY OF STATE.

Committee to be appointed.

Resolved, That Messrs. Winstead, Lindsay and Love be a committee authorized to examine the affairs of the office of the secretary of state; that they investigate his accounts for stationery, etc., compare his bills with his vouchers in the office of the treasurer of the state, compare his charges with the orders from the departments, examine the prices paid for stationery and compare them with the wholesale prices of other houses dealing in the same articles, and if needful one of their number visit New York to complete this investigation; also that the committee have power to call for persons and papers and administer the oath.

Ratified the 3d day of February, A. D. 1870.

SENATE RESOLUTION IN REGARD TO THE NUMBER OF CLERKS
ALLOWED BY LAW TO THE DIFFERENT DEPARTMENTS OF
STATE.

Resolved, That the committee on finance be instructed Concerning clerks,
to report at an early day to this body the number of clerks
allowed by law to the secretary of state, treasurer, auditor,
superintendent of public instruction and superintendent of
public works, and whether the number thus employed are
absolutely necessary to enable these officers faithfully to dis-
charge the duties of their respective offices.

Ratified the 5th day of February, A. D. 1870.

SENATE RESOLUTION INSTRUCTING THE FINANCE COMMITTEE.

Resolved, That the committee on finance of the senate Finance committee
to report.
be and are hereby instructed to make the usual investiga-
tion of the condition of the finance of the state, and that
they report to this body :

1st. On the manner in which the accounts are kept in
this department ;

2d. To whom were sold the bonds paid as dividend on
the stock of the state in the North Carolina Railroad, at
what price ;

3d. To examine the vouchers for all money paid for
expenditures in the several departments ;

4th. To learn and report the items reported under the
head of contingencies ;

5th. What was paid for expenses on the capitol yard,
and the servants about the capitol ;

6th. What amount of the special tax to pay interest on
new bonds is on hand, and whether any of it has been
diverted to any other purpose ;

7th. Also, what amount of money belonging to the board of education is in the treasury, and whether any of it has been used for any but its legitimate purpose.

Ratified the 8th day of February, A. D. 1870.

RESOLUTIONS IN RELATION TO SENATE SESSIONS.

Resolved, That from this day appointed sessions of the senate be held on the evenings of Tuesday, Wednesday and Friday, commencing at seven and a half o'clock until the business before it be disposed of and that the private calendar be first taken up.

Ratified the 8th day of February, A. D. 1870.

RESOLUTION IN RELATION TO TARIFF ON PEANUTS.

Preamble

WHEREAS, The industry of the state of North Carolina, as well as of the other southern states, has in a great measure been paralyzed by the failure of the congress of the United States to afford that protection to the agricultural interests of the south that is given to the manufacturing interests of the north; therefore be it

Peanut tariff.

Resolved, (*the senate concurring*), That our senators in congress be instructed and our representatives requested to exert themselves to secure an additional amount of tariff upon peanuts and to effect such legislation as will protect the growers of cotton and peanuts.

Other southern states requested to co-operate

Resolved, That the other southern states be requested to co-operate with North Carolina in this effort, and that they be requested to instruct their representatives in congress to aid in effecting the object of these resolutions.

Copies to be sent.

Resolved, That the secretary of state be and he is hereby instructed to send a copy of these resolutions to each of our

members and representatives in congress and to each of the governors of the southern states

Ratified the 14th day of February, A. D. 1870

RESOLUTIONS OF THE SENATE CONCERNING THE SPECIAL TERM OF THE SUPERIOR COURT.

Resolved, That Thos. F. Baxter paying on the third day of February, one thousand eight hundred and seventy, settled in full with the public treasurer for the taxes due the state by his county, be and he is hereby released from all fines, pains and penalties imposed by law at the special term of Wake superior court, at January term, one thousand eight hundred and seventy, by reason of his failure to settle at the time specified by law.

Ratified the 14th day of February, A. D. 1870.

SENATE RESOLUTION CONCERNING CAPITAL SQUARE.

Resolved, That the auditor of state be and he is hereby requested to furnish the senate without delay, a detailed and itemized account showing how the three thousand and eighty-seven dollars and seventy-three cents, as set forth in his report for the year ending September thirtieth, one thousand eight hundred and sixty-nine, for "capital square" were expended, showing to whom and for what these the several sums and this entire sum was paid. Also, that he furnish in like manner the sum of the accounts audited on account of said "square" between September thirtieth, one thousand eight hundred and sixty-nine, and February tenth, one thousand eight hundred and seventy.

A motion to suspend the said account

Resolved, That the clerk of the senate be directed to furnish the auditor with a certified copy of this resolution immediately after its passage.

Ratified the 14th day of February, A. D. 1870.

SENATE RESOLUTION CONCERNING THE EXECUTIVE MANSION.

Executive mansion.

Resolved, That the superintendent of public works be and he is hereby requested to inform the senate, without delay, by what authority he occupies the executive mansion, when he began to occupy, what rents, if any, he pays for the same, and to whom such rents are paid.

Resolved further, That the secretary of the senate be directed to furnish said superintendent with a certified copy of this resolution immediately after its passage.

Ratified the 14th day of February, A. D. 1870.

SENATE RESOLUTION CONCERNING THE DETECTIVE FORCE.

Detective force.

Resolved, That his excellency, the governor, be and he is hereby respectfully requested to furnish the senate with such information concerning the operations of the "detective force," authorized to be employed by chapter fifty-two, laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, ratified February nineteenth, one thousand eight hundred and sixty-eight, as he may deem compatible with the public good.

No. of detectives
to be furnished.

Resolved further, That he furnish the senate with the whole number of detectives employed up to this time, the entire sum paid such detectives, including sums now due, the number now employed, and the highest monthly pay of any of said detectives.

Resolved further, That the clerk of the senate furnish the governor with a certified copy of this resolution immediately after its passage.

Ratified the 14th day of February, A. D. 1870.

RESOLUTION IN REGARD TO "AN ACT TO PROVIDE FOR A SYSTEM OF PUBLIC INSTRUCTION," PASSED AT THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

WHEREAS, At the session of the general assembly of ^{Preamble.} North Carolina, one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, an act was passed in pursuance of the provisions of the state constitution to provide for a system of public instruction:

And whereas, The said act as it appears in the printed laws of the said session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, contains provisions not enacted by said general assembly, whereby important powers are conferred upon the board of education, in contradiction of the expressed will of general assembly in enacting said law:

And whereas, In pursuance of these unauthorized powers, the board of education have proceeded to enter into engagements and to make contracts involving a large expenditure of moneys, against the expressed intention of the general assembly, to the detriment of the public good; therefore be it

Resolved, That a special joint committee of three on the part of the house and two on the part of the senate, be appointed to investigate the interpolation of said acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and to report such legislation as may be necessary to prevent the repetition of such

a fraud upon the legislature, and to bring the guilty party, if any, before the bar of the house to receive its judgment.

Sec. 2 Resolved 2nd, That said committee shall inquire and report what amount of money has been paid for books under the contract made by the said board of education, and what amount is yet due under said contract.

Ratified the 14th day of February, A. D. 1870.

SENATE RESOLUTION IN RELATION TO ICE FURNISHED THE
DEPARTMENTS OF STATE.

Resolved, That the auditor be and he is hereby requested to inform the senate, on or before the twenty-second inst., what is the value of the ice furnished the departments of state during the year one thousand eight hundred and sixty-nine, what precedent he has for this expenditure prior to July, one thousand eight hundred and sixty-eight, and that he give us the words of the statute under which it is allowed.

Resolved further, That he be again requested to furnish the senate with an itemized account of the expenditure on the "Capitol Square" for the year ending September thirtieth, one thousand eight hundred and sixty-nine, and since then to February tenth, one thousand eight hundred and seventy.

Resolved, That the clerk of the senate furnish the auditor a certified copy of this resolution immediately after its passage.

Ratified the 15th day of February, A. D. 1870.

RESOLUTION ON PRINTING

Resolved, That the committee on printing of both houses of the general assembly be required to receive sealed pro-

Resolved: to be called for by the committee on printing by advertisement one day in the daily papers of this city, to have the printing and binding done for the state until January first, one thousand eight hundred and seventy-one, and report to the general assembly on or before February twenty-fifth, one thousand eight hundred and seventy.

Ratified the 24th day of February, A. D. 1870.

SENATE RESOLUTIONS OF INQUIRY CONCERNING EXPENSES OF
THE STATE GOVERNMENT.

Resolved by the senate, That the public treasurer is hereby respectfully requested to furnish this body immediately with a succinct report of the expenses of the state government of North Carolina for the fiscal year beginning January first, one thousand eight hundred and sixty-eight, and ending October first, one thousand eight hundred and sixty-nine, said report to contain the aggregate amounts paid out under each of the several heads of expenditure, excluding the amounts paid as interest on the state debt, and also excluding sums paid and bonds issued under acts of appropriation to railroads or turnpikes; also a separate report of receipts and expenditures for the quarter ending January first, one thousand eight hundred and seventy.

Treasurer to report
&c.

Resolved further, That the secretary of the senate furnish the public treasurer with a certified copy of these resolutions immediately upon their passage.

Ratified the 1st day of March, A. D. 1870.

SENATE RESOLUTION IN REGARD TO STATIONERY.

WHEREAS, The requisition made by the secretary of the senate was cut down by the state treasurer and auditor, and

Preamble.

said requisition, so far as ink, pen-holders, pencils, steel pens and quill pens are concerned, has been exhausted; therefore,

Secretary to furnish.

Resolved, That the secretary of state be and he is hereby directed to furnish the senate with so many pen-holders, lead pencils, steel pens, quill pens, and so much ink as the secretary of the senate may make requisition for from time to time, said requisitions being endorsed by the president of the senate.

Ratified the 1st day of March, A. D. 1870.

SENATE RESOLUTION REQUIRING A CATALOGUE OF BILLS PASSED

Clerk to prepare catalogue.

Resolved, That the clerk of the senate prepare a catalogue of all the bills passed in the senate and note all returned as passed by the house and keep it on his desk, that no bill be reported by the committee on enrolled bills that is not found on this catalogue.

Ratified the 1st day of March, A. D. 1870.

SENATE RESOLUTIONS ASKING THE GOVERNOR FOR INFORMATION CONCERNING THE INVESTMENT.

Literary fund.

WHEREAS, A recent report of the public treasurer mentions the fact that a large part of literary fund has been invested in special tax bonds of North Carolina; therefore

Resolved by the senate, That the governor, as *ex officio* president of the board of education, is hereby respectfully requested to furnish this body at the earliest possible moment, with information upon the following points, to-wit: First, What amount of the literary fund has been invested in said special tax bonds? Second, Under what

authority and by whose order was such investment made? Third, In which particular class or kind of said bonds was said investment made? Fourth, From what person or persons were said bonds purchased? Fifth, What was the date of the purchase or purchases? Sixth, At what price or prices were said bonds purchased? Seventh, Have said bonds been paid for? Eighth, What moneys were used in making said purchase of bonds? Ninth, What were the entire terms, circumstances and objects of this transaction of investing the literary fund in said special tax bonds?

Resolved further, That the secretary of the senate transmit a certified copy of these resolutions to the governor immediately upon their passage. Secretary to furnish copy to governor.

Ratified the 1st day of March, A. D. 1870.

SENATE RESOLUTION.

Resolved by the senate, That the secretary of state is hereby requested to furnish a copy of the recent act of assembly relating to the settlement of estates of deceased persons to the "Standard" and "Sentinel" newspapers of Raleigh for publication, and said papers are respectfully asked to give said act an insertion in their columns for general information. Copy furnished for publication.

Resolved further, That the clerk of the Senate furnish the said secretary with a copy of these resolutions at once.

Ratified the 7th day of March, A. D. 1870.

SENATE RESOLUTION REQUESTING THE COMMITTEE OF INVESTIGATION TO REPORT TO THE SENATE BY THE TENTH OF MARCH, OR SOONER.

Committee
1869

Resolved, That Hon. Thomas Bragg, Samuel F. Phillips and W. L. Scott, Esqs., committee appointed under a resolution of the senate, ratified, be and they are hereby respectfully requested to report the result of their investigation to the senate by the tenth of March, or sooner, if not incompatible with the public interest, and that the secretary of the senate is directed to furnish said committee with a copy of this resolution.

Ratified the 7th day of March, A. D. 1870.

RESOLUTION IN FAVOR OF TUCKER & CO.

Tucker to be paid

Resolved, That the public treasurer be authorized to pay Tucker & Co. seventy-four dollars and forty-three cents (\$74.43) out of any money not otherwise appropriated.

Ratified the 5th day of March, A. D. 1870.

A RESOLUTION SUPPLEMENTAL TO A RESOLUTION ON PRINTING.

Extended.

Resolved, the senate concurring, That the time provided for receiving and awarding contracts for printing, as provided in a joint resolution ratified February fourteenth, year of our Lord one thousand eight hundred and seventy, be and the same is hereby extended to the fourteenth day of March, year of our Lord one thousand eight hundred and seventy.

Ratified the 9th day of March, A. D. 1870.

SENATE RESOLUTION OF INQUIRY OF A BILL TO AMEND THE CHARTER OF THE WESTERN NORTH CAROLINA RAILROAD COMPANY. A RESOLUTION TO APPOINT A COMMITTEE OF INVESTIGATION.

Resolved, That the speaker of the senate appoint a committee of three senators with power to inquire into and report whether any money, bonds, or other things of value was paid or other unlawful means used to procure the passage, enrolment, or engrossing of the bill to be entitled "An act amendatory of the act to incorporate Western North Carolina Railroad Company," ratified the fifteenth of February, one thousand eight hundred and fifty-five, and of all acts amendatory thereof, ratified the ninth day of April, one thousand eight hundred and sixty-nine, and if so, by whom the same was paid, or unlawful act committed, and who received the same.

Speaker to appoint committee.

Resolved further, That the committee shall have power to send for persons and papers, summon witnesses on oath, and if need be to take testimony by commission.

Powers of committee.

Ratified the 9th day of March, A. D. 1870.

SENATE RESOLUTION IN RELATION TO LEGAL ADVICE.

Resolved, That the treasurer be and he is hereby requested to inform the senate, without delay, what sum or sums of money he has paid out of the treasury for legal advice appertaining to his department since July first, one thousand eight hundred and sixty-eight, and what sum is now due and owing, if any, for such advice.

Sums paid for legal advice.

Resolved, That the clerk of the senate be directed to furnish the treasurer with a certified copy of this resolution immediately after its passage.

Ratified the 9th day of March, A. D. 1870.

A RESOLUTION ALLOWING ACTUAL EXPENSES TO COMMITTEE
TO INVESTIGATE AFFAIRS OF ALBEMARLE AND CHESAPEAKE
CANAL COMPANY.

Actual expenses
allowed.

Resolved by the senate of North Carolina, (the house of representatives concurring.) That the members of the committee appointed by the general assembly at its sessions of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, to investigate the affairs of the Albemarle and Chesapeake Canal Company be allowed the same pay for mileage from their respective homes to and from Norfolk that is allowed to members of the general assembly for going to and returning home from the capital of the state. That the public treasurer is hereby authorized to pay the same.

Ratified the 12th day of March, A. D. 1870.

RESOLUTION FOR THE RELIEF OF HENDERSON & ENNIS.

Treasurer to refund.

SECTION 1. *The General Assembly of North Carolina do resolve,* That the public treasurer be and he is hereby instructed to pay to C. A. Hendersen and John H. Ennis, of the county of Rowan, partners under the name and style of Henderson & Ennis, the sum of twenty-seven dollars and eighty-seven cents out of the special tax fund, and twenty-two dollars and sixty-eight cents out of the general tax fund, the same being for taxes overpaid by said parties, which it is fair and just to refund to them.

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

Ratified the 14th day of March, A. D. 1870.

A RESOLUTION AUTHORIZING THE PUBLIC TREASURER TO OBTAIN FUNDS FOR THE IMMEDIATE USE OF THE ASYLUMS, THE PENITENTIARY AND FOR OTHER PURPOSES.

Resolved by the General Assembly, That the public treasurer is hereby authorized and directed to receive the dividends due the state from the North Carolina Railroad Company, ninety thousand dollars of which is to be paid into the treasury on the first day of April next, and ninety thousand on the first day of next July, discounting the same at the rate of six per cent. per annum.

Ratified the 14th day of March, A. D. 1870.

Treasurer to receive dividends.

A HOUSE RESOLUTION IN REGARD TO STATIONERY.

Resolved, That the secretary of state is hereby authorized to furnish necessary stationery for the use of their house.

Ratified the 17th day of March, A. D. 1870.

Secretary of state to furnish stationery.

A SENATE RESOLUTION IN REGARD TO THE COMMISSION TO INVESTIGATE THE AFFAIRS OF CERTAIN RAILROAD COMPANIES.

Be it resolved by the senate of North Carolina, That the commission to investigate the affairs of certain railroad companies, appointed under a resolution of this senate, consisting of Messrs. Bragg, Phillips and Scott, be and the same is hereby discharged.

Ratified the 17th day of March, A. D. 1870.

Committee discharged.

HOUSE RESOLUTION CONCERNING CLERK.

Resolved, That the engrossing clerk of the house is hereby authorized to employ an assistant from and including to-day, March fifteenth, to the end of the session, at four dollars per day.

Ratified the 14th day of March, A. D. 1870.

SENATE RESOLUTION IN RELATION TO SESSIONS.

Session.

Resolved. That the senate meet daily at nine and a half, a. m., and adjourn at two, p. m., and meet at seven and a half, p. m., and adjourn at nine and a half, p. m.

Ratified the 21st day of March, A. D. 1870.

A RESOLUTION TO ALLOW THE COMMISSIONERS OF CUMBERLAND COUNTY TO USE THE STATE ARSENAL, LOCATED IN THE TOWN OF FAYETTEVILLE, FOR A SCHOOL HOUSE.

Arsenal to be used for school purposes.

Resolved by the house of representatives, (the senate concurring,) That the county commissioners of the county of Cumberland be allowed to use the state arsenal located in the town of Fayetteville for school purposes.

Ratified the 22d day of March, A. D. 1870.

RESOLUTION CONCERNING ABSENT MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Resolved by the house of representatives, (the yeas 47, nays 17, and absent 17.) That the auditor be directed to audit no accounts of members of the legislature, unless they shall make affidavit before him, and so endorse it upon the certificate, that they have not been absent for more than three or five days, for which an account is presented, without the leave of the house to which each member belongs, unless such absence shall have been caused by sickness of himself or family.

Ratified the 22d day of March, A. D. 1870.

RESOLUTION IN FAVOR OF J. C. CLINE, SHERIFF OF CATAWBA COUNTY.

Resolved, That J. C. Cline, sheriff of Catawba county, be allowed until the first day of January, one thousand eight hundred and seventy-one, to collect arrears of taxes due from the years one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight: *Provided,* That no person shall be compelled to pay taxes for the years aforesaid who will make oath that he has paid said taxes.

Ratified the 24th day of March, A. D. 1870.

A RESOLUTION CONCERNING DISABLED SOLDIERS.

Resolved by the house of representatives of the state of North Carolina, (the yeas 47, nays 17, and absent 17.) That the board of ^{Managers requested to establish branches south.}

managers of the national asylum for disabled volunteer soldiers, be and are hereby requested to establish a branch of said asylum in some southern state, where the climate is mild, in which both colored and white soldiers, who have been wounded and disabled while fighting the battles of the Union, may be supported and cared for.

Ratified the 24th day of March, A. D. 1870.

A RESOLUTION FOR THE RELIEF OF THE SHERIFF OF WARREN COUNTY.

Relieved.

Resolved by the general assembly of North Carolina, That N. R. Jones, sheriff of Warren county, be and he is hereby relieved from all the penalties incurred by reason of his failure to settle with the county and state treasurer, according to law: *Provided,* Said sheriff shall settle with said treasurer by the first day of April, one thousand eight hundred and seventy.

Proviso.

Ratified the 24th day of March, A. D. 1870.

RESOLUTION IN RELATION TO WITNESSES BEFORE INVESTIGATION COMMITTEE.

Public treasurer to
pay witnesses

Resolved, (the house of representatives concurring,) That the public treasurer be directed to pay the witnesses summoned by the joint committee on investigation appointed under resolution ratified December eighth, year of our Lord one thousand eight hundred and sixty-eight, the fees and mileage allowed to witnesses in attendance upon the superior court, the same being proved by oath before the auditor of state, or the clerk of the superior court in the

counties in which the witnesses reside, the various sums of money due them in their attendance before said committee.

Resolved, That the treasurer of state is hereby authorized to pay to Timothy F. Lee, sheriff of Wake county, the sum of thirteen dollars and seventy-five cents, the same being the amount due said sheriff for serving summons under joint resolution, ratified December eighth, one thousand eight hundred and sixty-eight.

Public treasurer to pay sheriff Lee.

Ratified the 24th day of March, A. D. 1870.

A RESOLUTION IN FAVOR W. H. AND R. S. TUCKER & CO.

Resolved by the General Assembly of North Carolina, That the public treasurer be and he is hereby authorized to pay W. H. & R. S. Tucker & Co. the sum of thirty-four dollars and fifty cents.

Treasurer authorized to pay Tucker & Co.

Ratified the 26th day of March, A. D. 1870.

A RESOLUTION IN FAVOR OF JOHN HORTON, SHERIFF OF WATAUGA COUNTY.

Be it resolved by the senate of North Carolina, the house of representatives concurring, That John Horton, sheriff of Watauga county, be and he is hereby relieved from all fines, penalties and forfeitures incurred by reason of his failure to settle with the treasurer of the state for the taxes collected by him within the time provided by law.

Relieved.

Ratified the 26th day of March, A. D. 1870.

RESOLUTION TO PROVIDE HOMES FOR THE HOMELESS.

Preamble

WHEREAS, A numerous landed proprietorship is the best and most endearing basis of popular government, and whereas it is wise both for state and national government to encourage in every lawful and liberal measure such a system, which without such encouragement it is impossible to establish in North Carolina for a long time to come, and whereas it is expedient to now lay the foundation of a system that will hold out the hope of future support to the poor and homeless of our state; therefore

Donation of lands solicited.

Be it resolved by the general assembly of North Carolina. That our senators and representatives in congress be requested to urge the donation to this state of two millions of acres of the public lands, which, upon such conditions as congress may prescribe, shall be sold and the proceeds thereof be secured and appropriated exclusively to the purchase of homes in this state for the industrious indigent, on such terms as shall be directed by law as to repayment of purchase money under the general control of congress.

Copy to be furnished by governor.

Resolved, That the governor be instructed to cause a copy of these resolutions to be forwarded to our senators and representatives in congress, with request that the same be laid before their respective houses.

Ratified the 26th day of March. A. D. 1870.

RESOLVED IN FAVOR OF M. A. BLEDSOE.

Treasurer to pay M. A. Bledsoe.

Resolved by the house of representatives, the senate concurring, That the public treasurer is hereby instructed and directed to pay to M. A. Bledsoe, thirty-three hundred dollars out of any moneys not otherwise appropriated: *Provided,* That the within amount (\$3,300) shall be received in full payment for the original claim in favor of M. A.

Provide.

Bledsoe : also, the above mentioned sum shall be in full for all dues, demands, accounts and damages to date, March twenty-fourth, one thousand eight hundred and seventy.

Provided further, That the aforesaid M. A. Bledsoe shall receipt the treasurer in full for all claims he may hold against the state before the aforesaid amount shall be paid.

Ratified the 26th day of March, A. D. 1870.

A RESOLUTION OF INSTRUCTION TO THE TREASURER OF THE STATE.

Resolved by the general assembly of North Carolina,
That the treasurer of the state is hereby authorized and directed to pay to the legal representative of R. C. Parker, (deceased,) the *per diem* due him as a member of the Legislature.

Per diem of R. C. Parker, deceased.

Ratified the 28th day of March, A. D. 1870.

RESOLUTION IN FAVOR OF T. W. TAYLOR, SHERIFF OF HENDERSON.

WHEREAS, T. W. Taylor, sheriff of Henderson county, has paid into the state treasury the full amount of the state taxes due from said county for the year one thousand eight hundred and sixty-nine ; and

Whereas, judgment has been taken against said Taylor in the sum of one thousand dollars for failing to pay said taxes at the time prescribed by law ; and

Whereas, said Taylor has paid the costs in full in the case wherein said judgment was taken against him ; therefore,

Resolved, That T. W. Taylor be and he is hereby relieved

Relieved.

from the payment of the one thousand dollars penalty for failing to pay the state taxes due from the county of Henderson at the time prescribed by law, and that he be allowed and empowered until January first, one thousand eight hundred and seventy-one, to collect arrears of taxes for the year one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine: *Provided*, No person shall be required to pay arrears of taxes for either of said years who will swear they believe the same to be paid.

Ratified the 28th day of March, A. D. 1870.

JOINT RESOLUTION TO COMPENSATE THE SENATE INVESTIGATING COMMISSION, COMPOSED OF MESSRS. BRAGG, PHILLIPS AND SCOTT.

Treasurer to pay
Bragg, Phillips, and
Scott.

The general assembly of North Carolina do resolve, That the treasurer of the state is hereby authorized and directed to pay to Messrs. Bragg, Phillips and Scott, respectively, composing the senate investigation commission appointed under senate resolution ratified the — day of January, year of our Lord one thousand eight hundred and seventy, a sum equal to (\$7) seven dollars *per diem* while actually engaged in the discharge of duty upon such commission.

Pay clerks

Resolved, That the treasurer be instructed to pay H. M. Miller, clerk to the aforesaid commission the sum of (\$7) seven dollars *per diem* for the time employed in the service of said commission, and the sum of twenty dollars as payment in full to E. F. Page, for services as additional clerk.

Ratified the 28th day of March, A. D. 1870.

RESOLUTION IN FAVOR OF THE ENGROSSING CLERKS.

Resolved by the senate, (the house of representatives con- §50 allowed en-
curring,) That the engrossing clerks of each house be grossing clerks.
 allowed (§50) fifty dollars each, and the treasurer is hereby
 directed to pay the same, for the purpose of finishing up
 and labeling and filling the bills in their respective offices.

Resolved the 28th day of March, A. D. 1870.

A RESOLUTION IN FAVOR OF C. F. MURPHY.

Resolved, the house of representatives concurring, That Dr. Appointed to fill
 C. T. Murphy be appointed to fill the place on the board of vacancy.
 public charities made vacant by the expiration of the term
 of G. W. Gahagan, Esq.

Ratified the 28th day of March, A. D. 1870.

RESOLUTION IN FAVOR OF J. H. ALFORD.

Resolved by the house of representatives, the senate con- Treasurer to pay J.
curring, That the public treasurer be and he is hereby H. Alford.
 authorized and directed to pay to James H. Alford the sum
 of twenty-one dollars, out of any moneys not otherwise ap-
 propriated, for services of said J. H. Alford as clerk of the
 committee of the whole of the house of representatives.

Ratified the 28th day of March, A. D. 1870.

RESOLUTION IN FAVOR OF J. E. ELDRIDGE.

Arrears of taxes to
be collected.

Resolved, That J. E. Eldridge, sheriff of Bladen county, be authorized to collect the arrears of taxes due him for the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, under such rules and regulations as are now prescribed by law.

This resolution shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

A RESOLUTION IN FAVOR OF NICHOLS AND GORMAN.

Treasurer to pay.
when.

Resolved by the house of representatives, (the senate concurring,) That the claim of Nichols and Gorman for the printing done for the general assembly, when the same has been examined and approved by the joint committee on printing, shall be paid by the treasurer on the warrant of the auditor.

Ratified the 28th day of March, A. D. 1870.

A RESOLUTION RELATING TO ADJOURNMENT.

Adjournment.

Resolved by the House of representatives, (the Senate concurring,) That the general assembly of North Carolina adjourn *sine die* on Monday, the 28th instant, at twelve o'clock, M.

Ratified the 28th day of March, A. D. 1870.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, June 6th, 1870.

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.

AUDITOR'S STATEMENT

FOR THE

Fiscal Year ending Sept. 30th, 1869.

STATE OF NORTH CAROLINA,
AUDITOR'S DEPARTMENT,
Raleigh, Nov. 13th, 1869.

*To His Excellency, W. W. HOLDEN,
Governor of North Carolina :*

SIR:—I have the honor of transmitting to you (together Annual report. with a few suggestions, &c., which I deem necessary to make to the general assembly soon to convene at Raleigh) 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, 1869.

Very respectfully,

Your obedient servant,

H. ADAMS,

Auditor of State.

To the General Assembly of North Carolina :

In compliance with the requirements of law I submit the enclosed exhibits of the receipts and expenditures of the educational fund and the state government.

1868-'69.—AUDITOR'S STATEMENT.

VALUATION OF TAXABLE PROPERTY.

Valuation of taxable property.

I regret that it is impossible to give a statement of the valuation of the taxable property of the state. The returns have not all yet been made, and I am informed that the commissioners of some of the counties are even now altering the valuations made by the assessors. This failure has been caused by the time of the return of taxes having been extended to 15th of December. The valuation of property from the few returns made to this office have been very irregular. Different standards of value were adopted, not only in different counties but even in different townships of the same county. This is not only unjust in itself but creates dissatisfaction among the people, and therefore seriously hinders the administration of the revenue laws, and should if possible be corrected. It is impossible to find a perfect remedy, but I am inclined to believe that if the plans adopted in many western states of having a regular officer to make the assessments, with a salary large enough to secure a first rate man, should be put in force here, the business would be better done than in the present blundering way. This officer should report to the *county commissioners*, who should equalize the valuations of the several townships. They should forward an abstract thereof to this department, whereupon a board, say the governor, treasurer, auditor and secretary of state, should be charged with the duty of revising and equalizing the valuations of the counties. In this way the monstrous inequality of one county paying a much larger sum to the state than its neighbor, on exactly the same taxable property, may be obviated.

SPECIFIC TAXES.

Specific taxes.

The specific or license taxes contained in schedules B and C, of the revenue act, are often so onerous as to break down the vocations on which they are imposed. This arises from the fact that the counties claim and exercise the right to

impose additional taxes on subjects which are for state purposes already sufficiently burdened. In this way great injustice is sometimes done. I respectfully recommend that these taxes be revised and in such cases lowered—or, which would be better, let the counties be confined exclusively to taxation on real and personal property. The general assembly can thus duly apportion the burdens, and not only will much dissatisfaction be averted but much larger revenues be derived to the public treasury.

The counties never had the right of specific taxation until the late war, and it is believed that no hardship will result from a return to the ancient rule. It would have another effect. The commissioners having no source of income except from real and personal property, will be much more careful that the valuations are made by the assessors, with due regard to the actual worth of the property.

There are other objections to giving the counties power to levy license taxes. There is often great confusion as to what is the real tax. Parties desirous of engaging in business, especially those from abroad, are often deceived as to the amount necessary to be paid, because no publication being made of the county levies it is naturally supposed (and the words of the law apparently warrant the supposition) that the printed law contains the full demand of the revenue collector. Again, there is much more opportunity for dishonest officers to conceal the total amount of their receipts. There is almost no check from public opinion, because the public do not know what has been done in the matter, nor what the officer ought to collect.

TAXES ON PURCHASES, SALES, &C.

Much confusion has resulted from the requirement that merchants and other dealers shall pay license tax on the estimated amount of future purchases. For very many years they paid on their *past purchases*, and I do not think the change has worked well. It is often impossible for a

Taxes on purchases,
sales, &c.

Taxes on purchases,
sales, &c.

dealer to make any estimate approaching correctness as to what his future dealings will be. It is true provision is made for making a sworn statement of actual purchases four times a year. But this frequency of returns is not suited to our people—living as they do in a thinly settled country, often at a long distance from the sheriff's office—and so many varied duties are thrown on these officers, that it is hardly possible for them to make personal demands for such returns. The consequence is, that the original estimate, probably a mere *guess*, widely under the mark, will not be changed.

The confusion is worse, because there was no change made in the mode of taxation of the purchases made by liquor dealers and others taxed on their purchases, receipts, &c. No machinery was provided for estimating future purchases by any but "merchants and other dealers," taxed one-fifth of one per cent. They all should pay in the same manner, or else great loss to the revenue will certainly ensue.

If we return to the old mode of taxing merchants, some will probably complain that they, having to pay on purchases prior to April 1st, 1870, will be called on for *two taxes* on the same transaction. The reverse of this complaint was made by sheriffs last spring, they alleging that by the new method of estimating future purchases, the merchants wrongly escaped taxation on purchases for the year prior to April 1st, 1869. Both objections are founded on a mistake in the object of the law. The levy is a license tax, i. e., for the privilege of doing business as traders. The amount of this license tax is not the same for each trader, but varies according to their supposed ability to pay, and the magnitude of their business. Whether this amount is founded on past or future passages, the trader *pays only one tax*, and has no right to complain.

EXEMPTIONS.

The general assembly has power to exempt certain speci-

fied articles, the clause of the constitution in this regard Exemptions. being as follows: "Property belonging to the state, or to municipal corporations, shall be exempt from taxation. The general assembly may exempt cemetaries, 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."

Your honorable body exercised this power to the extent of \$200. I feel bound to report that in my opinion the charitable intent of the legislature has generally failed to accomplish its object, while it has lost large sums to the treasury.

Poor men have so small an amount of the exempted articles that their relief is quite too inconsiderable. But very many men have under this \$200 exemption law, been relieved to the extent of \$500 or \$1,000. I firmly believe that it would be best either to have no exemption at all, or be reduced to \$50. Thus the rule would more universally apply, "each man pay according to what he is worth," be it much or be it little. Whenever this rule is departed from, under the plea of relieving the poor man, a wide door is opened to intentional and unintentional defrauding the revenue.

FARM PRODUCTS.

The question was very much agitated among the people Farm products. whether farm products, provisions, &c., are to be taxed. The state treasurer's instructions on this subject were disregarded in some counties, when the constitution expressly commands the general assembly to levy a tax on all "real and personal property in the state according to its true value in money," and when the only exemptions are specified, farm products not being included in this list, it seems

difficult to avoid the conclusion that they cannot be exempted.

The general assembly may, if they choose, levy a tax on *incomes*. If they do, they must not include as part of the income profits derived from property taxed. Farm products are not liable to the income tax, but they are to the property tax. This is my understanding of the constitution and of the act of the assembly passed in pursuance thereof, and unless directed otherwise by your honorable body, I will so instruct the revenue officers.

The outcry against this construction of the constitution arises from the persistent effort of men to avoid paying in proportion to what they are worth.

If the General Assembly should yield to this clamor, there would be no stoppage of it. For example, it is impossible to find any plausible ground for exempting provisions, &c., of mechanics and others who have no farms. They would justly complain of the discrimination. We launch into unknown troubles when we depart from the letter of the constitution.

INSURANCE COMPANIES.

Insurance companies.

I respectfully recommend either that the tax on Insurance Companies incorporated out of the State shall be diminished, or else that they be withdrawn from county taxation. The present, with county taxes added, is oppressive and has driven some good companies from the State.

TAX RECEIPTS.

Tax receipts.

As said above, all the counties of the State have not yet made returns of their abstracts to this department, while still fewer returns of unlisted taxables have been made. Twenty-two counties taken at random give poll taxes \$39,131, other listed taxables \$15,086 for general purposes, not including special taxes for railroad purposes. If these are average counties, these figures would indicate about

\$150,000 poll taxes, and \$550,000 taxes from listed taxa- Estimated income
bles. Counting listed and unlisted taxables, I think the
revenue from both sources will be about \$750,000 to
\$800,000. On the same principle the special taxes will be
about \$600,000. I am inclined to think that the above
indicated 22 counties are somewhat above the average.

Respectfully, &c.,

H. ADAMS,

State Auditor.

AUDITOR'S STATEMENT.

GENERAL STATEMENT.

Balance in hands of Public Treasurer, October 1st, 1868,				General statement.
			\$ 150,035 84	
Receipts of Educat'nal Fund for fiscal year ending September 30th, 1869,	\$ 169,870 42			
Receipts of Public Fund for fiscal year ending September 30th, 1869,	8,550,877 62	8,720,748 04		
Disbursements of Educat'nal Fund for fiscal year ending September 30th, 1869,		\$ 8,870,783 88		
Disbursements of Public Fund for fiscal year ending September 30th, 1869,	167,158 18			
Leaving in hands of Public Treasurer, Oct. 1st, 1869,	\$ 8,687,428 97		8,854,587 15	
			\$ 16,196 73	

Receipts and dis-
bursements.

RECEIPTS AND DISBURSEMENTS

Of Educational Fund for fiscal Year ending Sept. 30, 1869.

		RECEIPTS.	DISBURSEMENTS.
1868.	October,	\$ 2,775 51	\$ 24
	November,	556 50	37
	December,	94 16	153
1869.	January,	2,150 69	1,119
	February,	359 34	
	March,	282 22	1,122 16
	April,	158,300	161,232 70
	May,	3,328 15	
	June,	23 89	3,247 32
	July,	556 47	
	August,	686 59	123
	September,	756 90	100
		\$ 169,870 42	\$ 167,158 18

STATEMENT A.

EDUCATIONAL FUND RECEIPTS,

Educational Fund,
receipts.

*Exhibiting the several sources from which the receipts of
the Educational Fund were derived.*

Auction tax,	\$	130	98
Cape Fear Navigation Company,		3,250	
Entries of vacant lands,		990	80
Fines, penalties and forfeitures,		1,469	89
Retailer's tax,		4,026	75
Sale of White Marsh Swamp,		2,090	
Wilmington & Weldon Railroad,		148,000	
Wilmington & Manchester Railroad,		10,000	
Refunded,			2
	\$	169,810	42

DETAILED AS FOLLOWS:

1868.			
Oct.	Sundry persons on account of entries of vacant land:		
	John Mace, Burke county	\$	6 12
	A. L. Quinn, and W. A. Hollifield, McDowell county,		2
	Henry Sherlin, McDowell county;		9 25
	The following sheriffs, tax on auc- tioners:		
	E. F. Cox, sheriff of Lenoir county,		21 21
	Battle Bryan, sheriff of Edgecombe county,		8 18
	Sundry sheriffs, tax on retailers of spir- ituous liquors as follows:		
	A. R. Dennison, sheriff of Craven co.,		120
	G. J. Williams, sheriff of Chatham "		150
	B. F. Willey, sheriff of Gates "		100
	Wm. Latham, sheriff of Ashe "		50
	K. H. Worthy, sheriff of Moore "		50
	G. W. Wilson, sh'ff of Transylvania "		50

1869.			
Oct.	J. I. Moore, sheriff of Granville co.,	\$	250
	N. B. Hampton, sheriff of Polk “		6 75
	J. T. Patterson, sheriff of Burke “		100
	M. Spainhower, tax collector Burke county,		100
	R. F. Trogden, sheriff of Randolph county,		150
	Battle Bryan, sheriff of Edgecombe county,		350
	P. C. Riley, sheriff of Montgomery county,		50
	J. A. Sowers, sheriff of Davidson co.,		50
	J. A. Reid, sheriff of Halifax “		300
	S. T. Carrow, sheriff of Beaufort “		300
	J. C. Rhodes, sheriff of Wayne “		300
	B. A. Howell, sheriff of Robeson “		250
	S. S. Ashley, Supt. Public Instruction, amount overcharged in account of T. H. Allen, agent, &c.,		2
Nov.	W. E. Gore, Columbus county, on account of entry of vacant land,		6 50
	The following sheriffs, tax on retailers spirituous liquors :		
	J. W. Hayes, sheriff of Wilkes county,		50
	John Reilly, sheriff of Cumberland county,		500
Dec.	Sundry persons, on account of entries of vacant land, as follows :		
	Duncan McCall, Cumberland county,		10 40
	John Colbert, Rutherford “		4
	David Sellers, Johnston “		2 12
	J. K. Hawkins, McDowell “		6 25
	J. M. Jones, Buncombe “		1
	W. C. Everett, Beaufort “		1 87
	Johnson Perkins, Ashe “		1 87
	J. B. Miller, “ “		4 12
	Stephen Pennington, “ “		7
	Jacob Sweets, “ “		1 75
	William Osborn, “ “		9 75
	Geo. W. Hendrick, Wilkes “		2 36
	Geo. W. Hendrick, “ “		88
	Geo. W. Hendrick, “ “		3 75
	Geo. W. Hendrick, “ “		2 36
	Isaac Trinstaff, Mitchell “		12 55
	Robert M. Wilson, Gaston “		1 75
	W. B. Green, Montgomery “		1 75

1868-'69.—AUDITOR'S STATEMENT.

Year	Month	Description	Amount	Notes
1868.	Dec.	J. G. Scott, Onslow county,	6 75	Educational Fund, receipts.
		J. K. Neal and Albert Conly, McDowell county,		
		J. K. Hawkins, McDowell county,		
		E. G. Hill, sheriff of Johnston county, on account of auction tax,		
1869.	Jan.	Sundry persons, on account of entries of Vacant Land, as follows :		
		W. R. Covington, Richmond county,	12 50	
		John H. Greenlee, McDowell " "	6 25	
		A. M. McQueen, " "	12 50	
		J. R. Kerley, Alexander " "	9 38	
		Lewis Shepperd, Wilkes " "	7 25	
		Josiah Mausey, Columbus " "	34 50	
		J. L. Estes, Burke " "	4 13	
		B. M. Collins, " " "	5 75	
		A. J. Carman, Watauga " "	9 38	
		M. Rowland, " " "	5	
		John Ellis, Mitchell " "	2 63	
		R. T. Lenoir, Caldwell " "	12 25	
		Edwin Legg, Brunswick " "	75	
		D. E. Horton, Wilkes " "	1 62	
		Wm. A. Gillis, Richmond " "	1 62	
		G. W. Gibson and T. T. Eppes, McDowell county,	6 25	
		A. Triplett, Wilkes county,	9 37	
		D. H. Melton, Rutherford " "	9 25	
		John Barringer, Chatham " "	31	
		W. W. Holden, President State Board of Education, as proceeds of sale of White Marsh Swamp, in the county of Columbus,	2,000	
		1869.	Feb.	Sundry persons, on account of entries of vacant land, as follows :
D. B. McDugald, Moore county,	1 81			
N. Huffman and others, Burke " "	7 50			
Duncan McCormick, Cumberland " "	44 55			
W. H. Logan, Rutherford " "	6			
G. O. and G. Clayton, Transylvania county,	30			
T. D. Snead, Johnston county,	2 25			
Wm. Cochran, Polk, " "	11 75			
Thos. Hemphill, McDowell " "	4 87			
J. H. Parker, Alleghany " "	5 62			
Rich'd Edwards, " "	6 43			

Educational Fund. receipts.	1869.		
	Feb.	H. M. Crouse, Alleghany county,	\$ 1 50
		D. McLeod and J. McArthur, Harnett county,	4 37
		Tilman Blalock, Mitchell county,	6 25
		S. M. Howard, McDowell " "	1 44
		John Reed, Transylvania " "	12 50
		J. Freeman, Harrison Freeman and Alex. Hogan, Montgomery county,	6 25
		John Clanton, Wilkes " "	6 25
		W. L. Edwards, sheriff of Greene county, for tax on retailers of Spir- ituous liquors,	50
		E. Murrell, sheriff of Onslow county, for tax on retailers of spirituous liquors,	150
	March	Sundry persons, on account of entries of vacant land, as follows :	
		James Cox, McDowell county,	4 50
		John Hollen, McDowell " "	4
		Thos. Wallace, Gaston " "	53
		Wm. B. Ford, " " "	94
		John M. Mace, Mitchell " "	59
		Aaron Barnes, Alexander " "	2 12
		R. Fisher, Bladen " "	12 50
		D. A. Rowe, Mitchell " "	6 25
		J. L. Wood, sheriff of Pasquotank county, for tax on retailers of spirit- uous liquors,	150
		J. W. Schenck, jr., sheriff of New Han- over county, for tax on auctioneers,	100 79
	April.	Sundry persons, on account of entries of vacant land, as follows :	
		Henry Dossett, Stokes county,	5 38
		Duncan Chesnut, Sampson " "	1 62
		W. W. Cole, Moore " "	69
		H. P. Whitehurst, Craven " "	8
		M. Greenlee, McDowell " "	5 25
		K. H. Worthy, Moore " "	93
		Allen Clark, Ashe " "	6 82
		T. W. Reynolds, Ashe " "	2 75
		John Badgett, Surry " "	12 50
		A. Williams, Alleghany " "	3 31
		W. Cook, McDowell " "	5
		S. W. Brooks, Alleghany " "	12 50
		Geo. W. Dugger and Wm. Jenkins, Mitchell county,	33

1869.				
April.	Perry Dillinger, Watauga county,	\$	7 50	Educational Fund, receipts.
	Lewis Banner, Mitchell		15 90	
	Elisha Tribet, Watauga		2 75	
	James M. Green, Watauga		7	
	Cyrus Culver,		16 50	
	Sidney Lail, Burke		12 50	
	William Murdock, Rowan		10	
	Andrew Austin, Ashe		12 50	
	Wash. Trammie, Transylvania		12 50	
	G. H. Moore,		12 50	
	Robert Baldwin, Columbus		7 50	
	Wilmington and Weldon Railroad Company, in full for sale of stock owned by "Board of Education of the state of North Carolina," in said company,		148,000	
	Wilmington and Manchester Railroad Company, in full of sale of stock owned by "Board of Education of the State of North Carolina," in said company,		10,000	
	Jesse Sumner, sheriff of Buncombe county, tax on retailers of spirituous liquors,		100	
May.	Sundry persons, on account of entries of vacant land, as follows :			
	John C. Sorrell, Harnett county,		21 75	
	Thos. A. Hegeman, Watauga,		3 13	
	B. Huffman, Burke		9 37	
	Benj. Walker, Burke		19 50	
	Alston Brewer, Moore		18	
	Jas. K. Hendrix, Wilkes		5 63	
	A. J. Taylor, Cabarrus		59	
	J. K. Hawkins, McDowell		7 50	
	E. D. Estes, Caldwell		10 50	
	Received of Gov. W. W. Holden, President of Board of Education, amount received by him in payment in full of stock owned by Board of Education in Cape Fear Navigation Company,		3,250	
June.	Sundry persons, on account of vacant lands, as follows :			
	J. A. Lunsford, Person County,		5 27	
	Wm. McCurry, McDowell		1 87	
	J. B. Sanders, McDowell		10	

1869.				
Educational Fund, receipts.	June.	Daniel Hollen, McDowell	County,	\$ 50
		John Ross, McDowell	"	6 25
	July.	John Ross, McDowell	"	12 50
		Jas. A. McDonald, Moore,	"	2 50
		J. J. Cogburne, Henderson	"	21
		John Garner, Davidson	"	1 53
		Daniel Western, Mitchell	"	5
		J. M. Estes, Caldwell	"	6 25
		T. A. Ragland, Clerk of Superior Court, Rockingham county, for fines, penalties and forfeitures,		207 69
	Samuel T. Carrow, Sheriff of Beau- fort county, tax on retailers of spir- ituous liquors,		300	
	Aug.	Sundry persons on account of entries vacant lands, as follows:		
		S. E. Mace, McDowell	county,	15
		Josiah Mace, McDowell	"	15
		John Haney, McDowell	"	2 75
		John Hutchins, Rutherford	"	7 25
		S. J. Moore, Rutherford	"	3 12
		Wm. Scoggins, Rutherford	"	2 50
		Wm. Scoggins, Rutherford	"	2
		T. B. Carlton, Rutherford	"	3 25
		J. A. Teague for W. L. Teague, Cald- well county,		12 38
		Leland Martin, Wilkes	county,	2 05
		Thomas Vail, Washington	"	4 37
		Thomas S. Powell, Jackson	"	12 50
		Sundry superior court clerks on account of fines, penalties and forfeitures, as follows:		
		N. R. Odom, clerk superior court Northampton county,		54 05
		J. Jenkins, clerk superior court cleve- land county,		50
		W. G. Curtis, clerk superior court Brunswick county,		16
		E. A. Osborne, clerk superior court Mecklenburg county,		47
		James Rumley, clerk superior court Carteret county,		75
		E. A. Withers, clerk superior court Gaston county,		20
		H. F. Brandon, clerk superior court Caswell county,		10

1869.		\$	Educational Fund, receipts.
Aug.	J. A. Martin, clerk superior court Yad- kin county,	40	
	John Norfleet, clerk superior court Edgecombe county,	50	
	Abraham Clapp, clerk superior court Guilford county,	105	
	S. P. Sherrill, clerk superior court Lincoln county,	25	
	Eli Spruill, clerk superior court Tyr- rell county,	50	
	J. A. Long, clerk superior court Rock- ingham county,	2	
	W. R. Skinner, clerk superior court Chowan county,	15	37
	S. Harrell, clerk superior court Hert- ford county,	25	
	J. C. Griffith, clerk superior court Cas- well county,	20	
Sept.	Sundry persons on account of entries of vacant lands, as follows:		
	Leroy Helms, Union county,	8	37
	Uriah Staten, Anson "	2	
	Jas. W. Galloway, Transylvania "	12	50
	R. W. Tatam, Bladen "	12	50
	John W. Cain, Bladen "	12	50
	A. H. Cain, Bladen "	45	
	A. A. McKethan, Cumberland "	6	25
	Clerks of superior courts of sundry counties on account of fines, penal- ties and forfeitures, as follows:		
	J. M. Patrick, Greene county,	20	
	S. E. Belk, treasurer, Mecklenburg, "	374	28
	C. M. Pace, Henderson "	21	
	J. E. Reid, Buncombe "	45	
	John A. McDonald, Cabarrus "	197	

STATEMENT B.

EDUCATIONAL FUND DISBURSEMENTS.

Showing the different purposes for which the Disbursements of the Educational Fund were made.

Educational Fund,
disbursements.

Expense account,	\$ 6,158 18
Loan to University of North Carolina,	3,000
State loans,	158,000
	\$ 167,158 18

DETAILED AS FOLLOWS :

1868.		
Oct.	Paid G. Z. French, trustee, &c., for advertising one-half column circular of Superintendent of Public Instruction and orders of the Board of Education, two times,	\$ 24
Nov.	Asheville Pioneer, for advertising circular of Superintendent Public Instruction,	12
	Newbern Republican, for advertising circular Supt. Pub. Instruction	25
Dec.	J. B. Carpenter, Editor Rutherford Star, for advertising circular Superintendent Public Instruction, and orders of the Board of Education,	18
	Rev. J. W. Hood, his salary as agent, of the Board of Education, for the month of December, 1868,	100
	C. L. Harris, for expenses incurred in visiting and examining White Marsh swamp, in Columbus county,	35
1869.		
Jan.	E. G. Haywood, attorney, his fee as counsel in the case of the Board of Education and the bank of North Carolina, as per order of the board,	1,000

1869.				
Jan.	C. L. Harris, Superintendent Public Works, for making deed of White Marsh swamp, and stamps used for same.	\$	7	Educational Fund, disbursements.
	G. Z. French, trustee, Wilmingt'n Post, for advertising swamp land in Robeson and Bladen counties.		12	
	J. W. Hood, his salary for the month of January, 1869, as agent of Board of Education and Assistant Superintendent Public Instruction.		100	
March.	J. W. Hood, his salary for the month of February, 1869, as agent of the Board of Education,		100	
	S. S. Ashley, Superintendent Public Instruction, for advertising the sale of railroad stock in Wilmington Post, Baltimore Sun, Philadelphia Press and New York Journal of Commerce,		2216	
	Thos. H. Allen, surveyor, for surveying and making map of White Oak swamp,		1,000	
April.	J. W. Hood, agent of the Board of Education, one month's salary,		100	
	C. L. Harris, Superintendent Public Works, for the payment of bill for keeping horse by William Forry at Newbern,		270	
	Hon. R. W. Lassiter, Treasurer, for a loan to the University of North Carolina, as voted by the Board of Education, for which certain bonds are held as "collateral" by the Secretary of the Board of Education.		3,000	
	J. W. Hood, agent of the Board of Education, his salary for the month of April, 1869,		100	
	Wm. Simpson, of Raleigh, for tracing a copy of map of White Oak swamp,		30	
	D. A. Jenkins, Treasurer of the State of North Carolina, being amount borrowed of the Board of Education to meet State liabilities,		155,000	

Educational Fund, disbursements.	1869.	J. W. Hood, agent of Board of Education, as salary for the month of May, 1869,	\$ 125
	June.	Hon. R. W. Lassiter, Secretary and Treasurer University of North Carolina, for loan ordered by the Board of Education on April 12, 1869,	3,000
		S. S. Ashley, Secretary of the Board of Education, for the payment of advertising in Newbern Times, also for telegraphing on account of railroad stock,	22 32
		Rev. J. W. Hood, on account of salary as agent of Board of Education,	100
	Aug.	J. B. Neathery & Co., for advertising,	23
		Rev. J. W. Hood, agent for Board of Education, his salary for the month of July, 1869,	100
	Sept.	Rev. J. W. Hood, agent for Board of Education, salary for the month of August, 1869,	100

RECEIPTS AND DISBURSEMENTS

Of Public Fund for Fiscal Year ending Sept. 30, 1869.

		RECEIPTS.	DISBURSEMENTS.	
1868.	October,	\$ 107,029 31	\$ 116,872 38	Receipts and dis- bursements of Pub- lic Fund.
	November,	228,478 08	248,850 50	
	December,	6,721 63	104,404 24	
1869.	January,	27,478 79	46,531 02	
	February,	13,543 19	11,733 02	
	March,	18,315 42	12,773 17	
	April,	267,944 78	184,821 08	
	May,	351,947 22	370,325 64	
	June,	3,471,224 15	3,504,038 59	
	July,	4,033,923 81	4,043,368 70	
	August,	14,421 24	23,829 17	
	September,	9,850	19,881 46	
		\$ 8,550,877 62	\$ 8,687,428 97	

Much the larger proportions of these receipts and expenditures are on account of subscriptions to Railroad Companies, &c., where no money actually passed.

STATEMENT C.

PUBLIC FUND RECEIPTS,

Exhibiting the several sources from which the receipts of Public Fund were derived.

Public Fund,
receipts.

Accrued interest on State coupon bonds,	\$ 13,637 50
Constitutional Convention tax,	29,768 77
Executive Mansion,	4,451 44
Taxes for indigent patients in Insane Asylum,	18,312 75
Taxes for indigent pupils in institution for the Deaf, Dumb and the Blind,	2,625
Pay patients in Insane Asylum,	680
Public taxes,	192,869 91
Navigation dividends,	300
Sales of N. C. R. R. bonds,	117,600
State loans,	258,000
State coupon bonds,	343,133 33
State coupon bonds (railroad companies,)	3,462,500
State coupon bonds, (Penitentiary,)	100,756 95
Sales of State property,	10
Tax on insurance companies,	4,354 84
Tax on attorneys' licenses,	242 25
Tax on seals,	227
Tax on corporations,	369 50
Tax on National Bank dividends,	701 18
Western N. C. R. R. Company,	4,000,000
Weights and measures,	337 50
	<hr/>
	\$ 8,550,877 62

DETAILED AS FOLLOWS:

1868. Oct.		Public Fund. receipts.
	McKim & Co., for accrued interest on State coupon bonds, (funding act,) §	151 67
	Whitehurst & Co., for accrued interest on State coupon bonds, (funding act,)	152 50
	C. W. Horner, Treasurer Insane Asylum of North Carolina, amount received by him in August and September, 1868, for board of pay patients in said Asylum,	225
	Sundry sheriffs on account of public tax, as follows:	
	John Horton, sh'ff Watanga co.,	661 90
	Geo. Nicks, " Yadkin "	1,421 21
	G. J. Williams, " Chatham "	2,717 88
	A. R. Dennison, " Craven "	4,602 93
	J. R. Grady, " Harnett "	1,086 85
	J. M. Bateman, " Washington "	1,330 09
	C. C. Vest, " Cherokee "	766 75
	E. F. Cox, " Lenoir "	2,804 18
	B. F. Willey, " Gates "	1,248 24
	Wm. Latham, " Ashe "	1,088 05
	K. H. Worthy, " Moore "	1,640 46
	G. W. Wilson, " Transylvania "	664 66
	N. G. Grandy, " Camden "	1,013 06
	J. I. Moore, " Granville "	5,017 48
	J. B. Watson, " Hyde "	1,830 14
	N. B. Hampton, " Polk "	519 11
	J. T. Patterson, " Burke "	1,399 43
	M. Spainhour, tax col. Burke "	115 64
	G. W. Willoughby, sh'ff Anson "	2,202 35
	R. F. Trogden, " Randolph "	2,956 09
	Battle Bryan, " Edgecombe "	8,336 64
	P. C. Riley, " Montgomery "	1,060 54
	T. F. Baxter, " Currituck "	1,342 21
	Henry White, " Perquimans "	1,776 28
	J. A. Sowers, " Davidson "	3,164 49
	J. A. Reid, " Halifax "	4,977 22
	H. G. Terry, " Richmond "	1,924 12
	Lewis Bond, " Bertie "	3,077 42
	S. T. Carrow, " Beaufort "	2,893 84
	J. C. Rhodes, " Wayne "	3,615
	John Patterson, " Clay "	290 34

Public Fund.
receipts.

1868.			
Oct.	B. A. Howell, sheriff Robeson county,	\$	2,814 40
	McKim & Co., for State coupon bonds issued under funding act,		1,000
	Whitehouse & Co., for State coupon bonds issued under funding act,		1,000
	Sundry sheriffs, for tax levied to pay expenses of constitutional convention, as follows:		
	John Horton, sh'ff Watanga co.,		195 03
	George Nicks, " Yadkin "		439 49
	G. J. Williams, " Chatham "		959 67
	A. R. Dennison, " Craven "		749 57
	J. R. Grady, " Harnett, "		319 29
	J. M. Bateinan, " Washington "		377 25
	C. C. Vest, " Cherokee "		225 47
	E. F. Cox, " Lenoir "		617 14
	B. F. Willey, " Gates, "		402 18
	Wm. Latham, " Ashe. "		304 59
	K. H. Worthly, " Moore "		487 26
	G. W. Wilson, " Transylvania "		211 41
	N. G. Grandy, " Camden "		292 93
	J. I. Moore, " Granville "		1,695 39
	J. B. Watson, " Hyde "		465 99
	N. B. Hampton, " Polk "		225 17
	J. T. Patterson, " Burke "		417 70
	G. W. Willoughby, " Anson "		768 93
	R. F. Trogden, " Randolph "		999 86
	Battle Bryan, " Edgecombe "		1,817 01
	P. C. Riley, " Montgomery "		277 14
	T. F. Baxter, " Currituck "		266 06
	Henry White, " Perquimans "		544 83
	J. A. Sowers, " Davidson "		1,027 91
	J. A. Reid, " Halifax "		1,505 49
	H. G. Terry, " Richmond "		568 24
	Lewis Bond, " Bertie "		858 12
	S. T. Carrow, " Beaufort "		613 14
	J. C. Rhodes, " Wayne "		985 07
	John Patterson, " Clay "		71 06
	B. A. Howell, " Robeson, "		796 99
	Sundry sheriffs, tax on board of Indigent Patients in Insane Asylum, as follows:		
	John Horton, Sheriff Watauga co.,		250
	George Nicks, " Yadkin "		250
	A. R. Dennison, " Craven "		1,140 12
	J. R. Grady, " Harnett "		267 25

1868.	J. M. Bateman, sheriff	Washg'ton co.,	8	500	
Oct.	J. I. Moore,	Granville "		1,440	12
	N. B. Hampton,	Polk "		20	85
	J. T. Patterson,	Burke "		250	
	G. W. Willoughby,	Anson "		454	03
	R. F. Trogden,	Randolph "		377	57
	Battle Bryan,	Edgecombe "		1,394	95
	N. R. Jones,	Warren "		615	86
	J. A. Sowers	Davidson "		556	84
	G. J. Williams	Chatham "		1,938	68
	J. A. Reid,	Halifax "		270	83
	L. Bond,	Bertie "		650	64
	S. T. Carrow,	Beaufort "		500	
	J. C. Rhodes,	Wayne "		243	62
	John Patterson,	Clay "		250	
	E. F. Cox,	Lenoir "		302	33
	Sundry sheriffs, tax for indigent pupils in institution of the Deaf, Dumb and the Blind, as follows :				
	J. R. Grady, Sheriff	Harnett Co.,		225	
	J. T. Patterson,	Burke "		75	
	G. W. Willoughby	Anson "		75	
	R. F. Trogdon,	Randolph "		75	
	Battle Bryan,	Edgecombe "		75	
	Henry White,	Perquimans "		75	
	J. A. Sowers,	Davidson "		150	
	G. J. Williams,	Chatham "		150	
	J. A. Reid,	Halifax "		300	
	S. T. Carrow,	Beaufort "		150	
	J. C. Rhodes,	Wayne, "		375	
	E. F. Cox,	Lenoir "		225	
	H. H. Thompson, Cashier	National			
	Bank at Newbern, N. C., for tax on bank dividends,			221	18
	Sundry persons, tax on insurance com- panies, as follows :				
	O. E. Hosmer, assistant general agent Underwriter's Agency, New York,			139	73
	S. D. Wait, General Agent for North Carolina, of Connecticut Mutual Life Insurance Company,			221	30
	A. W. Lawrence, General Agent for Brooklyn Life Insurance Company,			58	49
	John G. Williams & Co., General				

Public
receipts.

Public Fund, receipts.	1868.		
	Oct.	Agent for Underwriter's Agency, New York,	6 72
		W. E. Anderson, Agent for Manhattan Life Insurance Company,	5 30
		W. A. Williams, Agent at Charlotte, N. C., of sundry insurance compa- nies,	18 13
		N. H. D. Wilson, Agent at Greens- boro', N. C., of Putnam Insurance Company,	3 08
		N. H. D. Wilson, Agent at Greens- boro', N. C., of Virginia State In- surance Company,	3 70
		N. H. D. Wilson, Agent at Greens- boro', N. C., Insurance Savings Com- pany, Richmond, Va.,	5 70
		T. W. Dewey, Agent at Charlotte, N. C., Manhattan Life Insurance Com- pany,	7 07
		W. H. Crow, General Agent for North Carolina, of Aetna Life Insurance Company,	261 23
		Caldwell & Brenizer, General Agents of Universal Life Insurance Com- pany,	7 65
		P. F. Pescud, Agent of sundry Insur- ance Companies,	23 59
		Wm. R. Richardson, tax on seal of Treasury department,	1
		R. M. Douglas, Private Secretary, tax impressions of Great Seal of State,	49
	Nov.	C. W. Horner, Treasurer of Insane Asylum, being amount received by him during this month from pay patients in said Asylum,	180
		J. W. Hayes, sheriff of Wilkes county, for public tax,	1,328 52
		John Riley, sheriff of Cumberland county, for public tax,	4,275 68
		J. W. Hayes, sheriff of Wilkes county, tax for constitutional convention,	455 80
	John Reilly, sheriff of Cumberland county, for constitutional conven- tion,	1,049 96	
	G. W. Swepson, as proceeds of sale of		

1868.
Nov.

§176,000 North Carolina Railroad bonds owned by the State,	§ 114,400	Public Fund. receipts.
W. H. Jones & Co., proceeds of sale of North Carolina Railroad bonds,	3,200	
Henry White, sheriff of Perquimans county, tax for indigent patients in Insane Asylum,	500	
John Reilly, sheriff of Cumberland county tax for indigent patients in Insane Asylum,	1,513	80
J. M. Heck, tax on corporation of Deep River Manufacturing Company,	25	
J. M. Heck, tax on charter granted to Ridgeway Company,	25	
A. Jones, tax on charter granted Roanoke Batteau, Transportation Company,	25	
Agents of sundry insurance companies for tax on same as follows :		
Alex. Steddart, general agent of Underwriter's Agency, New York, on gross receipts in North Carolina,	76	
Hutchison, Burroughs & Co., general agents Equitable Life Insurance Society,	302	53
Hutchison, Burroughs & Co., general agents at Charlotte, North Carolina, Home Insurance Company, New Haven, Conn.,	8	24
W. L. Smith & Co., agents at Wilmington, North Carolina, for sundry insurance companies.	60	88
Springs, Hutchison & Co., agents at Salisbury, North Carolina, of Home Insurance Company, New Haven, Conn.,		80
P. F. Pesend, agent at Raleigh, North Carolina, of Phoenix Insurance Company, Hartford, Conn.,		72
Gov. W. W. Holden, for weights and measures furnished Caswell county, being amount paid him by treasurer of said county.		28
J. M. Heck, as per requisition of Committee on Penitentiary, approved by the Governor, 56 (of \$1,000 each,	265	50

1868.	Nov.			
Public Fund.				receipts.
		State coupon bonds in part payment for 8,000 acres of land purchased by said committee as site for penitentiary—\$382.65 accrued interest included,	\$	56,382 65
		D. J. Pruyn, as above, 44 (\$1,000 each) State coupon bonds, payment of balance for 8,000 acres of land as site for penitentiary, including \$374 accrued interest on same,		44,374
	Dec.	Sundry sheriffs on account of public tax, as follows :		
		James Cansler, sheriff of Macon county,		827 35
		E. G. Hill, sheriff of Johnston "		3,051 32
		W. A. Walton, sheriff of Rowan "		417
		N. B. Hampton, sheriff of Polk "		106 50
		James Cansler, sheriff of Macon county, taxation for Constitutional Convention,		193 03
		E. G. Hill, sheriff of Johnston county, tax levied for Constitutional Convention,		825 41
		E. G. Hill, sheriff of Johnston county, for indigent patients in Insane Asylum,		592 98
		E. G. Hill, sheriff of Johnston county, for indigent pupils Institution Deaf and Dumb and the Blind,		150
		A. K. Walker, cashier First National Bank of Wilmington, N. C., tax on dividends,		240
		Agents of sundry insurance companies for tax on same as follows :		
		W. H. Crow, general agent North Carolina, Etna Life Insurance Company,		300 58
		D. A. McMillan, agent at Fayetteville,		6 22
		A. H. Foster, agent at Newbern, N. C., of Home Insurance Company, New Haven, Conn.,		11 22
	1869.			
	Jan.	Sundry sheriffs, on account of public tax as follows :		
		J. H. King, sheriff Lincoln co.,		1,902 86
		Reuben King, former " Robeson "		193
		R. J. Hassell, " Tyrrell "		541 67

1869.					
Jan.	T. F. Lee,	sheriff	Wake c'ty.	\$ 9,131 30	Public Fund. receipts.
	G. W. McKee,	"	Gaston "	1,864 07	
	S. P. Swain,	"	Brunsw'k "	1,412 53	
	B. S. Buchanan,	"	Jackson "	634 76	
	John Foley,	"	Pitt "	4,500	
	Sundry sheriffs, tax levied for Constitutional Conventional as follows:				
	J. H. King,	sheriff	Lincoln co.,	650 71	
	R. J. Hassell,	"	Tyrrell "	203 82	
	G. W. McKee,	"	Gaston "	683 75	
	S. P. Swain,	"	Brunswick "	287 35	
	B. S. Buchanan,	"	Jackson "	176 90	
	Sundry sheriffs, on account of tax for support of indigent patients in Insane Asylum as follows:				
	J. H. King,	sheriff	Lincoln co.,	74 91	
	G. W. McKee,	"	Gaston "	987 41	
	S. P. Swain,	"	Brunswick "	250	
	G. W. McKee,	"	Gaston "		
	tax for support of indigent pupils in Institution for the Deaf and Dumb and the Blind,				
				150	
	W. H. Bagley and Johnston Jones, clerk and deputy clerk of supreme court, tax on attorneys' licenses,				
				213 75	
	R. M. Douglas, Private Secretary, for tax on impressions of great seal of State,				
				108	
	Jno. M. Horah, for tax on seal of treasury department,				
				2	
	Mrs. H. W. Miller, for old carpet purchased of State,				
				10	
	Gov. W. W. Holden, for amount expended drawn by him September 15, 1868, on account of appropriation by General Assembly for Executive Mansion,				
				3,500	
Feb.	Sundry sheriffs, on account of public tax as follows:				
	W. M. McKinney,	sheriff	Mitchell Co.,	483 56	
	W. L. Edwards,	"	Green "	1,094 46	
	A. J. Murray,	"	Haywood "	782 75	
	E. A. Gupton,	"	Franklin "	2,476 46	
	E. Murrell,	"	Onslow "	1,174 89	
	J. W. Schenck, Jr.,	"	New Han'v'r county,	5,000	

Public Fund.
Receipts.

1869.			
Feb.	Sundry sheriffs, on account of tax levied for Constitutional Convention as follows :		
	W. M. McKinney, sheriff Mitchell Co.,	\$	70 91
	W. L. Edwards, " Greene "		409 93
	A. J. Murray, " Haywood "		220 75
	E. A. Gupton, " Franklin "		746 35
	E. Murrell, " Onslow "		355 11
	Sundry sheriffs on account of tax for indigent patients in Insane Asylum, as follows :		
	A. G. Tweed, sheriff Madison Co.,		62 44
	W. L. Edwards, " Greene "		250
	E. Murrell, " Onslow "		250
	W. H. Bagley, clerk of Supreme Court, tax on attorneys' licenses, granted January term of said court,		28 50
	Sundry persons, tax on corporations, as follows :		
	H. J. Menninger, Secretary of State, for charter granted Union Land Company,		25
	J. T. Pearson, for charter granted to Jamesville and Washington Railroad Lumber Company,		25
	T. A. Sykes, for charter granted to North Carolina Manufacturing Loan and Trust Company,		25
	E. P. George, agent at Wilmington, N. C., for tax on premiums of sundry Insurance Companies,		62 03
March.	C. H. Cabiniss, Treasurer of Roanoke Navigation Company, dividend on stock held by State in said Company, to September 30, 1868,		300
	C. W. Horner, Treasurer Insane Asylum, on account of board of pay patients in said Asylum, during the month of January,		75
	Sundry sheriffs on account of public tax, as follows :		
	J. W. Schenck, jr., sheriff New Hanover county,		9,443 31
	J. E. Eldridge, sheriff Bladen county,		1,300
	J. L. Wood, sheriff Pasquotank "		2,427 45
	Sundry sheriffs, on account of tax		

1869. March.			Public Fund, receipts.
	levied for Constitutional Convention as follows:		
	J. W. Schenck, jr., sheriff New Hanover county,	\$ 2,195 96	
	J. L. Wood, sheriff Pasquotank county,	631 84	
	E. A. Gupton, sheriff Franklin county, tax on account of indigent patients in Insane Asylum,	1,654 86	
	E. A. Gupton, sheriff Franklin county, tax for support of indigent pupils in Institution for the Deaf and Dumb and the Blind,	75	
	J. W. Schenck, jr., sheriff New Hanover county, tax for support of indigent pupils in Institution for the Deaf and Dumb and the Blind,	75	
	Sundry persons, tax on corporations, as follows:		
	H. J. Menninger, Secretary of State, for charter granted Richmond Manufacturing Company,	25	
	Lemuel Banister, Pres. Green Swamp Company, for amended charter of said Company,	25	
	Lemuel Banister, for tax to incorporate Green Swamp Company,	25	
	R. M. Douglas, Private Secretary, for tax on seal of State affixed to sundry documents,	62	
April.	Ex-Gov. Bragg, amount collected by him, of the bondmen of Joshua Rouse, a patient in Insane Asylum of North Carolina, from Columbus county, said claim having been put in his hands for collection by order of former Supervisors of Insane Asylum,	200	
	Rev. W. B. Northrop and sundry sheriffs on account of public tax, as follows:		
	Rev. W. B. Northrop, amount paid by him for a "delinquent tax payer," for the years 1866 and 1867,	500	
	John A. Reid, sh'ff of Halifax county, amount collected on judgment in Superior Court of Wake county <i>vs.</i> J.		

Public Fund.
receipts.

1869.			
April.	S. Snow, former sheriff of Halifax county,	8	2,675 40
	E. Murrell, sheriff of Onslow county,		32 49
	J. Sumner, sheriff of Buncombe "		2,379 91
	T. W. Taylor, sh'ff of Henderson "		1,378 21
	John Foley, sheriff of Pitt "		150
	Jesse Sumner, sheriff of Buncombe county, tax on account of Constitutional Convention,		645 64
	T. W. Taylor, sheriff of Henderson county, tax on account of Constitutional Convention,		480 15
	Sundry parties on account of State loans, being amount borrowed to meet State liabilities, as follows:		
	Board of Education of the State of North Carolina,		158,000
	Raleigh National Bank of the State of North Carolina,		100,600
	Jesse Sumner, sheriff of Buncombe county, tax on account of indigent patients Insane Asylum,		79 50
	T. W. Taylor, sheriff of Henderson county, tax on account of indigent patients Insane Asylum,		82 11
	Jesse Sumner, sheriff of Buncombe county, tax on account of indigent pupils Institution: Deaf, Dumb and Blind,		75
	Sundry persons, tax on corporations, as follows:		
	George Little, for charter granted by General Assembly to Littleton Manufacturing Company,		25
	George Kinney, for amended charter granted by Silver Valley Mining Company,		25
	H. J. Menninger, for amended charter granted Richmond Manufacturing Company,		25
	Agents of sundry Insurance Companies, tax on same, as follows:		
	P. F. Pescud, agent at Raleigh for sundry Insurance Companies,		77 30
	W. A. Williams, agent at Charlotte, for sundry Insurance Companies,		48 49

1869.		Public Fund, receipts.
April.	S. D. Wait, general agent for North Carolina, of Connecticut Mutual Life Insurance Company,	143 07
	W. H. Crow, general agent for North Carolina, of Etna Life Insurance Company,	638 16
	W. L. Smith & Co., agents at Wilmington, of sundry Insurance Companies,	123 25
	E. P. George, agent at Wilmington of sundry Insurance Companies,	126 13
	Gov. W. W. Holden, for amount paid by county of Randolph, in part on account of Weights and Measures,	34
May.	Sundry sheriffs, on account of public tax, as follows :	
	J. W. Schenck, Jr., Sheriff of New Hanover county,	4,100
	W. A. Walton, Sheriff Rowan County,	1,101 84
	E. G. Hill, Sheriff Johnston "	500
	M. C. Brinkley, Sheriff Rowan "	650
	John Reilly, Sheriff Cumberland "	1,500
	Bland Wallace, Sheriff Duplin "	680
	B. F. Briggs, Sheriff Wilson "	1,000
	T. F. Lee, Sheriff Wake "	1,000
	H. C. Cowles, Treasurer Western North Carolina Railroad Company, (Eastern Division,) for 340 State coupon bonds of \$1,000 each, purchased by said company, including \$1,133 33, as accrued interest on same from October 1st, 1868, to October 20th, 1868,	341,133 33
	Agents of sundry Insurance Companies, for tax on same, as follows :	
	P. F. Pasend, agent at Raleigh, of Phoenix Insurance Co., Hartford, Connecticut,	77 45
	O. E. Hosmer, assistant general agent, Underwriter's Agency, New York,	185 37
	Wm. E. Anderson, agent at Raleigh of Manhattan Insurance Company, New York,	14 53
	Sundry persons for tax on seal of Treasury department, affixed to official documents,	5

1869.			
Public Fund, receipts.	June.	Agents of sundry Insurance Companies, tax on same, as follows :	
		Hutchison, Burroughs & Co., general agents N. C., of Equitable Life Insurance Society of United States.	\$ 384
		C. A. McMillan, agent at Fayetteville, North Carolina, of sundry Insurance Companies,	24 86
		A. K. Walker, cashier first National bank at Wilmington, N. C., for tax on dividends of said bank,	240
		Sundry persons, on account of State coupon bonds (R. R. Co's.):	
		J. J. Mott, President Western North Carolina Railroad Company, (Eastern Division) for 273 \$1,000 State coupon bonds,	273,000
		G. W. Swepson, President Western North Carolina Railroad, (Western Division,) for 2,187 \$1,000 State coupons at par,	2,187,000
		R. H. Cowan, President, Wilmington, Charlotte & Rutherford Railroad Company, for \$1,000, bonds issued for said Company, including \$2,500, accrued interest on bonds from April 1st to 15th, 1869,	1,002,500
		Sundry sheriffs, on account of State tax, as follows :	
		Battle Bryan, sh'ff of Edgecombe co.,	500
		A. R. Dennison, sheriff of Craven "	1,500
		J. C. Rhodes, sheriff of Wayne "	600
		A. F. Hensley, sheriff of Cabarrus "	500
		J. A. Reid, sheriff of Halifax "	500
		R. M. White, sh'ff of Mecklenburg "	700
		J. A. Reid, sheriff of Halifax "	495
		R. M. Stafford, sheriff of Guilford "	828 55
		A. R. Dennison, Sheriff of Craven "	500
		John Reiley, sheriff of Cumberland "	1,000
		Gov. W. W. Holden, for unexpended balance in his hands of appropriation for Executive Mansion,	951 44
	July.	Samuel T. Carrow, sheriff of Beaufort county, on account of tax levied for support of Institution Deaf, Dumb and Blind, for the year 1869,	150

1869. July.		Public Fund, receipts.
	Samuel T. Carrow, sheriff of Beaufort county, for tax on account of Insane Asylum, for the year 1867,	341
	Sundry sheriffs, on account of public tax, as follows :	
	Samuel T. Carrow, sheriff of Beaufort county, balance on account for the year 1867, with interest,	2,786 60
	J. L. Wood, sheriff of Pasquotank county, for the year 1869,	500
	Samuel T. Carrow, sheriff of Beaufort county, for the year 1869,	1,786 66
	R. M. White, sheriff of Mecklinburg county, for the year 1869,	800
	John A. Reid, sh'ff of Halifax county, for the year 1869,	455
	J. C. Griffith, sheriff of Caswell county, for the year 1869,	600
	J. D. Davis, sheriff of Carteret county, for the year 1869,	500
	N. R. Jones, sheriff of Warren county, for the year 1869,	900
	V. V. Richardson, sheriff of columbus county, for the year 1869,	575 10
	John Foley, sheriff of Pitt county, for the year 1869,	500
	J. H. King, sheriff of Lincoln county, for the year 1869,	900
	B. A. Howell, sh'ff of Robeson county, for the year 1869,	500
	Bland Wallace, sh'ff of Duplin county, for the year 1869,	1,600
	B. Bryan, sh'ff of Edgecombe county, for the year 1869,	1,000
	B. B. Briggs, sheriff of Wilson county, for the year 1869,	500
	M. C. Brinkley, sheriff of Chowan county, for the year 1869,	500
	R. B. Salisbury, sheriff of Martin county, for the year 1869,	500
	John Turner, sheriff of Orange county, for the year 1869,	4,990 14
	A. W. Lawrence, general agent of Brooklin Life, Insurance C'mp'y, tax,	97 98
	J. C. Courtney Superintendent South-ern Express Company, State tax,	69 50

1869.			
Public Fund. receipts.	July.	Gov. W. W. Holden, in part payment for Weights and Measures from New Hanover county,	\$ 38 50
		G. W. Swepson, for State coupon bonds in part payment of stock subscribed by the State in Western North Carolina Railroad Company, (Western Division,)	±,000,000
		G. W. Swepson, President Western North Carolina Railroad Company, (Western Division,) for accrued interest on \$4,000,000 State coupon bonds issued to said company, in payment of stock subscribed by State in said company,	13,333 33
	Aug.	Sundry sheriffs on account of public tax, as follows:	
		H. T. Grant, sh'ff N'thampt'n co.,	671 30
		J. M. Bateman, " Washington "	500
		E. A. Gupton, " Franklin "	500
		John Barnett, " Person "	655
		S. P. Swain, " Brunswick "	1,500
		J. M. Bateman, " Washington "	600
		J. C. Griffith, " Caswell "	3,300
		J. G. W. McKee, " Gaston "	5,400
		S. A. Kelley, " Davie "	500
		J. W. Schenck, jr., sheriff New Hanover county, tax on insurance companies for the quarter ending July 1st, 1869,	794 94
	Sept.	Sundry sheriffs on account of public taxes, as follows:	
		Martin Walker sh'ff Rutherford co.,	1,500
		B. A. Howell, " Robeson "	1,700
		J. C. Griffith, " Caswell "	2,200
		E. A. Gupton, " Franklin "	500
		J. L. Wood, " Pasquotank "	500
		John Barnett, " Person "	2,450
		J. L. Wood, " Pasquotank "	500
		A. R. Dennison, " Craven "	500

STATEMENT D.

PUBLIC FUND DISBURSEMENTS,

Showing the different purposes for which the Disbursements of the Public Fund were made.

Adjutant General's Department,	§ 1,965 56	Public Fund, disbursements.
Appropriations for artificial limbs,	975 1/2	
Auditor's Department,	4,110 54	
Agricultural Societies,	50 1/2	
Agent of Cherokee lands,	714 23	
Binding Laws,	6,596 96	
Capitol Square,	3,087 73	
Copying Laws,	1,608 60	
Convention,	89 46	
Contingencies,	76,506 64	
Department of Public Instruction,	3,566 66	
Executive Department,	7,752 63	
Fugitives from justice,	6,830 04	
General Assembly,	191,102 10	
Geological Survey,	5,004 69	
Interest on State coupon bonds,	111,123 1/2	
Interest on State debt,	272 81	
Insane Asylum,	66,198 63	
Insane Asylum, (patient account),	68 75	
Institution Deaf and Dumb and the Blind,	37,000 1/2	
Judiciary,	54,130 55	
Keeper of Capitol and Weights and Measures,	1,054 17	
Marion and Asheville Turnpike Com- pany,	1,871 78	
Militia,	1,864 91	
Penitentiary,	121,200 55	
Presidential Election,	1,144 10	
Public taxes refunded,	449 35	
Public Arms,	60 1/2	
Public Printing,	§ 28,085 10	
Quarantine regulations,	4,168 43	
Resolutions of General Assembly,	2,701 54	
Revised Code,	6,600 1/2	
Sheriffs for settling taxes,	2,311 35	

Public Fund, disbursements.	State Library,	\$ 1,124 94
	Superintendent of Public Works,	2,550
	Senatorial election,	11 16
	State loans,	118,373 43
	State Department,	3,903 25
	Treasury Department,	6,082 96
	Turnpike road in Carteret and Craven counties,	720
	Turnpike Company in McDowell and Yancy counties,	3,000
	Western N. C. R. R. Company, (East- ern Division,)	613,000
	Western N. C. R. R. Western Di- vision,)	6,187,000
	Wilmington, Charlotte and Rutherford R. R. Company,	1,000,000
	Weights and Measures,	1,397 36
		\$ 8,687,428 97

DETAILED AS FOLLOWS :

1868.		
Oct.	Paid A. W. Fisher, Adjutant General, for one month's salary, ending Sept. 23d, 1868,	\$ 100
	A. W. Fisher, Adjutant General, as postage for his department \$15.41 : expenses to and from Halifax C'ty, \$18.00,	33 41
	C. W. Horner, for services one day as Clerk to Adjutant General,	2 50
	S. M. Parish, Clerk in Office of Adju- tant General, as salary from 25th August to Sept. 30th,	90
	A. W. Fisher, Adjutant General, for expenses incurred in going to Ver- mont on business for the State of North Carolina,	5 00
	J. J. Manly of Stokes county, commu- tation for an arm,	50
	J. H. Adams, Clerk to Auditor, as salary from Aug. 22d, 1868, to Sept. 30th, 1868,	105 54
	Henderson Adams, Auditor, as salary	

1868.	Oct.				Public Fund, disbursements.
		to Sept. 30th, inclusive, \$200; do. from Oct. 1, to Nov. 1, 1868, \$200,	\$	400	
		Solomon Bragg and others for services rendered on Capitol Square during this month.			82 50
		Jno. Flagg, for hauling rubbish from square and furnishing 2 gilt signs for Code Commissioners and Adjutant General's office,			9 59
		R. M. Douglas, Private Secretary, his salary from July 18th, to Sept. 30th, 1868,		202	67
		John G. Tarwarter, for the arrest of Gns. Walker, who escaped from jail in the county of Halifax, N. C.,		200	
		G. N. Clayton, Representative of Transylvania county,		49	
		W. A. Allen, Senator, 12th Senatorial District,		204	
		C. W. Horner, Treasurer Insane Asylum on account of support of said Asylum for current fiscal year,		6,639	73
		Samuel H. Young, Treasurer Institution Deaf, Dumb and the Blind on account of said Institution,		2,000	
		Hon. E. W. Jones, Judge 2d Judicial District, for 3d quarter's salary, to Sept. 30th, 1868,		625	
		Jas. J. Martin, Solicitor, 1 certificate,		40	
		J. M. Cloud, Judge of Superior Courts, on account of salary,		239	40
		Thos. Settle, Judge of Supreme Court, his salary from July 3d to September 30th, 1868,		611	32
		Virgil S. Lusk, Solicitor 11th District, 1 certificate,		40	
		A. H. Joyce, Solicitor 8th Circuit, 2 certificates,		80	
		J. A. Richardson, Solicitor 4th District, 3 certificates,		120	
		Hon. R. M. Pearson, Judge Supreme Court, his quarter's salary to September 30th, 1868,		625	
		Samuel Watts, Judge Superior Court, his quarter's salary to September 30th, 1868,		625	

1868. Oct.		
	W. J. Clark, Solicitor <i>pro tem.</i> 3d Judicial District, 1 certificate,	40
	Neil McKay, Solicitor 5th Judicial District, 5 certificates,	200
	J. N. Bunting, for transferring 10 suits in favor of the State,	10
	J. A. Richardson, Solicitor <i>pro tem.</i> , 4th Judicial District, 1 certificate,	40
	R. H. Cannon, Judge Superior Court, his quarter's salary to September 30th, 1868,	625
	J. V. Sherrard, Solicitor 3d District, 3 certificates,	120
	Wm. R. Cox, Solicitor, Fall Term, 1868,	40
	J. W. Albertson, Solicitor 1st Judicial District, 2 certificates,	80
	J. A. Richardson, Solicitor 4th Judicial District, 1 certificate,	40
	Sundry persons, interest on State coupon bonds during this month,	74,679
	N. Paige & Co., for printing Code of Commissioners,	1,153 10
	N. Paige & Co., for printing 89 Index Books for Sup. Court Clerks, 25,000 registration books, and 246,000 oaths,	1,585 50
	A. W. Tourgee, for salary as Code commissioner for the month of September, 1868,	200
	V. C. Barringer, for services as Code Commissioner for the month of September, 1868,	200
	Sundry sheriffs, for settling taxes, as follows:	
	Geo. Nicks, Sheriff Yadkin Co.,	38 50
	John Horton, " Watanga "	54 60
	G. J. Williams, " Chatham "	9 60
	A. R. Dennison, " Craven "	27 60
	J. R. Grady, " Harnett "	12 20
	J. M. Bateman, " Wash'gton "	54 60
	C. C. Vest, " Cherokee "	100 40
	E. F. Cox, " Lenoir "	21 20
	B. F. Willey, " Gates "	46 20
	Wm. Latham, " Ashe "	53 20
	G. W. Wilson, " Transylva. "	73

1868.					
Oct.	J. I. Moore, sheriff	Granville co.,	\$	16	Public Fund, disbursements.
	N. G. Grandy,	Camden "		54	
	J. B. Watson,	Hyde "		55 40	
	K. H. Worthey,	Moore "		15 60	
	N. B. Hampton,	Polk "		61	
	M. M. McKinney,	Mitchell "		59	
	J. T. Patterson,	Burke "		47	
	G. W. Willoughby,	Anson "		52	
	R. F. Trogdon,	Randolph "		31	
	Battle Bryan,	Edgecombe "		27 40	
	P. C. Riley,	Montg'ry "		41	
	T. F. Baxter,	Currituck "		53	
	Henry White,	Perquim'ns "		53	
	J. A. Sowers,	Davidson "		25	
	J. A. Reid,	Halifax "		25	
	Lewis Bond,	Bertie "		63	
	H. G. Perry,	Richmond "		55 40	
	J. C. Rhodes,	Wayne "		17 69	
	S. T. Rhodes,	Beaufort "		34 20	
	J. Patterson,	Clay "		101 50	
	B. A. Howell,	Robeson "		46	
	H. D. Coley, State Librarian, his 3d quarter's salary, ending September 30th, 1868,			175	
	H. D. Coley, State Librarian, for sun- dry books for State Library,			30 25	
	H. D. Coley, State Librarian, for 9 vols. "The Museum of Art and For- eign Literature," for State Library,			20 25	
	C. M. Farriss, keeper of Capitol, his salary from July 15th to September 30th, 1868,			104 17	
	S. S. Ashley, Superintendent Public Instruction, his salary for the month of September,			200	
	E. S. Ashley, Clerk to Superintendent Public Instruction, his salary for September and October,			166 66	
	S. S. Ashley, Superintendent Public Instruction, his salary for the month of October,			200	
	C. L. Harris, Superintendent Public Works, his salary for the month of October,			200	
	C. W. Horner, Bookkeeper of Treasury				

1868.	Oct.		\$	
		Department, his salary to September 30th, 1868,		72 23
		D. W. Bain, Chief Clerk of Treasury Department, his 3d quarter's salary ending September 30th, 1868,		375
		Hesselbach & Mahler, for 9 sets Standard Weights, and boxes for same,	1,355	70
		C. M. Farriss, keeper of Weights and Measures, as salary from July 15th to September 30th, 1868,		41 66
		Southern Express Company, freight on sundry packages,		8 50
		Henry Gorman, 6½ days work, (painting) in Auditor's office,		16 25
		John Ransom, 7 days work, (painting) in Auditor's office,		17 50
		Alex. Turner, as servant for sundry departments,		45
		Newbern Republican, for advertising notices to sheriffs of North Carolina, and Proclamation of Gov. Holden, and General Orders from Adjutant General's office,		19
		H. J. Menninger, Secretary of State, for Express charges on 12 certified copies for Executive, Treasury and Attorney General Departments,		34 10
		S. D. Harrison, for two basins and pitchers,		5 50
		Henry Fendt, for 35 pounds soap,		4 37
		H. P. Buncombe, for services as waiter in Capitol,		22 50
		Western Union Telegraph Company, for telegrams sent and received by the various departments,		55 58
		Friday Jones, for services as Watchman in Capitol from July 14th to September 30th, 1868,		114
		Rutherford Star, for publishing General Orders, 1, 2 and 3, of Adjutant General,		25
		R. R. Harrison, for work done in Supreme Court rooms, Commons Hall and Senate Chamber,		36 50
		Southern Express Company, freight on sundry packages,		26 25

Public Fund,
disbursements.

1868. Oct.		250	Public Fund, disbursements.
	Wilmington Post, advertising duties of Superior Court Clerks,	250	
	Hatch, Estes & Co., 70 reams paper and 1 roll parchment,	703	20
	W. N. Edwards, leveling and cleaning up on Baptist Grove,	37	50
	Southern Express Company, packages shipped from Weldon to Franklin,	4	
	A. Miller, Postmaster, postage for the several departments,	233	33
	Raleigh & Gaston Railroad Company, freight on 2 packages furniture,	18	12
	G. M. Lea, Treasurer North Carolina Railroad Company, payment of United States Revenue tax on \$180,000 scrips, dividend received from North Carolina Railroad Company,	9,000	
	Raleigh Gas Light Company, gas furnished State House and gate lamps,	44	
	Southern Express Company, freight on sundry packages,	2	75
	John Armstrong, ruling, binding and indexing 3,040 Register's books,	91	2
	Southern Express Company, freight on sundry packages,	4	25
	Raleigh & Gaston Rail Road Company, freight on 2 boxes furniture,	25	78
	Wm. Gant, making steps, taking up and relaying floor in office of Superintendent of Public Instruction,	32	82
	Wm. Gant, work done and materials furnished in various departments,	55	25
	Southern Express Company, freight on sundry packages,	8	75
	Newbern Republican, advertising duties of Superior Court Clerks,	250	
	Southern Express Company, freight on sundry packages,	10	75
	Raleigh & Gaston Rail Road Company freight on 2 packages furniture,	17	94
	Wilmington Post, advertising proclamation,	21	
	Wilmington Post, advertising for departments of Adjutant General, Treasury and Superintendent Public Works,	62	

Public Fund, Disbursements.	1868. Oct.		
		Southern Express Company, freight on packages,	2
		L. Hinton, making belt and holster for Watchman in Capitol,	1 65
		D. J. Pruyn, 100 cords wood and 3 days work with team,	439
		Southern Express Company, freight on packages,	4 25
		Raleigh & Gaston Railroad Company, freight on 18 bundles chairs,	14 25
		Southern Express Company, freight on packages from New York,	1 25
		Jas. Gorman, 12 days work (painting) in office Superintendent Public Instruction,	30
		W. M. Robins, for services in attendance on Penitentiary Committee,	80 90
		R. W. Lassiter, for services in attendance on Penitentiary Committee,	65 90
		J. A. Hyman, for services in attendance on Penitentiary Committee,	77 10
		J. H. Renfrow, for services in attendance on Penitentiary Committee,	84 10
		J. H. Harris, for services in attendance on Penitentiary Committee,	64 30
		Hugh Downing, for services in attendance on Penitentiary Committee,	179 30
		W. H. & R. S. Tucker & Co., 292 ¹ / ₂ yards carpeting, 3 dozen chairs, 7 walnut desks, 3 tables, packing trunk, oil cloths and rugs,	1,613 53
		Southern Express Company, freight on sundry packages from New York,	129 25
		John Ransom, painting judges' stand and book case in Supreme Court room,	7
		Southern Express Company, freight on sundry packages,	3
		K. B. Waitt, 35 boxes for packing books sent to Superior Court Clerks,	15 75
		Sentinel office, advertising notice to sheriffs, &c.,	9
		R. R. Harrison, sewing and putting down carpet in office of Superintendent Public Instruction,	15
		J. W. Stephens, Colonel commanding,	

1868.			
Oct.	for expenses incurred in organizing militia in Caswell county,	28	108 90
	Phil. Theim, 2 dozen spittoons, 1 gross matches and can of ink,		79
	H. C. Smith, repairs on dome of Capitol and Capitol roof,		300
	R. & G. R. R. Company, freight on 4 boxes paper.		17 15
	American Bank Note Company, engraving coupon plates, furnishing bonds and coupons and alteration to bond plate,		2,040 30
	John Ransom, for painting in sundry offices in Capitol,		5 60
	G. R. Kimball, for distributing registration books for 26 counties,		200
	Hatch, Estes & Co., 50 reams white paper, cartage and insurance,		667 15
	Jno. Armstrong, 75 bound books and making 15 sets county dockets,		937 50
	Newbern Republican advertising for Treasury, Executive and Adjutant General's departments,		82
	Geo. W. Nason, Jr., 1 doz. drawer locks, chains and water-coolers,		130 20
	A. B. Newberry, for package for blank forms and reports of Boards of Internal Improvements of State of Ohio,		10
	A. Mooney, for traveling expenses in distributing registration books and oaths,		98 65
	Southern Express Company, freight on package,		50
	R. W. Lassiter, attendance on Penitentiary Committee.		36
	Southern Express Company, freight on package to New York,		25
	Western Union Telegraph Company telegrams sent and received by Executive and Treasury departments,		20 47
Nov.	A. W. Fisher, Adjutant General, as salary to November 1st, 1868,		129
	Solomon Bragg and others, services on Capitol Square and guarding arsenal during this month,		78

1868. Nov. Public Fund, disbursements.		
	N. Paige & Co., printing 3,500 copies page 109 of ordinances and press work 15 tokens.	\$ 18 90
	A. G. Tweed, Sheriff of Madison c'ty, expenses incurred and services rendered, in coming to Raleigh and returning to Madison county, with J. A. Keith, charged with murder during the rebellion, including also the expenses of Capt. H. A. White, for accompanying the sheriff,	188 37
	William Long, Representative from Caswell county,	71
	Tod R. Caldwell, President of Senate, from Burke county.	634
	J. Keener, Representative from Jackson county,	295 60
	Hon. Bedford Brown, attendance and mileage,	64
	C. W. Horner, Treasurer Insane Asylum North Carolina, as part of appropriation of General Assembly, for fiscal year ending Sept. 30th, 1868, for use of said Asylum,	5,000
	S. S. Ashley, Superintendent Public Instruction, for the use of Institution for the Deaf, Dumb and the Blind,	3000
	Sundry persons, interest on State coupon bonds during this month, \$12,447; coupons cut from new bonds under funding act of March 10th, 1866, to pay accrued interest on said bonds, \$5,019,	17,446
	G. W. Logan, Judge of Superior Courts, his quarter salary to Oct. 1, 1868,	625
	Jno. V. Sherrard, Solicitor, 1 certificate,	40
	J. R. Bulla, Solicitor, 5 certificates,	200
	A. W. Tourgee, Judge of Superior Courts, his quarter's salary to Oct. 1, 1868,	625
	W. L. Tate, Solicitor, 2 certificates,	80
	J. J. Martin, Solicitor, 1 certificate,	40

1868.			
Nov.	J. A. Richardson, Solicit'r, 1 certificate.	§ 40	Public Fund, disbursements.
	E. G. Reade, Associate Justice of Supreme Court, his quarter's salary to October 1st, 1868.	625	
	J. J. Martin, Solicitor pro tem.; 1 certificate,	40	
	Wm. M. Coleman, Attorney General, on account of salary to Nov. 1, 1868.	125	
	W. B. Rodman, Associate Justice of Supreme Court, his quarter's salary ending Sept. 30th, 1868,	625	
	J. A. Richardson, Solicit'r, 1 certificate,	40	
	J. W. Albertson, " 2 "	80	
	W. R. Cox, " 2 "	80	
	Wm. H. Thompson, Superintendent of Penitentiary, for the purpose of constructing the stockade provided for in section 2 of the act of the General Assembly authorizing the construction of a Penitentiary and expenses incident thereto.	5,000	
	Sundry sheriffs for making returns of Election, as follows:		
	W. M. McKinney, sh'ff Mitchell co.,	67 20	
	A. S. C. Powell " Wilkes "	18 40	
	V. V. Richardson, " Columbus "	35 40	
	N. Paige, State Printer, printing for Senate and House of Representatives, including Laws and Journals from July 18th to Nov. 16th, 1868,	2,629 71	
	P. F. Pescud, agent of Phoenix Insurance Company, amount overpaid by him for said Company April 15th, 1868,	11 81	
	C. W. Horner, Treasurer Insane Asylum, amount overpaid for board of Mrs. Emily Lawrence, patient in said Asylum,	25	
	Sundry persons, under resolutions of General Assembly, as follows:		
	B. W. Green,	33	
	N. J. Whitaker,	81 25	
	H. A. Hodge,	122 40	
	L. M. Green,	273	
	W. A. Marcom,	133	
	Page & Allen,	300	

1868.	Nov.		\$	
		A. F. Page,		39 75
		Hon. A. W. Tourgee, Code Commissioner, salary for the month of Oct.,		200
		Hon. W. B. Rodman, Code Commissioner, salary for the month of Sept.,		200
		Hon. W. B. Rodman, Code Commissioner, salary for the month of Oct.,		200
		A. W. Tourgee, Code Commissioner, salary for the month of Nov.,		200
		J. W. Hays, sheriff of Wilkes county, for settling taxes,		48 40
		John Reilly, sheriff of Cumberland county, for settling taxes,		54 50
		H. J. Menninger, Secretary of State, salary for the month of October.		200
		W. E. Anderson, Cashier State National Bank at Raleigh, in full of amount of principal and interest of negotiable note,		101,500
		Friday Jones, one month's wages as Watchman of State House,		45
		Alex. Turner, for services as water in Capitol 1 month,		22 50
		H. P. Buncombe, services as waiter in Capitol 1 month,		22 50
		A. Miller, P. M., for postage stamps for Treasury Department,		10
		Southern Express Company, freight on packages shipped to Newbern, N. C.,		3 75
		Hatch, Estes & Co., amount of bill for stationery,		675 75
		Williams & Haywood, for lead, oil and paint,		49 40
		H. Mahler, Seal and Press for Superior Courts for sundry counties,		99 50
		S. D. Harrison, 40 pounds candles, 6 boxes stove polish and brush,		9 90
		R. R. Harrison, for cutting, sewing and putting down carpet in Auditor's and Treasurer's offices,		23 95
		Raleigh & Gaston Railroad Company, freight on 11 boxes stationery,		12 82
		N. Paige & Co., for printing registration oaths, election returns, &c.,		192 29
		Southern Express Company, freight on		

1868.	Nov.		Public Fund, disbursements.
	14 boxes from Charleston, S. C., and packages from New York,	§ 137 25	
	Southern Express Company, freight on 3 boxes and package from Charleston, S. C., and Salisbury, N. C.,	23 50	
	D. G. Curtis, for the purchase of a tract of land for the building of a quarantine hospital,	125	
	D. G. Curtis, quarantine physician, for the port of Wilmington, for services from August 21st to September 30th, 1868,	66 66	
	D. G. Curtis, for bill of expenses on quarantine boat,	90	
	D. G. Curtis, for expenses incurred on business in Wilmington,	38 25	
	James Buncombe, for services rendered in cleaning Senate chamber and House of Representatives,	8	
	N. Paige & Co., for printing done for Adjutant General and Executive departments,	96 75	
	John Hyman, for services on the Penitentiary Committee,	80 60	
	Major Hugh Downing, for services on the Penitentiary Committee,	58 20	
	Raleigh Gas Light Company, for gas consumed in Capitol and State lamps in October, 1868,	44	
	Hatch, Estes & Co., for stationery,	1,471 98	
	Raleigh & Gaston Railroad Company, freight on 9 bales paper,	64 23	
	R. W. Lassiter, for 6 days services in locating Penitentiary,	41	
	R. R. Harrison, for furnishing and fixing 4 window shades in Governor's office,	32 85	
	Southern Express Company, freight on 6 boxes to Morganton, N. C.,	12	
	Nichols & Gorman, for printing done for the various departments,	218 50	
	John Ransom, for painting done in office of Superintendent of Public Works,	1	
	K. B. Wait, for making 55 boxes for packing books,	24 75	

1868. Nov. Public Fund disbursements.		
	Southern Express Company, for freight on packages for Executive department,	\$ 3 25
	J. H. Renfrow, for attendance on Penitentiary Committee,	95
	Southern Express Company, freight on bonds to New York,	25
	Douglas Bell, for 8 tons coal, drayage and commissions on same,	137 39
	Chas. Kuester, for repairing locks, making keys, &c., in Capitol,	81 30
	Southern Express Company, freight on packages for Executive department.	5 10
	R. R. Harrison, for putting down carpet in sundry offices in Capitol,	21
	Kemp P. Battle, for expenses to Halifax county to attend to business of the State vs. Sheriff for unpaid taxes, &c.,	115 75
	A. Green, for repairing wheelbarrow,	2 25
	W. J. Yates, for advertising proclamation of Governor Holden and notice in regard to paying interest on State bonds,	57
	John Armstrong, for binding Code of Civil Procedure, dockets, &c.,	1,500
	Raleigh & Gaston Railroad Company, freight on 1 box furniture,	7 87
	D. J. Prun, for hauling 3,000 stand of arms, equipments, &c.,	45
	Rutherford Star for advertising Governor's Proclamation,	30
	Southern Express Company freight on 11 boxes to Morganton,	22
	E. Daniels, for the purchase of a Quarantine Boat,	173
	Geo. W. Hays, for plastering office of Code Commissioners,	1 50
	J. B. Carpenter, Editor Rutherford Star, for advertising General Orders of Adjutant General	5 50
	A. W. Fisher, Adjutant General, for balance of expenses North, in procuring arms for the State,	176 04
	Governor W. W. Holden, for Ashe-	

1868. Nov.		§	64	Public Fund disbursements.
	ville Pioneer, for advertising proclamation of October 12th, 1868,			
	Asheville Pioneer, for publishing General Orders 1, 2, 3, 6 and 8 of Adjutant General, \$23.50; do. advertising for Public Treasurer, \$7,		30 50	
	Thos. Searlett, for repairing desk in Treasury department,		5 55	
	R. R. Harrison, for 1 hair cushion,		4	
	Henry Hunter, for 11 days guard duty at arsenal,		16 50	
	A. P. Jessup, for carrying registration books and oaths to Danbury, Stokes county,		8 50	
	Southern Express Company, freight on packages for State Library,		2 75	
	John Ransom, for 5 days painting in office of Code Commissioners,		12 50	
	C. J. Rogers, Agent North Carolina Railroad Company, freight on guns, accoutrements and ammunition,		529 77	
	Raleigh & Gaston Railroad Company, freight on 1 box furniture and 1 case wire fenders,		15 75	
	Southern Express Company, freight on packages for Adjutant General's department,		2 75	
	John Ransom, 2 days painting in office of Code Commissioners,		5	
	Raleigh & Gaston Railroad Company, freight on 3 cases hardware,		5 69	
	Southern Express Company freights on packages for Treasury Department,		1	
	Hatch, Estes & Co., for shovels, tongs, coal grates, &c.,		152 15	
	J. M. Heck, 56 State coupon bonds of \$1,000 each, issued to him, in part payment for 8,000 acres of land purchased by Penitentiary Committee, as site for penitentiary, said bonds being issued in conformity to an act of the General Assembly of North Carolina, ratified August 24, 1868, entitled "An act to provide for the employment of convicts and the erection of a penitentiary,"		56,000	

Public Fund disbursements.	1868.		
	Nov.	Issued also to D. J. Pruyne, under the above act and for purposes therein mentioned, 44 coupon bonds of \$1,000 each, being in full for balance of said purchase.	\$ 44,000
	Dec.	A. W. Fisher, Adjutant General, on account of salary to Dec. 1, 1868,	100
		S. M. Parish, Clerk to Adjutant General on account of salary to December 19, 1868,	197 50
		Calvin Blevins, commutation for a leg, Henderson Adams, Auditor of State, on account of salary to December 1, 1868,	50
		Jas. H. Adams, Clerk to Auditor of State, on account of salary to December 31, 1868,	200
		Henderson Adams, Auditor of State, on account of salary to December 31, 1868,	250
		John Armstrong, for binding 2,000 copies of the laws of the Special Session of 1868, and 6 sets of Doekets, (30 books,)	200
		Soloman Bragg and others, for services rendered on Capitol Square, and guarding Arsenal during this month,	495
		W. H. Hamilton, for maple trees, rose bushes, &c.,	106 75
		C. H. Coffield, for live oaks and 60 mock orange trees for Capitol Square,	150
		E. Edwards, for 17 loads manure,	14 50
		W. H. Hamilton, for trees, plants, shrubs, &c., for Capitol Square,	8 50
		H. J. Menninger, Secretary of State, for furnishing the Public Printer with copies and resolutions passed at the Special Session of 1868, by the General Assembly,	437 20
		Sundry Electors for President and Vice President of the United States, as follows :	228
		H. E. Stillely,	72 40
		A. H. Galloway,	67 69
		W. S. Pierson,	98
		H. A. Badham,	38

1868. Dec.	Byron Latlin,	\$	84 40	Public Fund disbursements.
	Jos. W. Holden,		14	
	J. A. McDonald,		36	
	R. Barringer,		84	
	C. H. Brogden,		34	
	W. R. Richardson, Clerk in Executive Department, his 4th quarter's salary December 31, 1868,		300	
	H. Sauls, Messenger in Executive De- partment, his 4th quarter's salary, to December 31, 1868,		125	
	Sundry members of the General As- sembly, as follows:			
	Tod R. Caldwell, Pres. of the Senate,		444	
	A. C. Avery, Senator,		121 40	
	Wm. Barrow	"	298	
	Joshua Barnes,	"	282 40	
	J. W. Beasley,	"	350	
	N. B. Bellamy,	"	303 60	
	P. T. Beeman,	"	340	
	Silas Burns,	"	264 80	
	Jas. Blythe,	"	368 80	
	D. D. Colgrove,	"	304 40	
	J. B. Book,	"	262 40	
	J. H. Davis,	"	324	
	J. B. Eaves,	"	356	
	J. W. Etheridge,	"	411	
	Henry Eppes,	"	293 60	
	Samuel Forkner,	"	314	
	A. H. Galloway,	"	305 60	
	J. W. Graham,	"	268	
	O. S. Hayes,	"	341 20	
	J. S. Harrington,	"	268	
	J. A. Hymau,	"	277 60	
	W. D. Jones,	"	258	
	R. W. Lassiter,	"	274 80	
	Edwin Legg,	"	320 80	
	J. M. Lindsey,	"	296 40	
	P. A. Long,	"	301 20	
	W. L. Love,	"	449 20	
	L. A. Mason,	"	332	
	F. G. Martindale,	"	356	
	C. Melchor,	"	316	
	W. M. Moore,	"	362	
	W. A. Moore,	"	311 60	
	J. H. McLaughlin,	"	316	

1868. Dec.			\$	
	J. W. Osborne,	Senator,		217
	J. W. Purdie,	"		330
	D. J. Rich,	"		323 20
	W. B. Richardson,	"		282
	J. B. Respass,	"		322
	W. M. Robins,	"		304
	J. G. Scott,	"		305 20
	T. M. Shoffner,	"		280
	S. P. Smith,	"		382 60
	J. W. Stephens,	"		312
	W. H. S. Sweet,	"		295 20
	G. W. Welker,	"		284
	E. A. White,	"		352
	R. I. Wynne,	"		267 20
	C. S. Winstead,	"		277 60
	P. A. Wilson,	"		296
	T. A. Byrnes, Secretary, Senate,			308
	J. C. L. Harris, Ass't Sec'y,	"		252
	J. T. Ball, Doorkeeper,	"		252
	F. W. Gibble, Ass't Doork'per,	"		311 60
	E. F. Martin, Page,	"		161 60
	Cornelius Caldwell, Page,	"		195 20
	Joseph W. Holden, Speaker in the House Representatives,			360
	Wallace Ames, Representative,			282
	T. M. Argo,	"		268
	J. J. Allison,	"		270
	Joel Ashworth,	"		303 20
	M. E. Armstrong,	"		290 80
	L. B. Barnes,	"		355 60
	Henry Barnes,	"		305 20
	S. C. Barnett,	"		277 60
	E. T. Blair,	"		294 80
	W. W. Boddie,	"		294
	J. W. Bowman,	"		364
	W. G. Candler,	"		374
	Wilson Carey,	"		312
	Nathan Carson,	"		342
	William Cawthorn,	"		284 60
	H. C. Cherry,	"		298 40
	R. C. Clayton,	"		352
	J. W. Clayton,	"		380
	J. H. Crawford,	"		272
	G. F. Davidson,	"		316
	J. H. Davis,	"		310 40
	J. Dixon,	"		288

Public Fund
disbursements.

1868. Dec.	Representative,	\$	
H. Downing,	Representative,	328	40 Public Fund,
Plato Durham,	"	345	60 disbursements
D. S. Ellington,	"	300	
J. R. Ellis,	"	332	
L. G. Estes,	"	305	20
T. Farrow,	"	328	
W. B. Ferebee,	"	343	20
Richard Forkner,	"	277	60
F. W. Foster,	"	327	20
S. D. Franklin,	"	254	40
G. Z. French,	"	305	20
G. W. Gahagan,	"	373	60
John Gatlin,	"	332	
J. P. Gibson,	"	313	20
W. W. Gilbert,	"	214	40
G. A. Graham,	"	321	20
L. Green,	"	316	
W. W. Grier,	"	320	
W. T. Gunter,	"	262	
J. C. Harper,	"	202	
J. T. Harris,	"	326	
Joseph A. Hawkins,	"	293	60
W. T. J. Hayes,	"	252	
A. L. Hendrix,	"	332	80
John O. Hicks,	"	305	
D. P. High,	"	322	80
B. R. Hinnant,	"	266	80
David Hodgkin,	"	286	80
P. Hodnett,	"	310	
J. Hoffman,	"	332	
S. G. Horney,	"	292	
I. E. Hudgins,	"	295	60
T. C. Humphries,	"	346	80
Dixon Ingram,	"	357	20
T. J. Jarvis,	"	366	
J. M. Justice,	"	356	
W. D. Justus,	"	371	20
J. A. Kelly,	"	312	
Abel Kelly,	"	275	
Geo. Kinney,	"	299	60
Byron Laffin,	"	322	80
J. S. Leary,	"	308	
J. B. Long,	"	262	
R. T. Long,	"	350	40
W. H. Malone,	"	340	
R. P. Matheson,	"	324	

Public Fund, disbursements.	1868. Dec.		Representative, %	
		Cuffee Mayo,		276
		W. W. McCauliss,	"	311 60
		J. C. McMillan,	"	289 60
		J. R. Mendenhall,	"	293 60
		J. A. Moore,	"	276
		F. G. Moring,	"	257 60
		B. D. Morrill,	"	318
		B. W. Morris,	"	296
		Thos. A. Nicholson,	"	324 40
		E. M. Painter,	"	455 20
		R. C. Parker,	"	306
		J. T. Pearson,	"	272
		G. P. Peck,	"	298 80
		G. W. Pou,	"	264
		G. W. Price, Jr.,	"	305 20
		E. R. Proctor,	"	333 20
		David Proflitt,	"	417
		J. T. Reynolds,	"	114 80
		J. W. Ragland,	"	272 80
		J. J. Rea,	"	360 40
		J. H. Renfrow,	"	292
		J. T. Reynolds,	"	196
		P. D. Robbins,	"	344
		J. L. Robinson,	"	449 60
		A. S. Seymour,	"	296
		J. M. Shaver,	"	312
		R. Short,	"	322 80
		W. B. Siegrist,	"	336
		Jas. Sinclair,	"	332
		J. R. Simonds,	"	532
		T. A. Sykes,	"	350 40
		J. L. Smith,	"	342
		J. J. Smith,	"	356
		D. E. Smith,	"	276
		E. T. Snipes,	"	312
		G. W. Stanton,	"	286 40
		A. W. Stevens,	"	304
		H. E. Stillely,	"	310 40
		N. S. Stuart,	"	126
		Ishan Sweat,	"	56
		F. Thompson,	"	296 80
		J. P. Vest,	"	299
		T. M. Vestall,	"	320
		J. E. A. Waldrop,	"	364
		W. P. Welch,	"	380
		J. White,	"	352

1868.	R. D. Whitley, Representative,	\$	327	20	Public Paid, disbursements.
Dec.	L. D. Wilkie, "		289	60	
	John C. Williams, "		296		
	B. C. Williams, "		262	40	
	John Williamson, "		122	80	
	J. H. Williamson, "		140		
	S. C. Wilson, "		399		
	A. C. Wiswall, "		336		
	John H. Boner, Clerk to House of Representatives,		400		
	T. J. Candler, Assistant Clerk to House of Representatives,		372		
	Edgar Miller, Doorkeeper to House of Representatives,		305	20	
	J. B. Abbott, Assistant Doorkeeper to House of Representatives,		296		
	Wm. Hardie, Page to House of Representatives,		108		
	Thos. Austin, Page to House of Representatives,		87		
	David Harris, Page to House of Representatives,		88	40	
	D. W. Harris, Page to House of Representatives,		66		
	Simon Pocher, Page to House of Representatives,		108		
	J. A. McDonald, Engrossing Clerk,		274		
	W. B. Rich, Ass't Engrossing Clerk,		323	20	
	J. E. O'Hara, " " "		272		
	J. B. Eaves, Senator,		49		
	John O. Hicks, Representative,		49		
	L. A. Mason, Senator,		49		
	J. W. Bowman, Representative,		49		
	W. W. Gilbert, "		49		
	J. R. Ellis, "		49		
	E. T. Blair, "		49		
	John A. McDonald, Clerk,		25		
	Geo. O. Spooner, for transcribing three copies Constitutional amendment, (14th article),		50		
	Isaac B. Kelly, Representative		148		
	Walter Brown, Representative, (disqualified).		240		
	Fisk P. Brewer, Treasurer Institution Deaf, Dumb and the Blind, on ac-				

Public Fund, (disbursements).	1868. Dec.		\$	
		count of appropriation to said Institution for the year 1869,	5,000	
		Sundry persons, interest on State coupon bonds during this month,	12,948	
		William M. Coleman, Attorney General, for 2 months' salary ending December 31, 1868,	250	
		Neill McKay, Solicitor, 3 certificates,	120	
		W. P. Bynum, " 1 "	40	
		J. J. Martin, " 1 "	40	
		G. W. Logan, Judge Superior Courts, his quarter's salary, ending December 31, 1868,	625	
		C. R. Thomas, Judge Superior Courts, his quarter's salary, ending December 31, 1868,	560	
		A. H. Joyce, Solicitor, 4 certificates,	160	
		W. P. Caldwell, " 7 "	280	
		Anderson Mitchell, Judge Superior Courts, third quarter's salary to February 30, 1868,	625	
		Anderson Mitchell, Judge Superior Courts, fourth quarter's salary ending December 31, 1868,	625	
		R. P. Buxton, Judge Superior Courts, his third quarter's salary ending September 30, 1868,	625	
		R. P. Buxton, Judge Superior Courts, his fourth quarter's salary ending December 31, 1868,	625	
		W. P. Bynum, Solicitor, 6 certificates,	240	
		W. R. Cox, " 1 "	40	
		J. W. Albertson, " 2 "	80	
		W. L. Tate, Solicitor pro tem., 1 certificate,	40	
		A. W. Tourgee, Judge Superior Courts, his fourth quarter's salary to December 31, 1868,	625	
		T. H. Coates, Architect of Penitentiary, his salary to January 1, 1869,	185	
		Sundry sheriffs, for making returns of Presidential election, as follows:		
		J. T. Patterson, sheriff Burke co.,	14	50
		M. C. Brinkley, " Chowan "	55	20
		J. Marshall, " Stanley "	32	
		John D. Davis, " Carteret "	29	20

1868.			
Dec.	W. E. Piercey, sheriff Yancey co.,	\$	58 80
	E. Murrill, " Ouslow "		34 60
	N. Paige, for making side notes to laws of special session 1868,		100
	Nancy A. Hicks, amount allowed her under resolution of the General Assembly, ratified Aug. 24th, 1868,		55
	W. B. Rodman, Code Commissioner, for services rendered the month of November, 1868,		200
	V. C. Barringer, Code Commissioner, for services rendered the month of October, 1868,		200
	V. C. Barringer, Code Commissioner, for services rendered the month of November, 1868,		200
	A. W. Tourgee, Code Commissioner, for services rendered the month of December, 1868,		200
	James Cansler, sheriff Macon county, for settling taxes,		104 80
	E. G. Hill, sheriff Johnston county, for settling taxes,		12
	H. J. Menninger, Secretary of State, salary for the month Dec., 1868,		200
	H. D. Coley, State Librarian, on account of salary to Dec. 31, 1868,		175
	C. M. Farriss, Keeper of Capitol, &c., his 4th quarter's salary, ending Dec. 31, 1868,		237 50
	S. S. Ashley, Superintendent Public Instruction, salary for the month of Nov., 1868,		200
	S. S. Ashley, Superintendent Public Instruction, salary for the month of Dec., 1868,		200
	C. L. Harris, Superintendent Public Works, salary for the month of Nov., 1868,		200
	C. L. Harris, Superintendent Public Works, salary for the month of Dec., 1868,		200
	D. W. Bain, Chief Clerk to Public Treasurer, his 4th quarter's salary, ending Dec. 31, 1868,		375
	A. D. Jenkins, Disbursing Clerk in		

1868.	Treasury Department, his 4th quarter's salary ending Dec. 31, 1868,	\$	250
Dec.	C. W. Horner, Bookkeeper in Treasury Department, his 4th quarter's salary, ending Dec. 31, 1868,		187 50
	J. W. Bowman, Commissioner of McDowell and Yancy Turnpike Company in pursuance of an appropriation made by the Board of Internal Improvements in favor of said Company,		3,000
	J. A. Richardson, for traveling expenses and board at Wilmington, for investigating the accounts of S. R. Bunting and S. W. Schenck, Jr., former and present sheriffs of New Hanover county, by request of the Public Treasurer,		14
	H. P. Buncombe, waiter in capitol, for services month of Nov., 1868,		22 50
	Friday Jones, watchman in capitol, for services month of Nov. 1868,		45
	Alexander Turner, waiter in capitol, for services month of Nov., 1868,		22 50
	Southern Express Company, freight on packages for State library and Treasury department,		2
	K. B. Waitt, for making 3 boxes and 1 ladder,		15
	Western Union Telegraph Company, for telegrams sent and received during the months of October and November, 1868, for Executive, State and Treasury departments,		80 78
	W. H. & R. S. Tucker & Co., for 6 chairs for Supreme Court room, and sundry other articles as per bill rendered,		339 65
	W. E. Pell, for advertising Governor's proclamation to electors,		14
	L. V. Blum, for printing General Orders Nos. 1, 2, 6 and 8 for Adjutant General's department,		41
	S. D. Harrison, for 1 gross matches and 3 dozen cakes soap,		4 75

1868.	Dec.		Public Fund, disbursements.
		Southern Express Company, freight on packages for State library,	\$ 1 50
		John Ransom, for painting and setting glass in office of Secretary of State,	1
		Southern Express Company, freight on packages for treasury department,	2
		Raleigh & Gaston Railroad Company, freight on 6 rolls carpeting,	10 50
		John Ransom, for putting 8 panes glass in windows of Senate chamber,	2
		Southern Express Company, freight on sundry packages from New York to Treasury department, 5 boxes to Statesville, N. C., and amount of bill for cuts and engraving for letter heads, &c., collected by said Company,	34 95
		Raleigh Gas Light Company, for gas consumed in capitol and gate lamps from November 1st, to December 1, 1868,	44 80
		Southern Express Company, freight on sundry packages,	10 50
		Hatch, Estes & Co., for stationery and 1 dozen wire fenders,	8,165 46
		People's Press, for advertising Governor's Proclamation in October, 1868,	40
		Southern Express Company, freight on packages of bonds valued at \$10,000,	25
		T. H. Briggs, for work done in Capitol and sundry articles furnished,	115 71
		Wilmington Post, for advertising for Treasury and Adjutant General's departments, and Governor's proclamation in regard to arms,	112
		American Bank Note Company, for alteration to tint plate and furnishing 4,001 bonds, \$1,000 each, and 60 coupons,	1,225 30
		American Bank Note Company, for furnishing bonds and coupons and alteration to plate,	190 30
		Southern Express Company, freight on sundry boxes of books to various parts of the State,	14 50

1868. Dec.		\$	
Public Fund, disbursements.	Southern Express Company, freight on sundry packages from New York,		5
	Raleigh & Gaston Railroad Company, freight on 20 boxes books,		24 51
	John G. Williams, for expenses to and from New York, also telegraph and Express charges,		220 70
	Southern Express Company, freight on 10 boxes to various addresses,		20 50
	H. P. Buncombe, waiter in Capitol, month December, 1868,		22 50
	W. G. Gant, for work done in office of Superintendent Public Instruction and Senate chamber.		9
	Raleigh & Gaston Railroad Company, freight on 20 boxes books and 4 boxes sundries.		27 39
	Alex. Turner, for services as waiter in Capitol month December, 1868,		22 50
	George W. Kimball, for distributing dockets for Superior Court Clerks in 26 western counties,		375
	John Armstrong, for 12 sets county dockets, 60 books, 8 quire demy,		750
	R. R. Harrison, for 10 window shades and putting up the same in sundry offices,		106 75
	Southern Express Company, freight on Superior Court dockets to various addresses,		13 75
	Southern Express Company, freight on packages for State and Treasury departments,		42 78
	Jas. M. Harris, for 14,988 feet lumber for boxing trees around Capitol Square,		262 29
	Hilliard Bishop, for boxing trees and manure furnished for same,		46 25
	Raleigh & Gaston Railroad Company, freight on paper, books, press, stand, &c.,		36 82
	John Armstrong, for 8 dockets for the Judges and Clerk of the Supreme Court,		12

1869.
Jan.

Felix Blevins, commutation for the loss of a foot in Confederate service,	\$	50	Public Fund, disbursements.
Reuben Saxton, commutation for an arm rendered useless in Confederate service,		50	
Jacob Ham, commutation for disabled arm,		50	
N. R. Jones, commutation for disabled thigh,		50	
J. R. Baldwin, commutation for the loss of a leg,		50	
J. P. Norton, commutation for the loss of a leg,		50	
Dr. E. B. Haywood, for medical examination of disabled soldiers,		20	
John Armstrong, for binding 4,400 documents of the Legislature of 1868-'69, folding and stitching 7,290 House bills and 2,300 Senate bills,		316 95	
Sol. Bragg and others, for services rendered on Capitol Square, and guarding arsenal during this month,		99	
E. S. Ashley, Clerk in office of Superintendent Public Instruction, for his 4th quarter's salary, ending December 31, 1868,		250	
R. M. Douglass, Private Secretary, his quarter's salary, ending December 31, 1868,		250	
Sundry members of the General Assembly, as follows :			
Isham Sweat, Representative,		252	
E. W. Jones, Senator,		121	
J. H. Harris, Representative,		252	
W. W. Gilbert, "		140	
Wallace Ames, "		56	
Joseph W. Holden, Speaker of the House Representatives,		10	
A. H. Galloway, Senator,		112	
J. B. Respass, "		112	
C. Mayo, Representative,		35	
L. B. Long, "		63	
J. H. Williamson, "		123	
John W. Purdie, Senator,		119	
A. S. Seymour, Representative,		49	
W. Carey, "		70	

Public Fund, disbursements.	1869. Jan.		\$	
		William Hardy, Page in House of Representatives,		30
		Ivey Hudgins, Representative,		133
		John S. Leary, "		133
		J. W. Ragland, "		63
		Francis W. Gibble, Ass't Doorkeeper,		14
		D. S. Ellington, Representative,		105
		Joseph Dixon, "		105
		S. Pocher, Page,		21
		J. C. L. Harris, Assistant Secretary,		105
		William Cawthorn, Representative,		105
		S. C. Barnett, "		35
		J. H. Harris, "		56
		J. H. Boner, Clerk,		105
		J. H. Crawford, Representative,		105
		H. E. Stilley, "		70
		E. T. Blair, "		56
		D. J. Rich, Senator,		98
		J. M. Justice, Representative,		42
		T. M. Vestal, "		49
		A. L. Hendrix, "		35
		J. B. Cook, Senator,		140
		John A. Hyman, "		105
		Henry Eppes, "		105
		G. P. Peck, Representative,		63
		A. W. Stephens, "		42
		T. A. Sykes, "		105
		E. F. Martin, Page,		30
		S. C. Barnett, Representative,		70
		T. J. Jarvis, "		105
		T. A. Byrnes, Secretary,		105
		O. S. Hayes, Senator,		105
		W. A. Moore, "		112
		J. H. Boner, Clerk in House Representatives,		7
		N. E. Armstrong, Representative,		105
		B. D. Morrill, "		105
		John W. Graham, Senator,		105
		T. J. Candler, Reading Clerk in House of Representatives,		105
		J. C. McMillan, Representative,		105
		D. P. High, "		105
		P. D. Robbins, "		105
		J. A. Moore, "		105
		F. Thompson, "		105
		Plato Durham, "		105

1869.				
Jan.	Phillip Hodnett,	Representative,	\$ 105	Public Fund disbursements.
	E. W. Pou,	"	105	
	B. W. Morris,	"	105	
	C. Mayo,	"	70	
	Edgar Miller,	Doorkeeper,	112	
	Francis W. Gible,	"	28	
	D. D. Colgrove,	Senator,	126	
	Wallace Ames,	Representative,	56	
	J. H. Boner, Clerk in House		7	
	J. E. O'Hara, "	"	161	
	G. W. Price,	Representative,	84	
	J. L. Smith,	"	105	
	J. T. Harris,	"	105	
	W. W. Grier,	"	105	
	J. M. Justice,	"	105	
	L. Green,	"	105	
	J. T. Reynolds,	"	70	
	L. B. Banner,	"	105	
	R. D. Whitley,	"	70	
	W. M. Moore,	Senator,	105	
	J. J. Rea,	Representative,	105	
	J. T. Reynolds,	"	35	
	P. T. Beeman,	Senator,	105	
	E. A. White,	"	105	
	J. B. Eaves,	"	105	
	T. M. Argo,	Representative,	105	
	P. A. Wilson,	Senator,	105	
	W. P. Welch,	Representative,	105	
	J. M. Lindsay,	Senator,	105	
	J. T. Pierson,	Representative,	105	
	H. Barnes,	"	105	
	W. H. Malone,	"	105	
	D. S. Ellington,	"	49	
	F. G. Martindale,	Senator,	105	
	A. L. Hendrix,	Representative,	70	
	J. P. Gibson,	"	105	
	B. R. Hinnant,	"	105	
	D. Ingram,	"	105	
	A. S. Seymour,	"	56	
	J. A. Kelley,	"	105	
	R. Forkner,	"	105	
	W. T. J. Hayes,	"	105	
	J. Hoffman,	"	105	
	J. A. Hawkins,	"	105	
	S. A. Mason,	Senator,	126	
	J. W. Clayton,	Representative,	105	

Public Fund, disbursements.	1869. Jan.		§	
		R. T. Long, Representative,	§	105
		J. T. Ball, Doorkeeper of Senate,		98
		Hugh Downing, Representative,		105
		Francis Gibble, Assistant Doorkeeper,		63
		J. S. Harrington, Senator,		105
		F. G. Moring, Representative,		105
		J. R. Mendenhall, "		105
		Isham Sweat, "		105
		W. D. Jones, Senator,		105
		J. R. Ellis, Representative,		105
		J. B. Abbott, Doorkeeper,		105
		Geo. Kinney, Representative,		105
		E. T. Blair, "		49
		J. W. Stevens, Senator,		105
		G. A. Graham, Representative,		105
		Jas. Blythe, Senator,		105
		W. H. S. Sweet, "		105
		A. W. Stevens, Representative,		63
		John H. Renfrow, "		105
		David Harris, Page,		45
		L. V. Smith, Senator,		105
		A. C. Wiswall, Representative,		105
		W. M. Robbins, Senator,		105
		S. D. Franklin, Representative,		105
		Thos. Austin, Page,		45
		R. W. Lassiter, Senator,		105
		Wm. Hardy, Page,		15
		J. R. Simonds, Representative,		105
		J. O. Hicks, "		105
		J. L. Robinson, "		105
		H. Humphries, "		105
		E. F. Martin, Page,		15
		L. D. Wilkie, Representative,		105
		J. W. Osborne, Senator,		105
		J. W. Beasley, "		105
		Wm. Barrow, "		105
		W. L. Love, "		105
		Professor Kerr, State Geologist, on account of appropriation as provided for in section 15, chapter 2, of Revised Code,		1,000
		C. W. Horner, Treasurer Insane Asylum, as part of appropriation of General Assembly of North Carolina for the fiscal year ending September 30th, 1868,		12,131
				30

1869.
Jan.

Fisk P. Brewer, Treasurer of Institution for the Deaf, Dumb and Blind, on account of appropriation of said Institution for the year 1869,	\$ 2,000
Sundry persons interest on State coupon bonds during this month,	975
James Litchford, Marshal of the Supreme Court, for 9 days' services ending 12th day of January, 1869,	27
John V. Sherrard, Solicitor, 1 certificate,	40
J. L. Henry, Judge of Superior Court, 3d quarter's salary, ending September 30th, 1868,	625
J. L. Henry, Judge of Superior Court, 4th quarter's salary, ending December 31st, 1868,	625
R. M. Pearson, Judge Supreme Court, 4th quarter's salary, ending December 31st, 1868,	625
J. M. Cloud, Judge Superior Court, 4th quarter's salary, ending December 31st, 1868,	625
W. L. Tate, Solicitor 12th Judicial District, 4 certificates,	160
John Foley, for J. J. Martin, Solicitor, 1 certificate,	40
W. R. Cox, Solicitor, 1 certificate,	40
J. W. Albertson, Solicitor, 2 certificates,	80
W. P. Caldwell, Solicitor, 2 certificates,	80
J. J. Martin, Solicitor, 1 certificates,	40
J. R. Bulla, " 3 "	120
C. C. Pool, Judge Superior Court, 3d and 4th quarters' salary, ending December 31st, 1868,	1,250
D. L. Russell, Jr., Judge Superior Court, 3d and 4th quarters' salary, ending December 31st, 1868,	1,250
E. W. Jones, Judge Superior Court, 4th quarter's salary ending December 31st, 1868,	625
R. H. Cannon, Judge Superior Court, 4th quarter's salary, ending December 31st, 1868,	625

Public Fund,
disbursements.

Public Fund.
disbursements.

1869.

Jan.

John V. Sherrard, Solicitor, 1 certificate,	\$	40
Johnston Jones, Deputy Clerk of C. B. Root, Clerk Supreme Court, for half year's salary ending December 31st, 1868, and for recording 834 pages,		600 30
W. B. Rodman, Judge of Supreme Court, his 4th quarter's salary ending December 31st, 1868,		625
R. P. Dick, Judge Supreme Court, as his 3d and 4th quarters' salary ending December 31st, 1868,		1,250
Thos. Settle, Judge Supreme Court, as his 4th quarter's salary ending December 31st, 1868,		625
Ed. G. Reade, Judge Supreme Court, as his 4th quarter's salary ending December 31st, 1868,		625
S. W. Watts, Judge Superior Court, as his 4th quarter's salary to December 31st, 1868,		625
J. J. Baxter, sheriff, for making returns for Presidential election,		50
George N. Lewis, sheriff, for making returns for Presidential election,		9
N. Paige, State Printer, printing for General Assembly from Nov. 16th to Dec. 30th, 1868,		2,101 12
D. W. Whitaker, for examining accounts of Public Printer,		3
V. C. Barringer, Code Commissioner, salary for the month of Dec., 1868,		200
W. B. Rodman, Code Commissioner, salary for the month of Dec., 1868,		200
Sundry sheriffs, for settling tax as follows:		
J. H. King, Sheriff of Lincoln county,		47 60
R. J. Hassell, Sh'ff of Tyrrell "		69
G. W. McKee, Sh'ff of Gaston "		46 25
S. P. Swain, Sh'ff Brunswick "		41 40
F. J. Menninger, Clerk in office of Secretary of State, his fourth quarter's salary, ending Dec. 31st, 1868,		250
H. J. Menninger, Secretary of State, salary for the month of Dec. 1868,		200

1869. Jan.		\$	20	Public Fund, disbursements.
	James H. Harris, for services on Penitentiary Committee,			
	North Carolina Railroad Company, freight on sundry packages stationery,		111	96
	Southern Express Company, freight on sundry packages for State Department,		18	25
	Raleigh Gas Light Company, 100 fire brick for offices in capitol,		15	
	Williams & Haywood, paints, oils, &c., for use of capitol,		30	60
	G. W. Hayes, work done in office of Attorney General,		9	20
	Southern Express Company, freight on packages shipped for State and Treasury departments,		23	25
	Raleigh & Gaston Railroad Company, freight on one case of paper,		4	20
	Southern Express Company, freight on packages from New York,		1	25
	Wilmington Post, for advertising Governor's proclamation relative to municipal officers, &c.,		39	
	Frank O'Donnell, for cleaning water closets, and repairing pipes in same,		34	90
	Southern Express Company, freight on packages from Springfield, Illinois, and New York,		5	75
	H. Mahler, for making, altering and repairing superior court seals,		92	
	John Ransom, for painting in nine water closets,		4	50
	Southern Express Company, freight on packages from New York,		4	75
	W. J. Gant, for work done in offices of Superintendents Public Instruction and Public Works,		47	45
	Southern Express Company for freight on packages for State library and State department,		3	
	Western Union Telegraph Company, for messages sent and received by Executive and State departments,		14	80
	John Harrison for repairing carpets in			

1869.	Senate Chamber and House of Representatives,	\$	10
Jan.	J. A. Jones, for books furnished State library,		22
	Raleigh Gas Light Company, for gas consumed in capitol and gate lamps on capitol square during the month of Dec., 1868,		87 20
	A. Miller, Post Master, for amount of postage for the various departments during the month of Dec., 1868,		299 19
	Southern Express Company, freight on sundry packages shipped by Secretary of State,		53 25
	Raleigh & Gaston Railroad Company, freight on nine cases of books, &c.,		16 14
	J. B. Neathery & Co., for advertising weights and measures,		10
	J. B. Neathery & Co., for printing for Executive and Treasury departments,		244 32
	Southern Express Company, freight on packages for Treasury department,		1
	Lougee & Bro., for 1 coal grate, &c., for office of Attorney General,		16 50
	Handy Lockhart, for repairing chairs and locks, and work done in capitol,		64
	Western Union Telegraph Company, for telegrams sent and received by Executive, Treasury and State Departments, during this month,		34 36
	Southern Express Company, freight on twenty boxes, shipped to various addresses by Secretary of State,		42
	Friday Jones, watchman of capitol, services to December 31st, 1868,		45
	Robert Hall, for cutting and packing fifty cords wood,		37 50
	J. B. Neathery & Co., printing for State department,		305 69
Feb.	John A. Ennis, commutation for loss of an arm,		50
	Thomas Ham, commutation for a hand rendered useless,		50
	J. B. Plummer, commutation for a leg,		50

1869.			
Feb.	J. P. Williams, commutation for a leg,	\$	50
	W. P. Hurley, commutation for an arm,		50
	Solomon Bragg and others, for services on capitol square, and guarding arsenal during this month,		207
	N. A. Miles and others, for manure and trees for capitol square, \$132, removing Supreme Court library, and paper for Superintendent of Public Instruction, \$18,		150
	R. T. Bosier, for arresting fugitives from justice,		100
	Sundry members of the General Assembly, as follows :		
	R. P. Matheson, Representative,		105
	Silas Burns, Senator,		105
	Cornelius Caldwell, Page,		45
	E. T. Snipes, Representative,		105
	Edwin Legg, Senator,		105
	George P. Peck, Representative,		42
	H. C. Cherry, "		35
	Tod R. Caldwell, President of Senate,		300
	W. D. Justus, Representative,		105
	J. E. W. Waldrop, "		105
	M. Carson, "		105
	E. M. Painter, "		105
	J. W. Stephens, Senator,		35
	Tilman Farrow, Representative,		105
	J. J. Allison, "		105
	J. W. Stanton, "		105
	W. B. Siegrist, "		105
	W. Carey, "		35
	H. A. Cherry, "		70
	James B. Long, "		42
	J. W. Holden, Speaker of the House,		150
	W. G. Candler, Representative,		105
	J. W. Bowman, "		105
	J. P. Vest, "		105
	D. E. Smith, "		105
	H. E. Stillely, "		35
	J. H. Davis, "		105
	W. W. McCaless, "		105
	J. W. Holden, Speaker of the House,		10
	Samuel Forkner, Senator,		105
	J. W. Ragland, Representative,		56

Public Fund, disbursements.	1869. Feb.		\$	
		James G. Scott, Senator,		105
		B. C. Williams, Representative,		105
		J. A. McDonald, Clerk,		105
		John H. Boner, "		35
		J. G. Hort, for compensation as clerk to committee on bribery,		60
		David Proffitt, Representative,		105
		John A. McDonald, Enrolling Clerk,		45
		Simon Pocher, Page,		12
		J. M. Shaver, Representative,		105
		G. W. Price, "		21
		W. B. Ferebee, "		105
		S. C. Wilson, "		105
		T. M. Vestal, "		56
		G. Z. French, "		105
		R. I. Wynne, Senator,		105
		John Gatlin, Representative,		105
		Jos. W. Holden, Speaker House Rep,		80
		J. B. Respass, Senator,		28
		W. B. Rich, Engrossing Clerk,		105
		J. C. Williams, Representative,		105
		W. T. Gunter, "		105
		C. S. Winstead, Senator,		105
		Abel Kelley, Representative,		105
		W. W. Gilbert, "		49
		J. H. Crawford, "		21
		R. D. Whitley, "		35
		W. W. Boddie, "		105
		Ivey Hudgins, "		14
		W. B. Richardson, Senator,		105
		J. E. O'Hara, Clerk		28
		J. H. Davis, Senator,		105
		R. C. Parker, Representative,		105
		E. K. Proctor, "		105
		D. W. Harris, Page,		6
		G. W. Gahagan, Representative,		105
		L. G. Estes, "		105
		F. W. Foster, "		105
		A. H. Galloway, Senator,		42
		D. S. Ellington, Representative,		21
		David Hodgin, "		105
		H. E. Stillely, "		35
		Wm. Hardie, Page,		6
		Christopher Melchor, Senator,		105
		John Banner, Representative,		35
		T. M. Argo, "		98

1869.				
Feb.	John W. Graham,	Senator,	\$ 203	Public Fund, disbursements.
	G. W. Welker,	"	105	
	T. A. Nicholson,	Representative,	105	
	T. J. Jarvis,	"	56	
	T. A. Sykes,	"	21	
	W. W. Gilbert,	"	56	
	T. M. Shoffner,	Senator,	105	
	P. A. Wilson,	"	21	
	Francis Gible,	Assistant Doorkeeper,	21	
	W. J. Hayes,	Representative,	14	
	Joel Ashworth,	"	35	
	Wm. M. Moore,	Senator,	28	
	C. Mayo,	Representative,	49	
	N. B. Bellamy,	Senator,	70	
	Jos. W. Holden,	Speaker House Rep.,	130	
	E. F. Martin, Page,		30	
	H. C. Cherry,	Representative,	14	
	J. White,	"	105	
	David W. Harris, Page,		30	
	W. D. Justus,	Representative,	70	
	Byron Latlin,	"	105	
	Wm. Cawthorn	"	70	
	S. Pocher, Page,		30	
	Fisk P. Brewer, Treasurer Institution Deaf and Dumb and the Blind, on account of appropriation for said In- stitution for 1869,		1,000	
	Johnston Jones, for C. B. Root, Clerk Supreme Court, for 18 days' services to 18th day of January, 1869,		22 45	
	S. W. Watts, Judge, for holding Court Oyer and Terminer, Wake county, two weeks,		180	
	J. A. Jones for 5 Winston's Law and 5 Winston's Equity,		62 50	
	John V. Sherrard, Solicitor, 2 certifi- cates,		80	
	Virgil S. Lusk, Solicitor, 5 certificates,		200	
	W. H. Bagley, Clerk of Supreme Court, for services rendered in the matter of Henderson Adams, State Auditor, (contempt) \$17.90, D. A. Wicker, Marshal in the same, \$2.70,		20 60	
	J. J. Martin, Solicitor, 1 certificate,		40	
	Johnston Jones, for moving and ar-			

1869. Feb. Public Fund, disbursements.		§
	ranging the records and papers of Supreme Court,	60
	W. H. Gentry, for making returns for election held for President and Vice President of the United States, and members of Congress in Nov., 1868,	27
	C. W. Horner, for examining accounts of Public Printer,	3
	The following sheriffs for tax overpaid by them in 1866 :	
	J. W. Galloway, late sheriff Clay co.,	14 80
	Walker Smith, late sheriff Rockingham county,	311 15
	A. W. Tourgee, for services as Code Commissioner for the month of January, 1869,	200
	Sundry sheriffs for settling taxes as follows :	
	A. J. Murray, sheriff Haywood co.,	65
	W. L. Edwards, " Greene "	24
	B. S. Buchanan, " Jackson "	73
	E. J. Hale & Son, for sundry books for State Library,	102 27
	N. C. Railroad Company, for freight on two packages stationery,	7 93
	S. D. Harrison, for washbowl and pitcher, soap and matches,	10 05
	T. H. Briggs, for sundry articles for use of State House,	56 09
	Southern Express Company, for freight on package for State Library,	4
	Southern Express Company, for freight on package for State department,	5
	S. T. Blackwell, for repairing wheelbarrow,	3 75
	Southern Express Company, for freight shipped by State department,	13
	Alex. Turner, for services as waiter in Capitol 1 month,	22 50
	Raleigh Gas Light Company, for gas consumed in Capitol and State lamps during this month,	160 80
	Southern Express Company, for freight shipped by Treasury Department,	1 25
	Southern Express Company for draw-	

1869. Feb.	ing and engraving, cut seal, freight, &c.,	\$	49.25	Public Fund, disbursements.
	J. J. Maguire, for guarding papers, books, &c., of Auditor's office, 12 days and 11 nights, caused by the removal of the same by order of the Supreme Court,		57.50	
	John Harrison, for hanging curtains and laying carpet in Clerk's office in Commons Hall.		4	
	Briggs & Atkins, for making 12 pairs doors, trimming cases, furnishing locks, hinges and screws, and hanging doors, &c., in office of Superintendent of Public Instruction \$140, making two single book cases and one double do. for office of Secretary of State, \$58,		198	
	H. T. Clawson, for laying oil cloth and taking down shades in Treasurer's office,		5	
	H. Mahler, for seal and press for Superior Courts for the Counties of Catawba, Northampton, Moore, Washington, Polk and Franklin,		90	
	Southern Express Company for package shipped for State Library,		75	
	Raleigh & Gaston Railroad Company, for freight on 4 cases stationery,		21.63	
	A. James, for work done in Auditor's office and Supreme Court room,		20.50	
	S. M. Parrish, for painting and grain-ing book cases and table in office of Superintendent of Public Instruction,		13.50	
	John Ransom, for 5½ day' painting in offices of Auditor and Secretary of State, at \$2.50 per day,		13.75	
	Southern Express Company, for freight on 9 packages books,		13.50	
	John Harrison, for laying carpet in office of Keeper of Capitol and in House of Representatives and furnishing cords, &c., for window shades,		11	
	Alexander Turner, for services as			

Public Fund. disbursements.	1869.		
	Feb.	waiter in Capitol for several departments 1 month,	\$ 22 50
		Interest on State coupon bonds during this month,	60
	March.	Henderson Adams, State Auditor, salary for the month of January, 1869,	200
		Solomon Bragg and others, for services rendered on capitol square and guarding arsenal, &c.,	115 15
		R. M. Douglas, Private Secretary, salary from January 1, 1868, to March 18, 1869,	211 65
		Sundry persons, in accordance with section 5 of "An act prescribing the power and duty of the Governor in regard to fugitives from justice," as follows :	
		R. T. Bosier,	150
		E. K. Proctor,	150
		L. D. Wilkie,	250
		R. T. Bosier,	250
		Sundry members of the General Assembly, as follows :	
		Thomas Austin, Page,	12
		H. E. Stilley, Representative,	49
		J. T. Ball, Doorkeeper to Senate,	21
		Richard Hilliard, Representative,	105
		Wm. Hardy, Page,	12
		J. B. Respass, Senator,	49
		Ivy Hudgins, Representative,	21
		A. S. Seymour, " "	105
		J. P. Vest, " "	28
		J. G. Hort, Ass't Engrossing Clerk,	28
		G. L. Davidson, Representative,	105
		J. H. Renfrow, " "	28
		J. J. Smith, " "	105
		W. M. Robbins, Senator,	35
		C. H. Brogden, " "	272
		S. G. Horney, Representative,	105
		T. G. Martindale, Senator,	52 50
		Joel Ashworth, Representative,	70
		James Blythe, Senator,	28
		W. T. J. Hayes, Representative,	224
		J. W. Ragland, " "	28
		C. H. Brogden, Senator,	105

1869.	March		\$		Public Fund, disbursements.
		J. W. Holden, Speaker,		100	
		J. H. Crawford, Representative,		21	
		N. B. Bellamy, Senator,		35	
		T. A. Sykes, Representative,		21	
		W. B. Rich, Engrossing Clerk,		105	
		W. A. Moore, Representative,		105	
		Geo. P. Peck, "		175	
		Wm. Hardy, Page,		3	
		P. A. Long, Senator,		105	
		Lawson A. Mason, "		21	
		T. M. Argo, Representative,		105	
		J. H. Renfrow, "		14	
		T. J. Procise, deputy sheriff, for ex- penses incurred in conveying Sarah F. Procise, a patient, to the Lunatic Asylum,		16 50	
		On account of appropriation for the Institution of the Deaf, Dumb and the Blind, as follows:			
		Fisk P. Brewer, Treasurer of said In- stitution,		500	
		John Nichols, Treasurer of said Insti- tution,		1,000	
		Sundry sheriffs, on account of Presi- dential election:			
		J. L. Bond, sheriff of Pasquotank county, for expenses incurred in traveling 450 miles,		45	
		James I. Moore, sheriff of Granville county, for expenses incurred in traveling 80 miles,		9	
		C. W. Horner, for examining account of Public Printer,		3	
		John G. Whitfield and wife, through the hands of J. B. Batchelor, at- torney, for amount of tax overpaid by them,		8 52	
		Sundry sheriffs for settling taxes as follows:			
		E. A. Gupton, sheriff of Franklin co.,		15 40	
		J. W. Schenck, Jr., Sheriff of New Hanover county,		32 60	
		J. L. Wood, Sheriff of Pasquotank County,		56 60	
		Jesse Sumner, Sheriff of Buncombe County,		63	

Public Fund disbursements.	1868. March.		\$	
		D. W. Bain, Chief Clerk of Treasury department, for quarter's salary ending March 31st, 1869,		375
		A. D. Jenkins, Teller of Treasury Department, quarter's salary ending March 31st, 1869,		250
		Sundry persons, interest on State coupon bonds during this month,		4,575
		H. P. Buncombe, for services as waiter in the capitol, two months, to Mar. 1, 1869,		45
		Southern Express Company, for freight shipped by Secretary of State for Supreme Court library,		15
		Handy Lockhart, for repairing chairs and putting locks on doors in House of Representatives and Senate chamber and repairing furniture in office of Secretary of State,		84 75
		Friday Jones, for 2 months services as watchman of the capitol,		90
		Southern Express Company, freight on package for Superintendent Public Instruction,		1 75
		John Armstrong, for 8 sets of Superior Court dockets, 40 books at \$12.50,		500
		Western Union Telegraph Company, for sundry telegrams sent and received,		7 55
		E. J. Hale & Sons, for 1 Wallace's Reports, volumes 4, 5 and 6, 1 Spencer's Chancery, 2 volumes, 1 English Common Law, volume 107, sundries on Bankrupt, &c., for Supreme Court library,		70 55
		Southern Express Company freight on sundry packages,		2
		N. J. Gant, for articles furnished and work done in offices of Superintendent of Public Instruction, Attorney General and Keeper of the Capitol,		32 45
		John Ransom, 9½ days painting in Auditor's office, at \$2.50,		23 75
		Douglas Bell, for 1 ton coal,		16 50
		Southern Express Company, freight on sundry packages,		14 50

1869.			
March.	A Miller, Post Master, for postage stamps for Supreme Court,	\$	6
	Southern Express Company, freight on sundry boxes books for county officers,		12
	John Ransom, for two days painting in office of Secretary of State,		5
	R. M. Douglas, Private Secretary, for fees allowed him for sealing State bonds,		1,043 40
	Southern Express Company, freight on 26 packages shipped for State department,		10 75
	Southern Express Company, freight on packages shipped for State department and State Librarian,		6 25
	John Ransom, for 6 days painting and graining in Auditor's office,		15
	Southern Express Company, freight shipped for State department,		3 75
	John Harrison, for 5 days work repairing carpets and window shades in House of Representatives and Senate Chamber,		13
	Southern Express Company, freight on 7 boxes of guns, &c., to Kinston, \$19.30, freight shipped for Treasury department, \$1.75,		21 05
	James Vick, for flower seeds for capitol square,		13 40
	Southern Express Company, freight on sundry boxes for State and Treasury departments,		10 75
	W. F. King, for repairing chandeliers and gas burners in Auditor's office,		5
	W. R. Richardson, Acting Private Secretary, for sealing 300 bonds at 10 cents,		30
April.	A. W. Fisher, Adjutant General, for 4 months salary, from December 1st, 1868, to April 1st, 1869,		400
	Major J. H. Foot, for the Central Agricultural Society in Granville county,		50
	J. H. Adams, Clerk to Auditor, for 1st quarter's salary, ending April 1st, 1869,		250

Public Fund,
disbursements.

Public Fund, disbursements.	1869. April.		
		H. Adams, Auditor, salary for the months of Febr'y and Mareh, 1869,	\$ 400
		John Armstrong, for binding 500 House and Senate Journals of 1868, at 75 cts.; 20 sets of Court Dockets, at \$12.50, and binding 1,500 Code of Civil Procedure, at 75 cents,	2,750
		Solomon Bragg and others for services rendered on Capitol square and guarding Arsenal for the month of April,	192
		Jacob Siler, Agent, per J. L. Robinson, Attorney, under resolution of the General Assembly, ratified April 12th, 1869,	714 23
		W. W. Holden, Governor, salary from July 1st, 1868, to January 1st, 1869,	2,500
		W. H. Sauls, Messenger in Executive Department, for quarter's salary ending March 31st, 1869,	125
		W. R. Richardson, Clerk in Executive Department, salary to March 31st, 1869,	300
		W. W. Holden, Governor, quarter's salary to April 1st, 1869,	1,250
		Peter Cook, for the arrest of James Thomas, a fugitive from justice,	100
		E. T. Blair, being the amount due Wm. Brown, for the arrest of Daniel M. Clapp, a fugitive from justice,	100
		R. T. Boshier, under an act concerning the power and duties of the Governor in regard to fugitives from justice,	125
		J. W. Stephens, under an act prescribing the power and duty of the Governor in respect to fugitives from justice,	50
		R. T. Boshier, under the above act,	250
		G. R. Kimball, under the above act,	62
		S. P. Gill, for the arrest of Raiford Pearce, a fugitive from justice,	250
		L. D. Wilkie, under an act prescribing the power and duty of the Governor in regard to fugitives from justice,	300
		Henry Eppes, for amount allowed	

1869.			
April.	Dudley and Major Hanlon, for the arrest of a fugitive from justice,	\$	66.66
	T. C. Ford, for the arrest and delivery of John W. Wagoner, a fugitive from justice,		200
	Sundry members of the General Assembly, as follows:		
	Tod R. Caldwell, Pres. of the Senate,		690
	Joshua Barnes, Senator,		693
	Wm. Barrow, "		588
	P. T. Beeman, "		588
	J. W. Beasley, "		693
	R. S. Beall, "		781
	N. B. Bellamy, "		588
	James Blythe, "		560
	C. H. Brogden, "		588
	Silas Burns, "		588
	D. D. Colgrove, "		567
	J. B. Cook, "		553
	J. H. Davis, "		588
	John B. Eaves, "		588
	Henry Eppes, "		588
	J. W. Etheridge, "		203
	Samuel Forkner, "		588
	A. H. Galloway, "		98
	E. A. White, "		496
	P. A. Wilson, "		567
	C. S. Winstead, "		588
	A. H. Galloway, "		301
	J. W. Graham, "		385
	J. S. Harrington, "		588
	O. S. Hayes, "		588
	John A. Hyman, "		588
	A. J. Jones, "		399 40
	W. D. Jones, "		588
	R. W. Lassiter, "		504
	Edwin Legg, "		588
	J. M. Lindsay, "		588
	P. A. Long, "		588
	W. L. Love, "		588
	F. G. Martindale, "		535 50
	L. A. Mason, "		546
	John H. McLaughlin, "		693
	C. Melchor, "		588
	W. A. Moore, Representative,		581
	W. M. Moore, Senator,		560

Public Fund,
disbursements.

1869.			\$	
Public Fund, disbursements.	April.	C. T. Murphy,	Senator,	292
		J. A. Oates,	"	220
		Jas. W. Osborne,	"	588
		J. B. Respass,	"	504
		D. J. Rich,	"	126
		W. B. Rich, Ex. of D. J. Rich, dec'd,		84
		W. B. Richardson,	Senator,	588
		W. M. Robbins,	"	553
		J. G. Scott,	"	588
		T. M. Shoffner,	"	588
		S. P. Smith,	"	588
		J. W. Stephens,	"	553
		W. H. S. Sweet,	"	588
		G. W. Welker,	"	588
		E. A. White,	"	98
		Richard I. Wynne,	"	427
		T. A. Byrnes, Clerk to the Senate,		863
		J. C. L. Harris, Ass't Clerk	"	688
		J. T. Ball, Doorkeeper	"	574
		Francis W. Gibble, Assistant Door- keeper Senate,		567
		Cornelius Caldwell, Page to Senate,		252
		E. F. Martin,	"	87
		Washington Hawkins, Page, to Senate,		297
		Joseph W. Holden, Speaker in House of Representatives,		510
		J. J. Allison,	Representative,	588
		W. Ames,	"	581
		T. M. Argo,	"	385
		N. E. Armstrong,	"	588
		Joel Ashworth,	"	588
		L. B. Banner,	"	588
		Henry Barnes,	"	588
		S. C. Barnett,	"	588
		E. T. Blair,	"	588
	W. W. Boddie,	"	588	
	J. W. Bowman,	"	588	
	W. G. Candler,	"	588	
	W. Carey,	"	588	
	Mathew Carson,	"	588	
	Wm. Cawthorn,	"	518	
	H. C. Cherry,	"	514	
	J. W. Clayton,	"	588	
	J. H. Crawford,	"	546	
	G. F. Davidson,	"	588	
	J. Henry Davis,	"	588	

1869. April.	Representative,	\$	Public Fund, disbursements.
	Joseph Dixon,	588	
	Plato Durham,	588	
	Hugh Downing,	588	
	D. S. Ellington,	518	
	J. R. Ellis,	588	
	L. G. Estes,	588	
	T. Farrow,	588	
	W. B. Ferebee,	588	
	Richard Falconer,	588	
	F. W. Foster,	588	
	S. D. Franklin,	588	
	G. Z. French,	588	
	G. W. Gahagan,	588	
	John Gatlin,	588	
	G. P. Gibson,	588	
	W. W. Gilbert,	588	
	G. A. Graham,	588	
	L. Green,	588	
	W. W. Grier,	588	
	W. T. Gunter,	588	
	J. T. Harris,	588	
	J. H. Harris,	637	
	J. A. Hawkins,	588	
	W. T. J. Hayes,	350	
	A. L. Hendrix,	588	
	Richard Hilliard,	441	80
	D. P. High,	588	
	B. R. Hinnant,	588	
	J. O. Hicks,	735	
	David Hodgins,	588	
	Phillip Hodnett,	588	
	John Hoffman,	588	
	S. G. Horney,	588	
	I. E. Hudgins,	525	
	T. C. Humphries,	588	
	D. Ingram,	588	
	Thos. J. Jarvis,	532	
	J. W. Justice,	546	
	W. D. Justus,	518	
	Abel Kelly,	588	
	J. A. Kelly,	588	
	Geo. Kinney,	588	
	Byron Laffin,	588	
	John S. Leary,	560	
	J. B. Long,	588	
	R. T. Long,	588	

Public Fund, disbursements.	1869. April.		Representative,	\$	
		W. H. Malone,	Representative,		588
		R. P. Matheson,	"		588
		C. Mayo,	"		539
		W. W. McCanless,	"		588
		J. C. McMillan,	"		588
		J. R. Mendenhall,	"		588
		J. A. Moore,	"		588
		W. A. Moore,	"		611
		F. G. Moring,	"		588
		B. D. Morrill,	"		588
		B. W. Morris,	"		588
		T. A. Nicholson,	"		588
		E. M. Painter,	"		588
		R. C. Parker,	"		588
		J. T. Pearson,	"		588
		G. P. Peck,	"		413
		E. W. Bond,	"		588
		E. K. Proctor,	"		588
		David Proffitt,	"		588
		G. W. Price, Jr.,	"		588
		John W. Ragland,	"		546
		J. J. Rea,	"		588
		J. H. Renfrow,	"		546
		J. T. Reynolds,	"		567
		P. D. Robins,	"		588
		J. L. Robinson,	"		588
		A. S. Seymour,	"		483
		J. M. Shaver,	"		588
		W. B. Siegrist,	"		588
		J. R. Simonds,	"		588
		James Sinclair,	"		693
		J. L. Smith,	"		588
		J. J. Smith,	"		588
		D. E. Smith,	"		588
		E. T. Snipes,	"		588
		G. W. Stanton,	"		588
		A. W. Stevens,	"		581
		H. E. Stillely,	"		504
		I. Sweat,	"		588
		T. A. Sykes,	"		546
		F. Thompson,	"		588
		J. P. Vest,	"		560
		T. M. Vestal,	"		588
		J. E. A. Waldrop,	"		588
		W. P. Welch,	"		588
		Jeptha White,	"		588

1869.					
April.	R. D. Whitley,	Representative,	\$	588	Public Fund, disbursements.
	L. D. Wilkie,	"		588	
	J. H. Williamson,	"		574	
	B. C. Williamson,	"		588	
	J. C. Williams,	"		588	
	S. C. Wilson,	"		588	
	A. C. Wiswall,	"		588	
	John H. Boner, Clerk House of Rep- resentatives,			679	
	T. J. Candler, Clerk House of Repre- sentatives,			688	
	Edgar Miller, Doorkeeper House of Representatives,			581	
	I. B. Abbott, Assistant Doorkeeper House of Representatives,			588	
	S. Porcher, Page,			252	
	Wm. Hardy, Page,			231	
	David W. Harris, Page,			216	
	Thos. Austin, Page,			240	
	J. A. McDonald, Enrolling Clerk,			661	
	J. E. O'Hara, Enrolling Clerk,			252	
	W. B. Rich, Engrossing Clerk,			483	
	Chas. Hatfield, Assistant Clerk,			399	
	J. G. Hort, Assistant Clerk,			380	
	Albert Kilmer, for 8 days services En- grossing bills, &c.,			84	
	C. D. Upchurch, Assistant Enrolling Clerk,			42	
	G. W. Fentress, As'tnt Enrolling Clk,			392	
	W. S. Belden, " " "			91	
	T. H. Hill, " " "			98	
	Geo. O. Spooner, " " "			35	
	D. A. Wicker " " "			14	
	G. T. Stronach, " " "			14	
	L. Hill, " " "			35	
	J. G. Davis, " " "			115	
	William Wilson, " " "			35	
	W. W. Thomas, " " "			35	
	W. P. Wetherell, " " "			14	
	J. A. Sawyer, " " "			35	
	Geo. O. Spooner, for transcribing three copies of the 15th amendment to the Constitution of the United States on parchment, 28x17 inches,			40	
	Williams & Lambeth, for sundry articles of stationery,			62	

Public Fund.
disbursements.

1869.			
April.	Sundry persons, under resolution of the General Assembly, ratified April 10th, 1869, as follows:		
	W. Whitaker, Reporter for the Sentinel,	\$	100
	J. C. Syme, Reporter for the Sentinel,		100
	R. Steward, " for the Standard,		100
	H. L. Pike, " " "		100
	W. C. Kerr, State Geologist, on account of appropriation for the year 1869,		1,000
	C. W. Horner, Treasurer, Insane Asylum, on account of appropriation for said Asylum for the present fiscal year, ending Sept. 30th, 1869,		20,000
	Angus Lytch and A. Steward, for expenses in carrying William Lytch, an insane person, from Lumberton, North Carolina, to Insane Asylum,		82
	John Lancaster, Deputy Sheriff of Edgecombe county, as expenses for himself and guard for conducting Mrs. Norsly, a patient of the Insane Asylum, to said Asylum,		44
	Thos. Bragg, for collecting of the bondsmen or Joshua Rouse, a patient in the Insane Asylum from the county of Columbus, North Carolina. \$200,		10
	M. Masten, for expenses in conveying Sarah Slover, a patient from Forsyth county, to Insane Asylum,		38 50
	J. G. Hodgin, for conveying Emily Hodgin to Insane Asylum,		28
	John Nichols, Treasurer of the Institution of the Deaf and Dumb and the Blind, on account of appropriation for the support of said Institution, for fiscal year ending Sept. 30, 1869,		8,000
	Thos. Settle, Judge of the Supreme Court, first quarter's salary to April 1st, 1869,		625
	Wm. M. Coleman, Attorney General, for services in attending on Supreme Court of North Carolina during its January term, 1869,		100

1869. April.		Public Fund, disbursements.
	Wm. M. Coleman, Attorney General, month's salary to March 31st, 1869.	\$ 125
	W. B. Rodman, Judge of the Supreme Court, quarter's salary, ending M'ch 31st, 1869,	625
	W. M. Coleman, Attorney General, for two months' salary, to March 1st, 1869,	250
	C. R. Thomas, Judge of Superior Court, quarter's salary, ending M'ch 31st, 1869,	625
	A. W. Tourgee, Judge of Superior Court, quarter's salary, ending M'ch 31st, 1869,	625
	John V. Sherrard, Solicitor 3d Judicial District, for 8 certificates,	320
	J. A. Richardson, Solicitor 4th Judicial District, for 2 certificates,	80
	Neill McKay, Solicitor 5th Judicial District, 5 certificates,	200
	J. W. Albertson, Solicitor 1st Judicial District, 1 certificate,	40
	Ralph P. Buxton, Judge Superior Court, salary for quarter ending April 1st, 1869,	625
	D. A. Wicker, for services as Marshal to the Supreme Court, 46 days, at \$3 per day,	138
	S. W. Watts, Judge of the Superior Court, 1st quarter's salary to April 1st, 1869,	625
	J. J. Martin, Solicitor, for certificate,	40
	C. C. Pool, Judge Superior Court, 1st quarter's salary to April 1st, 1869,	625
	V. C. Barringer, for services as Attorney to Bank. Court and in the matter of bankruptcy of the Bank of North Carolina,	100
	J. W. Albertson, Solicitor 1st Judicial District, 1 certificate,	40
	W. R. Cox, Solicitor 6th Judicial District, 5 certificates,	200
	R. P. Dick, Judge of the Supreme Court, 1st quarter's salary to April 1st, 1869,	625

Public Fund, disbursements.	1869. April.		\$	
		W. R. Cox, Solicitor 6th Judicial District, 1 certificate,		40
		John A. Richardson, Solicitor 4th Judicial District, 1 certificate,		40
		E. W. Jones, Judge Superior Court, quarter's salary to April 1st, 1869,		625
		D. L. Russell, Jr., Judge Superior Court, quarter's salary to April 1st, 1869,		625
		W. R. Cox, Solicitor 6th Judicial District, 1 certificate,		40
		W. M. Coleman, Attorney General, salary for the month of April,		125
		G. Rosenthal, on account of interest on State coupon bonds,		30
		G. W. Welker, Chairman of Senate Committee on Penitentiary,		197 60
		W. L. Love, for expenses incurred in visiting Columbia, S. C., and Greensboro', N. C., as member of the Penitentiary Committee,		29 50
		John H. Renfrow, for attendance as Commissioner to locate the Penitentiary,		45
		David Hodgin, for expenses incurred in visiting Columbia, S. C., and Greensboro', N. C., as a member of Joint Special Committee to locate Penitentiary,		20 25
		Silas Burns, for hire of carriage and horses, and other expenses incurred as member of Penitentiary Committee,		47
		Thos. A. Nicholson, for expenses incurred in visiting Greensboro' and Company Shops, as member of Joint Special Committee on locating Penitentiary.		5
		Thos. H. Coats, Architect and Engineer, of the State Penitentiary, on account of salary,		230
		W. H. Thompson, Superintendent of State Penitentiary, on account of salary,		230
		W. H. Thompson, Superintendent of		

1869. April.	State Penitentiary, on account of salary,	\$ 290	Public Road, disbursements.
	W. D. Justus, Deputy Sheriff, for making returns of Election for President and Vice President United States and members of Congress,	60	
	N. Paige, State Printer, for printing done for the General Assembly, as per bill,	2,021 16	
	N. Paige, State Printer, for printing for State Department, \$2,735.95, for General Assembly, \$2,389.18,	5,125 13	
	C. W. Horner, for examining accounts of Public Printer,	15	
	M. S. Littlefield, State Printer, for printing for State and Executive Departments, as per bill,	1,264 48	
	J. B. Neathery & Co., for 60 reams of book paper for State Department,	540	
	D. C. McAuley, late Sheriff of Montgomery county, for amount overpaid by him on insolvent tax payers for 1866 and 1867,	78	
	Sundry persons, under resolutions of General Assembly, ratified April 6th and 12th, 1869, as follows:		
	R. K. Ferrell,	60	
	W. D. Jones,	97 50	
	W. J. W. Crowder,	150	
	Moore & Cashwell,	173	
	Wm. Thompson,	40	
	Sundry Code Commissioners, on account of the Revised Code, as follows:		
	A. W. Tourgee, for three months' salary at \$200 per month, to May 1st, 1869,	600	
	W. B. Rodman, for three months' salary, at \$200 per month, to May 1st, 1869,	600	
	V. C. Barringer, for three months' salary, at \$200 per month, to May 1st, 1869,	600	
	Sundry Sheriffs, for settling taxes, as follows:		
	E. Murrell, Sheriff Onslow county,	29	

Public Fund,
disbursements.

1869.	T. W. Taylor, Sh'ff Henderson county,	\$	66
April.	H. J. Menninger, Secretary of State, three months' salary from January 1st to March 31st, 1869, inclusive,		600
	F. J. Menninger, Clerk in State De- partment, his quarter's salary to March 31st, 1869,		250
	Silas Johnson, for four days' service in State Department,		10
	Chas. Hatfield, for seven days' service in State Department,		17 50
	H. D. Coley, State Librarian, his 1st quarter's salary ending March 31st, 1869,		175
	E. J. Hale & Sons, for sundry law books for Supreme Court Library,		25 60
	D. D. Colgrove, one copy of "How to make the Farm pay,"		4 50
	H. D. Coley, State Librarian, sundry newspapers, &c., for State Library,		47
	C. L. Harris, Superintendent Public Works, salary for four months, to May 1st, 1869,		800
	S. S. Ashley, Superintendent Public Instruction, 1st quarter's salary, end- ing March 31st, 1869,		600
	E. S. Ashley, Clerk to Superintendent Public Instruction, 1st quarter's sal- ary, ending March 31st, 1869,		250
	D. A. Jenkins, Public Treasurer, salary from July 7th, 1868, to January 1st, 1869,		1,450 68
	C. W. Horner, Book-keeper Treasury Department, 1st quarter's salary, ending March 31st, 1869,		187 50
	D. A. Jenkins, Public Treasurer, 1st quarter's salary, ending March 31st, 1869,		750
	C. M. Farriss, Keeper of Capitol, and Weights and Measures, 1st quarter's salary ending March 31, 1869,		237 50
	Alexander Turner, waiter in Capitol, one month's wages to March 31, 1869,		22 50
	Friday Jones, watchman of Capitol,		

1869. April.		\$	Public Fund, disbursements.
	for one month's services to March 31, 1869,	45	
	John Harrison, for laying carpet in offices of Auditor and Superintendent Public Instruction,	18 60	
	James W. Coleman, for stationery as per bill rendered.	511 33	
	K. B. Wait, for making 40 boxes for books, repairing book cases, &c.,	27 50	
	H. T. Clawson & Co., for cutting and laying carpet in office of Secretary of State,	10	
	H. P. Buncombe, waiter in the Capitol, for services to March 31st, 1869.	22 50	
	Western Union Telegraph Company, for telegrams sent and received by Executive and Treasury Departments,	24 41	
	Southern Express Company, freight on sundry boxes and packages for the various departments.	11 75	
	S. M. Parish, for painting and grain-ing desks and cases in Supreme Court room and Auditor's office,	36	
	John Ransom, painting desk and table and Judges' stand in Supreme Court room,	9 50	
	G. R. Kimball, for distributing dock-ets for Judges of Probate in 16 counties in the western part of the State,	3 00	
	W. H. & R. S. Tucker & Co., for 167 yards carpet at \$2.25 per yard, oil cloth, and sundry other articles for use of Capitol,	443 41	
	Phil. Thiem, 6 baskets, 1 cork screw, \$9½ dozen ostrich feather brushes, water bucket and dipper, \$16.75,	22 75	
	W. H. Morris & Co., for book-case and wash-stand, for office of Attorney General,	38 50	
	W. B. Rich, for burial case, hearse hire, &c.,	2 40	
	O. S. Hayes and others, for expenses incurred in accompanying the re-mains of Hon. D. J. Rich,	435	

1869. April.		
Public Fund, Expenditures.	John Harrison, repairing carpet and shades in Commons Hall,	\$ 9
	G. W. Cobb, distributing registration books for counties of Pasquotank, Currituck and Camden,	12 26
	John Ransom, 7 days painting in room of Keeper of Capitol,	17 50
	John Ransom, painting book-cases and safe in Auditor's office,	11 50
	Robert Hall, cutting and packing 97½ cords wood,	73 12
	Briggs & Atkins, for making cases and step ladder, furnishing locks, repairing cases, &c., in Supreme Court room and Auditor's office,	339 25
	C. Strickland and David Boylan, 3 days work on side walk around Capitol and making steps in belfrey,	6 75
	Hatch, Estes & Co., stationery, &c., bought by Secretary of State,	1,296 94
	George W. Nason, 6 cane back walnut chairs, and 9 sets brass castors,	72
	Douglas Bell, 8 tons and 600 pounds coal,	132 95
	Wilmington Post, advertising for Executive Department,	60 50
	A. Miller, Postmaster, postage stamps for the various departments during this month,	234 61
	Raleigh Gas Light Company, for gas consumed in Capitol and gate lamps during the months of February and March, 1869,	268
	K. B. Wait and others, for furnishing metallic case, burial expenses and transportation of the remains of the Hon. Richard I. Wynne, Senator,	248
	Southern Express Company, freight on package for Supreme Court library,	1
	Stewart Ellison, 55 days carpenter's work, at \$2 per day, and 50 feet lumber furnished,	110 90
	S. D. Harrison, brooms, matches, &c.,	23 90
	Wheelwright, Mudge & Co., 20 reams paper for printing Supreme Court Reports, at \$9.50,	190

1869. April.		8		Public Fund disbursements.
	Tucker & Co., for crape and ribbon for General Assembly, on account of death of the late Rich and Short, \$135.38, 2 walnut tables, \$48,		183.38	
	D. J. Prun, 175½ cords wood, at \$4,		702	
	S. Branson, 16 loads manure at 50c,		8	
	Solomon Bragg, for lighting lamps in Senate Chamber,		6	
	Handy Lockhart, repairing chairs, &c., in sundry departments,		28.43	
	Raleigh & Gaston Railroad Company freight on 1 box furniture,		4.87	
	Henry Fendt, 3 water buckets and 1 dipper,		7.10	
	Williams & Haywood, paints oils, leads, &c., used on capitol,		78.08	
	Raleigh & Gaston Railroad Company, freight on box furniture,		5.87	
	Hilliard Bishop, hauling 186 loads dirt and gravel for walks around capitol square at 50c.,		93	
	John Armstrong, for lettering record books and making amercement dockets for Supreme Court \$20.90, day book, ledger and record books for Penitentiary \$44; index, record and memorandum books for Superintendent of Public Instruction and Treasury departments, \$15.50,		80.40	
	J. H. Ennis, 1 blank book for Treasury department,		1.25	
	H. J. Hesselbach, 5 smoke stacks and work done on State House,		34	
	W. H. Jones & Co., 1 doz. bottles ink,		9	
	Nichols & Gorman, printing done for Auditor's and Treasurer's department,		14	
	J. H. Ennis, for stationery for Senate as per bill,		13.35	
	H. Bell, for fitting keys and repairing locks in Commons Hall,		6	
	R. H. Page, for 2,139 feet lumber for capitol square,		39.43	
	A. W. Fraps, 1 book case,		35	
	Southern Express Company, freight on package for State department,		1	

Public Fund, disbursements.	1869.		
	April.	John Ransom, painting case in office of Code Commissioners,	\$ 4
		H. Mahler, for seal and press for Superior Courts of the counties of Gaston, Stanly, Rockingham, Onslow and Alexander.	77.50
		American Bank Note Company, altering bond plates and furnishing bonds and coupons,	1,634.60
		Briggs & Atkins, for building platform and repairing stand in Supreme Court room, \$77.50; making five drawers and furnishing locks in office of Superintendent of Public Instruction, \$5.50.	83
		P. F. Pescud, for sweet oil and sponge,	1.90
		John Armstrong, 39 setts court dockets, 195 books at \$12.50,	2,437.50
		Friday Jones, watchman of capitol, for services to April 31, 1869,	45
		Alex. Turner, waiter in the several departments in the capitol,	22.50
		W. R. Richardson, acting Private Secretary for sealing 340 State bonds at 10 cents,	34
	May.	A. W. Fisher, Adjutant General, salary for month of April, 1869,	100
		Dr. E. B. Haywood, examination of sundry soldiers who applied for commutation under resolution of General Assembly of March 1st, 1867,	50
		Jas. M. Murphy, commutation for the loss of arm,	50
		Henderson Adams, Auditor, salary for month of April, 1869,	200
		John Armstrong, for binding 1,500 Code of Civil Procedure,	1,125
		John Armstrong, for binding 4,500 laws of 1868 at 5 cents, and 400 laws at 75 cents,	525
		Solomon Bragg and others, for services rendered on Capitol Square and guarding arsenal,	39
	Andrew Jackson, for services rendered on Capitol Square,	1	
	Solomon Bragg and others, services		

1869. May.		§	Public Fund. disbursements.
	rendered on Capitol Square and guarding arsenal,	159	
	T. A. Byrnes, Secretary Constitutional Convention, for postage on 98 Journals at 32 cents, and 980 copies Constitution and Ordinances at 4 cents.	70 56	
	H. J. Menninger, Secretary of State, for 439 copies of laws furnished Public Printer at \$2, and 108 resolutions at 50 cents,	932	
	W. R. Richardson, Clerk to Executive Department, salary from April 1st, 1869, to May 10th, 1869,	130	
	F. M. Keith, for the arrest and delivery to the sheriff of Guilford county, of Daniel M. Clapp, a fugitive from justice from said county,	200	
	G. R. Kimball, under an act prescribing the power and duty of the Governor in regard to fugitives from justice,	19 75	
	Wm. Campbell, under above act,	68 76	
	H. P. Phillips, amount of reward for the arrest and delivery of George Johnson, a fugitive from justice, charged with the murder of Wade Ditcher,	200	
	J. W. Stephens, under an act prescribing the power and duty of the Governor in regard to fugitives from justice,	110	
	W. H. Furman, administrator of R. I. Wynne, deceased, for 20 days attendance as member of the Senate by the latter,	100	
	John Nichols, Treasurer Institution Deaf, Dumb and the Blind, on account of the appropriation for said Institution,	5,500	
	T. C. Ford, Deputy Sheriff, for expenses incurred in conveying Ruth Galamore to Lunatic Asylum,	21 25	
	James Honeycutt, for conveying Elizabeth Whitaker to Lunatic Asylum,	12	
	Dr. Montagne, interest on State coupon bonds,	30	

Public Fund,
disbursements.

1869. May.	John A. Richardson, Solicitor 4th Judicial District, 1 certificate,	\$	40
	J. W. Albertson, Solicitor 1st Judicial District, 2 certificates,		80
	Hon. R. M. Pearson, Judge Supreme Court, quarter's salary to April 1st, 1869,		625
	J. J. Martin, Solicitor 2d Judicial District, 2 certificates,		80
	J. L. Henry, Judge Superior Court, first quar. salary to Ap'l 1st, 1869,		625
	J. W. Albertson, Solicitor 1st Judicial District, 1 certificate,		
	Hon. E. G. Reade, Judge Supreme Court, quarter's salary ending April 1st, 1869,		40
	J. A. Richardson, Solicitor 4th Judicial District, 2 certificates,		625
	Alfred Dockery, for expenses incurred as Commissioner of the Penitentiary, in attendance at meeting at Raleigh,		80
	Phillips & Merrimon, for opinion furnished Commissioners in relation to the powers vested in said Commissioners, to locate and purchase a site and land for the employment of convicts and the erection of a Penitentiary,		52
	Alfred Dockery, Chairman of the Penitentiary Commissioners, amount of requisition made by said Commissioners to purchase land and to erect temporary building for Penitentiary,		50
	G. W. Welker, for expenses incurred in attendance on Penitentiary Committee,	10,000	
	C. L. Harris, for travelling expenses as one of the Committee to locate Penitentiary,		12
	M. S. Littlefield, for printing for State during the month of April, 1869, as per bill rendered,		32 20
	M. S. Littlefield, for printing 100 circulars, ruling and packing tax lists, and sundry job printing,		484
			715 39

1869. May.			Public Fund. disbursements.
	M. S. Littlefield, for printing for State Department.	\$ 741	27
	S. S. Ashley Superintendent Public Instruction, salary for the month of April, 1869,	200	
	W. G. Curtis, Quarantine Physician, for port at Wilmington, under an act for the preservation of the public health of said port, &c.,	1,433	43
	V. C. Barringer, services as Code Commissioner, for the month of April, 1869,	200	
	A. W. Tourgee, Code Commissioner, salary for the month of May, 1869,	200	
	H. J. Menninger, Secretary of State, salary for the month of April, 1869,	200	
	S. M. Parish, Clerk in Office Secretary of State, 1 month's services to May 11th, inclusive,	75	
	E. J. Hale & Sons, 1 volume English Common Law, \$3.56; Alexander Stephens' View of the War, \$5 50,	9	06
	C. W. Horner, Book-keeper, Treasury Department, salary from April 1st, 1869 to May 10th, 1869,	80	95
	Henry C. Cowles, Treasurer Western North Carolina Railroad Company, for payment of State's subscription of stock to said Railroad Company, (Eastern Division,)	340,000	
	H. P. Buncombe, services as waiter in Capitol, to May 1st, 1869,	22	50
	Southern Express Company, freight on sundry packages shipped to various Counties in this State,	10	50
	P. F. Pesend & Son, for seeds, oil and alcohol,	63	05
	S. S. Ashley, Superintendent Public Instruction, expenses incurred in traveling to Chapel Hill, High Point and Wilmington,	8	50
	D. A. Jenkins, Public Treasurer, expenses incurred in going to and from New York, on business for the State,	86	25
	Western Union Telegraph Company,		

Public Fund,
Disbursements.

1869. May.	for telegrams sent and received during the month of April by the various departments,	\$	66 59
	A. W. Fraps, 4 lounges, \$20, \$30, \$45, \$23, each,		118
	Douglas Bell, 1 empty hogshead,		1 50
	Nichols & Gorman, printing for Supreme Court and State Department,		107
	Wm. J. Gant, materials furnished and building stone wall around capitol square outside,		318 73
	Hilliard Bishop, 362 loads sand used for walk around capitol square at 50 cents,		181
	Newbern Daily Times, for advertising sundry proclamations and General Orders,		208
	W. H. Morris & Co., 2 book cases for office of Attorney General,		32
	Southern Express Company, freight on 2 packages tax list,		75
	J. N. Bunting, Superior Court Clerk, fees on suits against sundry delinquent sheriffs for not settling taxes as prescribed by law,		268 75
	T. V. Moss, repairing clock for State Library,		2 50
	Charles Kuester, for locks, keys and knobs furnished, and putting same on doors of the various departments in capitol, &c.,		82 15
	John Harrison, work done in Supreme Court Clerk's office and Executive department,		10
	Raleigh Gas Light Company, gas consumed in capitol and gate lamps from April 1st to May 1st, 1869, \$58.40; 4 mica shades and 1½ barrels tar, \$12,		70 40
	Robert Hall, cutting forty cords wood at 75 cents,		37 50
	F. D. Miller, rent of office for Wm. M. Coleman, Attorney General,		40
	Southern Express Company, freight on 2 packages for Executive department,		6 20

1869. May.		\$	Public Fund. disbursements.
	Raleigh and Gaston Rail Road Company, freight on three boxes and two bundles trees,		34 85
	J. A. Jones, twelve North Carolina Directories for 1869, at \$2,		24
	S. T. Blackwell, repairing roller used on capitol square,		5
	Raleigh and Gaston Rail Road Company, freight on 31 bundles paper,		34 54
	Kemp P. Battle, professional services at various times in regard to public taxes, &c.,		500
	Goldsboro' News, publishing Governor's proclamation, April 16, 1869,		20
	Augustus Doepp & Co., 16 reams paper for tax list and 62 reams book paper, also 3,100 pounds paper for printing laws, \$1,042.40; insurance and cartage on same, \$6,75,		1,049 15
	W. R. Richardson, Private Secretary, for sealing 1,000 bonds issued Wilmington, Charlotte and Rutherford Rail Road Compan, at 10 cents,		100
	Raleigh and Gaston Rail Road Company, freight on 1 bale carpet,		2 43
	S. Geovani, repairs in sundry offices in capitol,		1 80
	Raleigh and Gaston Rail Road Company, freight on 6 bundles chairs and 1 box furniture,		12 40
	Geo. R. Kimball, 23½ days painting in the various offices in the capitol,		58 75
	Southern Express Company, freight on 5 packages,		1 50
	W. H. Morris & Co., furniture for Attorney General's office,		51 50
	Lewis Hanes, advertising proclamation of Governor in relation to acceptance of amendment to charter of the Western N. C. R. R.,		12
	W. R. Richardson, Private Secretary, sealing 10 bonds,		1
	S. D. Harrison, water buckets, dippers, wash bowls, pitchers, soap, matches and tumblers for offices in capitol,		30 50

1869.			
Public Fund. disbursements.	May.	Alex. Turner, waiter in capitol, one months' services to May 31st, 1869,	\$ 22.50
		Geo. R. Kimball, 48 days painting in Executive office, office of Private Secretary and State Library, at \$2.50 per day,	120
		D. A. Jenkins, Public Treasurer, traveling expenses to Baltimore on business for State,	39
		Southern Express Company, freight on packages for State Library and State department,	3 10
		M. Kelly, 109 feet lumber, for capitol square,	1 60
		Reuben Clawson, making 2 pair steps for use of capitol,	11 25
		F. O'Donnell, repairs at arsenal and water-closet and pipe furnished for latter,	21 38
		S. Geovani, repairs in Treasury department,	1 90
	June.	A. W. Fisher, Adjutant General, salary for the month of May, 1869,	100
		A. W. Fisher, Adjutant General, for expenses incurred in investigating the Jones County affair and bill for telegraphing dispatches,	13 15
		Geo. W. Duncan, commutation for the loss of a leg,	50
		David Richardson, commutation for the loss of a leg,	50
		H. Adams, Auditor, salary for the month of May, 1869,	200
		J. H. Adams and A. J. Partin, for removing papers and books of Auditor's office from Public Treasurer's office and room on second story of the capitol formerly occupied by the Auditor, to the room now occupied by the Clerk of the Supreme Court, \$60; for moving and arranging papers and books of Auditor's office, caused by the removal of the same by order of the Supreme Court, \$170,	230
		Henderson Adams, Auditor, salary for the month of June, 1869,	200

1869. June.		\$	Public Fund, disbursements.
	J. H. Adams, Clerk in the Auditor's department, salary for the quarter ending June 30th, 1869,	250	
	Kemp P. Battle, for services rendered Auditor's department in examination of laws and preparing tax lists and other blanks,	100	
	John Armstrong, for folding, stitching, and packing 160,000 acts of 1868 and 1869 at \$6 per M; 5,000 revenue laws at \$10 per M; 5,000 machinery bills at \$10 per M; 5,000 school bills at \$10 per M; 5,000 Justices' forms at \$10 per M,	1,160	
	Solomon Bragg and others, for services rendered on capitol square and guarding arsenal during this month,	140 50	
	Hilliard Bishop for 296 loads sand and gravel used for building walk-way around the capitol square at 50 c'ts, and hauling 2 loads poles at \$2,	152	
	John Flagg, for hauling 281 loads gravel used for walk-ways in capitol square, at 50 cents,	140 50	
	H. J. Menninger, Secretary of State, amount of bill for copying laws furnished the executive officers,	51	
	W. W. Holden, Governor of North Carolina, two quarter's salary ending June 30, 1869,	1,250	
	W. R. Richardson, Private Secretary, salary from May 10th to June 30th, 1869,	138 33	
	C. W. Horner, Chief Clerk in Executive department, salary from May 10 to June 30, inclusive, 1869,	170	
	W. H. Sauls, Messenger in Executive Department, salary for the quarter ending June 30th, 1869,	125	
	Anderson Butts, balance of reward for the apprehension of murderers of Wade Ditcher,	33 33	
	L. D. Wilkie, under "An act prescribing the powers and duty of the Governor in regard to fugitives from justice,"	347 90	

1869. June.		\$	
	J. W. Stephens, under the above named act,		182 20
	A. W. Fisher, for Eli Dampier, under the above named act,		27
	Alexander Bryant, under the above named act,		128 50
	L. D. Wilkie, under the above named act,		145
	Thos. H. Briggs, for one-half dozen tumblers for use of Senate,		2 50
	A. H. Galloway, Senator, for 20 days attendance at \$7,		140
	W. C. Kerr, State Geologist, on account of appropriation for geological survey,		1,000
	C. W. Horner, Treasurer Insane Asylum, on account of appropriation for said Asylum,		6,000
	Wm. Dulin, for expenses incurred in moving Mary Dulin from Asylum,		24 25
	John G. Jones, for bringing Francis Mebrow to the Asylum,		11 25
	John Nichols, Treasurer Institution the Deaf and Dumb and the Blind, on account of appropriation for the year 1869,		2,000
	A. Hargrave and J. C. Blake, interest on State coupon bonds,		270
	W. R. Cox, Solicitor, for 2 certificates,		80
	R. H. Cannon, Judge Superior Court, 12th district, 1st and 2d quarter's salary,		1,250
	Nichols & Gorman, for printing 165 copies 400 pages of Supreme Court Reports, \$600; binding and postage, \$27.98,		627 98
	J. M. Cloud, Judge Superior Court, salary for the quarter ending March 31, 1869,		625
	C. R. Thomas, Judge Superior Court, salary for the quarter ending June 30th, 1869,		625
	J. V. Sherrard, Solicitor, 3 certificates,		120
	C. R. Thomas, Judge Superior Court, salary for quarter ending September 30th, 1869,		625

Public Fund,
disbursements.

1869. June.		\$	Public Fund, disbursements.
	Neill McKay, Solicitor 5th district, 3 certificates,	120	
	J. W. Albertson, Solicitor, 1 certificate,	40	
	J. R. Bulla, Solicitor 7th district, 8 certificates,	320	
	G. W. Logan, Judge Superior Court, salary for the quarter ending March 31st, 1869,	625	
	R. M. Henry, Solicitor 12th district, 1 certificate,	40	
	G. W. Logan, Superior Court Judge, salary for the quarter ending June 30, 1869,	625	
	R. P. Buxton, Superior Court Judge, salary for the quarter ending June 30, 1869,	625	
	W. P. Bynum, Solicitor 9th district, 7 certificates,	280	
	A. Mitchell, Judge Superior Court, 1st and 2d quarters' salary, ending June 20th, 1869,	1,250	
	Wm. M. Coleman, Attorney General, salary for the month of May, 1869,	125	
	E. G. Reade, Judge Supreme Court, salary for the quarter ending June 30th, 1869,	625	
	R. M. Pearson, Judge Supreme Court, salary for the quarter ending June 30, 1869,	625	
	R. P. Dick, Judge Supreme Court, salary for the quarter ending June 30, 1869,	625	
	J. M. Cloud, Judge Superior Court, salary for the quarter ending June 30th, 1869,	625	
	Thomas Settle, Judge Supreme Court, salary for the quarter ending June 30th, 1869,	625	
	A. W. Tourgee, Judge Superior Court, salary for the quarter ending June 30th, 1869,	625	
	W. B. Rodman, Judge Supreme Court, salary for the quarter ending June 30th, 1869,	625	
	S. W. Watts, Judge Superior Court,		

Public Fund, disbursements.	1869. June.		c.	
		salary for the quarter ending June 30th, 1869,		625
		R. M. Henry, Solicitor, 6 certificates,		240
		A. H. Joyce, " 5 "		200
		J. W. Albertson, " 1 "		40
		Samuel F. Phillips, $\frac{1}{2}$ year's salary as Reporter of Supreme Court, ending June 30th, 1869,		300
		J. A. Richardson, Solicitor, 1 certificate,		40
		L. P. Olds, Attorney General, salary for the month of June, 1869,		125
		W. H. Bagley, Clerk Supreme Court, salary from January 18th, 1869, to June 30th, 1869,		455
		R. T. Bosher, under "An act entitled an act to organize militia of North Carolina,"		100
		Jacob Weil, for clothing for North Carolina Militia,		75
		J. B. Cook, under "An act to organize the Militia of North Carolina,"		237
		D. D. Colgrove, for subsistence of Militia sent to Jones county,		210
		A. R. Dennison, for subsistence furnished Militia in Jones county, and transporting their baggage from Newbern to Trenton,		50
		S. M. Parish, for examining account of State Printer,		3
		M. S. Littlefield, State Printer, printing for Executive, Treasury and State departments,		366
		M. S. Littlefield, State Printer, printing 704 pages Senate Journals, \$931.39; press work on 44 forms, \$264; printing documents for the Senate, \$37.16,		1,232
		S. M. Parish, for examining accounts of State Printer,		3
		M. S. Littlefield, for printing and ruling tax lists and printing circulars for Auditor's department,		58
		M. S. Littlefield, State Printer, for publishing 611 pages State laws for State department,		1,222

1869.	June.		§		Public Fund, disbursements.
		C. L. Harris, for expenses incurred in attending the session of the committee of investigation of the affairs of the Albemarle and Chesapeake Canal Company,		95 71	
		T. C. Humphreys, for 23 days services as one of a committee to investigate the affairs of the Albemarle and Chesapeake Canal Company,		92	
		William Hardie, in accordance with a joint resolution of the General Assembly in relation to banks,		6	
		R. P. Finch, for services rendered as Clerk to the Examining Committee under the above resolution,		35	
		Byron Laffin, for services rendered, and expenses incurred in attendance on committee appointed by joint resolutions of General Assembly in relation to banks,		119	
		O. S. Hayes, attendance on committee and expenses incurred as per above resolution in regard to banks,		126	
		W. A. Moore, for services as a member of the committee to investigate the affairs of the Chesapeake Canal Company,		196	
		John Gatling, 20 days services as one of the committee to investigate the affairs of above named Canal Company,		92	
		F. G. Martindale, 23 days services as member of the above named committee and Canal Company,		92	
		V. C. Barringer, Code Commissioner, salary for month of May, 1869,		200	
		A. W. Tourgee, salary for the month of June, 1869,		200	
		J. Busbee, 1 day's labor in office of Secretary of State,		75	
		J. J. Sawyer, services as Clerk to Secretary of State, from April 12th, 1869, to May 12th, 1869,		75	
		H. J. Menninger, Secretary of State, salary for May, 1869,		200	

1869. June. Public Fund, Disbursements.		
	J. J. Sawyer, for services as Clerk to Secretary of State, from May 12th to June 11th, inclusive,	75
	S. M. Parish, Clerk to Secretary of State, from May 12th to June 11th, 1869, inclusive,	75
	F. J. Menninger, Clerk to the Secretary of State, salary quarter ending June 30th, 1869,	250
	H. J. Menninger, Secretary of State, salary for June, 1869,	200
	T. H. Hill, 5 copies Poems for State Library,	7 50
	E. J. Hale & Sons, one copy English Common Law, State Library,	3 56
	J. A. Jones, Saunders on "Uses and Trust," State Library,	5 50
	H. D. Coley, State Librarian, salary for quarter ending June 30, 1869,	175
	C. L. Harris, Superintendent Public Works, 2 months salary ending June 30th, 1869,	400
	S. S. Ashley, Superintendent Public Instruction, salary for months of May and June, 1869,	400
	E. S. Ashley, Clerk to Superintendent Public Instruction, salary for quarter ending June 30, 1869,	250
	C. M. Farriss, Keeper of Capitol, and weights and measures, salary for quarter ending June 30th, 1869,	237 50
	D. A. Jenkins, Public Treasurer, salary for quarter ending June 30, 1869,	750
	D. W. Bain, Chief Clerk in Treasury Department, salary for quarter ending June 30th, 1869,	375
	A. D. Jenkins, Teller for Treasury, salary for quarter ending June 30th, 1869,	250
	E. D. Jobe, salary from May 10th to July 1st, 1869, as Clerk in Treasury Department, at \$750 per annum,	103 50
	Raleigh & Gaston Railroad Company, freight on 4 bundles and 2 cases stationery,	31 02

1869. June.		\$	Public Fund, disbursements.
	Southern Express Company, freight on packages for Executive Department and State Library,		4 55
	S. M. Parish, for painting gilt signs for Superintendent Public Instruction and Private Secretary,		9
	J. T. Backalan, for travelling expenses incurred in conveying respite for George Johnson, (Bayline) to Sheriff of Halifax county,		25
	H. P. Buncombe, services for May as waiter in Capitol,		22 50
	Western Union Telegraph Company, telegrams sent and received by Executive, State and Treasury Departments for May and June 1st inclusive,		120 34
	M. S. Littlefield, State Printer, 70 reams book paper, at \$9 per ream,		630
	Raleigh & Gaston Railroad Company, freight on 10 bundles paper,		10 83
	Southern Express Company, freight on sundry packages,		12 40
	W. R. Richardson, Private Secretary, sealing 2,100 bonds Western North Carolina Railroad,		210
	Raleigh & Gaston Railroad Company, freight on 3 cases stationery,		7 11
	Asheville Pioneer, publishing Governor's proclamations of the 8th and 16th of April, 1869,		57
	Friday Jones, Watchman in Capitol, services for May, 1869,		45
	John Harrison, sewing and laying carpet, hanging shades, &c., in sundry rooms in Capitol,		43
	Southern Express Company, freight on tax books, &c.,		14 50
	Jacob A. Sowers, Sheriff, traveling 220 miles to make election returns of Davidson county, held November 3d, 1868, for electors of President and Vice President of United States and members of Congress,		22
	Armistead James, for mowing hay and stacking same in Capitol Square,		12

1869. June. Public Fund. disbursements.		
	John Cox, moving furniture of Attorney General,	\$ 1
	Henry Biggs, 6 days services in various offices in Capitol,	4 50
	Lougee & Bro., tin cups, plates, knives, &c., for militia under Capt. Boshier,	8 85
	G. R. Kimball, 55 days painting in Treasurer's office, and iron fence around Capitol Square,	137 50
	D. Appleton & Co., amount of bill for books purchased by Secretary of State on account of State Library, including \$1.75 freight on box for Treasury Department,	738 43
	Thos. H. Briggs, sundry articles for use of Capitol as per bill,	80 42
	Southern Express Company, freight on box from New York for Treasury Department,	1 75
	Ang. Doepp & Co., for 101 7-12 reams paper for publication of laws, insurance included, \$1,024.34; 16 reams paper for tax books, \$120.64; ruling and binding same, \$109.88,	1,254 86
	H. J. Menninger, Secretary of State, expenses incurred in going to New York for the purchase of books and printing paper,	64
	John Armstrong, 2 record books, for Executive Department, \$50; 10 court dockets for Judge Supreme Court, \$15,	65
	Newbern Daily Times, publishing statutes of the State, according to sections 17, 18 and 19, concerning the powers and duties of State officers,	410
	Raleigh & Gaston Railroad Company, freight on stationery, &c.,	12 74
	Southern Express Company, freight on one box for Treasury Department,	1 75
	W. R. Richardson, Private Secretary, sealing 25 bonds (funding,)	2 50
	Southern Express Company, freight on package for Treasury Department,	1 75

1869. June.	Raleigh Sentinel, advertis'g on account to provide for the collection of taxes by the State and by the several counties of the State,	\$	7 50	Public Fund, disbursements.
	Henry Biggs, 6 days service as waiter in Supreme Court room,		4 50	
	G. R. Kimball, 49 $\frac{1}{4}$ days painting in Treasury department, on Capitol building, and fence around Capitol at \$2.50 per day,		123 12	
	K. B. Wait, making boxes, shelving and plank furnished for same,		17 70	
	Ang. Doepp & Co., amount of bills for stationery, May 31 and June 4, 1869,		764 51	
	Southern Express Company, freight on sundry packages,		3 50	
	Nichols & Gorman, printing for Auditor's Department,		26	
	Southern Express Company, freight on packages from New York for Treasury Department,		1 75	
	W. H. Morris & Co., 9 yards enamelled cloth, &c.,		11 50	
	Southern Express Company, freight on box from New York,		1 75	
	Briggs & Atkins, for making 2 steps for painters, and furnishing 3 pieces plank,		4 75	
	W. G. Briggs, making and raising flag pole on Capitol, and work done in office Superintendent Public Works,		70 50	
	G. R. Kimball, putting iron sate in office of Superintendent Public Instruction on third floor of Capitol,		40	
	H. T. Clawson, painting fire screens and window shades, &c., for various offices in Capitol,		52	
	Southern Express Company, freight on 1 box and 2 packages for Treasury Department,		3 50	
	James Heaton, 12 days services as special officer for Committee of Investigation of the affairs of Albe-			

Public Fund, disbursements.	1869. June.		
		marle and Chesapeake Canal Com- pany, at \$3 per day,	\$ 36
		Henry Biggs, 6 days services as waiter in Supreme Court Room,	4 50
		Southern Express Company, freight on packages from New York,	2 50
		S. M. Parish, painting gilt sign for Ad- jutant General's office,	3 50
		H. P. Buncombe, for 1 month's ser- vices as waiter in Capitol, June 30, 1869,	22 50
		Alexander Turner, 1 month's services as waiter in Capitol to June 30, 1869,	22 50
		W. R. Richardson, Private Secretary, sealing 1,500 bonds for Western (Coalfields) Railroad Company, at 10 cents,	15 00
		Southern Express Company, freight on packages for Executive, Treasury and Auditor's departments,	2 50
		W. R. Richardson, Private Secretary, sealing 273 bonds Western North Carolina Railroad Company at 10c.,	27 30
		Battle & Sons, for professional services rendered Treasury department under an act authorizing Public Treasurer to employ counsel,	5 00
		Raleigh Gas Light Company, gas con- sumed in Capitol and gate lamps, from May 1 to June 1, 1869,	4 00
		Friday Jones, Watchman in Capitol, 1 month's services to July 1, 1869,	4 50
		M. S. Littlefield, State Printer, print- ing 400 circulars for Superintendent Public Instruction,	1 00
		Henry Biggs, 6 days services as waiter in Supreme Court room,	4 50
		D. R. Newsom, North Carolina Rail- road Company, freight on 14 boxes guns, &c.,	15 85
		W. R. Richardson, Private Secretary, sealing 300 bonds for North Caro- lina Western Railroad Company at 10 cents,	3 00
		T. H. Clawson, 1 pair window shades	

1869.			
June.	and fixtures for office of Private Secretary,	23	95
	Southern Express Company, freight on package for Executive department,		2
	Southern Express Company, freight on package for Treasury and Auditor's department,		250
	Geo. W. Swepson, President Western North Carolina Railroad Company, Western Division, in State coupon bonds, on account of State's subscription of stock to said Company,	2,187,000	
	J. J. Mott, President Western North Carolina Railroad Company, Eastern Division, in State coupon bonds on account of State's subscription of stock to said Company,		273,000
	R. H. Cowan, President Wilmington, Charlotte and Rutherford Railroad Company, in State coupon bonds, on account of State's subscription of stock to said Company,	1,000,000	
July.	A. W. Fisher, Adjutant General, salary for the month of June, 1869,		100
	Lewis Hanes, for publishing Governor's proclamation in relation to "an act amendatory of an act to incorporate the Western N. C. R. R.,		14
	Western Union Telegraph Company, for telegrams sent and received by the State and Treasury departments during the month of June, 1869,		14 42
	Forest Manufacturing Company, for paper furnished the State as per bill,		2,500
	Western Union Telegraph Company, for telegrams sent and received by Executive department during the month of June, 1869,		25 25
	W. R. Richardson, Private Secretary, for sealing 87 bonds for Western North Carolina Railroad Company, at 10c.,		8 70
	Southern Express Company, freight on packages from New York to other points,		6

Public Fund,
disbursements.

1869. July.	Asheville Pioneer, for publishing Governor's proclamation in relation to Western North Carolina Railroad Company,	\$	21
	Henry Biggs, for services as waiter 1 week,		4 50
	John W. Harrison, for hanging window shades in Executive department, &c.,		8
	Southern Express Company, freight on package from New York,		1
	Raleigh & Gaston Railroad Company, freight on 4 boxes minutes and 1 box docket for State department,		15 77
	G. W. Swepson, freight paid by him on 13 boxes State bonds for Treasury department,		23 25
	Williams & Lambeth, for ink furnished Treasury department,		6 15
	Augustus Doepp & Co., for 100 1 quire minute dockets indexed, paged and ruled, for the several counties in the State,		1,166 67
	Southern Express Company, freight on county dockets, shipped to sundry counties in the State,		11 25
	Williams & Lambeth, for stationery, Sentinel office, for publishing Governor's proclamation in relation to filling the vacancy in the 19th Senatorial District, caused by the death of Hon. R. I. Wynne,		10 90
	Southern Express Company, freight on package from Baltimore,		2
	Henry Biggs, for services as waiter in Supreme Court room one week,		4 50
	G. W. Wynne & Co., for the hire of horse and buggy for the use of Adjutant General's department,		5
	Southern Express Company, freight on sundry packages,		1 50
	C. J. Rogers, Post Master, for amount of postage accounts for the various departments to July 1st, 1869,		654 66
	J. C. Blake, for premium on draft on New York for \$2,040 30,		5 10

1869. July.	Raleigh & Gaston Railroad Company, freight on office table,	\$	1 55	Public Fund, disbursements.
	W. H. Soper, for 1,000 copies lithograph plans for public school houses and electrotypes of cuts of plans, &c., for same,		71 25	
	W. R. Richardson, Private Secretary, for sealing 20 bonds for funding purposes,		2	
	Southern Express Company, for freight on sundry packages,		9 05	
	Henry Biggs, for services as waiter in Supreme Court one week,		4 50	
	J. A. Jones, for blank book,		1 30	
	J. Armstrong, for repairing and lettering State Record books and making day book, journal and ledger for Auditor's department,		186 50	
	Phil. Thiem, for 3,665 pounds ice furnished the various departments to 1st July, 1869, at 3½ cents, also one flag pole for Capitol and sundry buckets and brushes,		186 78	
	Southern Express Company, freight on packages shipped by Executive and Treasury departments,		9	
	Ellison & Norwood, for repairing desk in office of Superintendent Public Instruction,		1	
	Southern Express Company, freight on three packages for Treasury department,		6 90	
	C. L. Harris, Superintendent of Public Works, postage for his department,		14 95	
	James H. Ennis, for stationery for State and Treasury departments,		30 95	
	Henry Biggs, for services as waiter in Supreme Court room one week,		4 50	
	A. W. Fraps, for lounges for the following departments: Treasury, 1 at \$30, Auditor's, 1 at \$30, Adjutant General's, 1 at \$20, also 1 wash stand each for Executive department and Supreme Court room, at \$4 50 each,		89	

1869. July.			
	Geo. Graham, for felling and cutting up oak tree in Baptist Grove,	\$	3 50
	Wilmington Post, for advertising sundry proclamations of the Governor in relation to fugitives from justice, Western North Carolina Railroad Company, &c.,		84
	Southern Express Company, freight on packages for Superintendent Public Instruction, Treasury and Executive Departments,		2
	Alex. Turner, for services as waiter in Capitol for the month of July, 1869,		22 50
	H. P. Buncombe, for services as waiter in Capitol, month of July, 1869,		22 50
	Raleigh Gas Light Company, for gas consumed in the Capitol and gate lamps, during the month of July, 1869,		60 40
	Friday Jones, watchman in Capitol, for services month of July, 1869,		45
	Southern Express Company, freight on sundry packages for Treasury department,		1
	Sentinel office, for advertising for Treasury department,		7
	Western Union Telegraph Company, for telegrams sent and received during this month by Executive, Treasury and State departments,		75 34
	Andrew Jackson, for hauling four loads rubbish,		1
	Solomon Bragg and others, for services rendered on Capitol Square and guarding Arsenal one month,		173 25
	Douglas Bell, for hire of dray for use of Capitol Square,		1 50
	H. J. Menninger, Secretary of State, for furnishing copies of general statutes to Raleigh Standard and other journals, making 1988 folios at 20c.,		397 60
	L. H. Mowers, under an act prescribing the powers and duties of the Governor in regard to fugitives from justice,		150

Public Fund disbursements.

1869. July.		\$		Public Fund, disbursements.
	Chas. A. Rose, for the arrest of Robert Maderhill,		102	16
	J. W. Stephens, under an act prescribing the powers and duties of the Governor in regard to fugitives from justice,		50	
	J. W. Bowman, for C. R. Garland, Chief Detective, appointed by Governor Holden according to law,		100	
	B. Bulla, under an act prescribing the power and duties in regard to fugitives from justice,		200	
	C. R. Garland, under the above act in regard to fugitives from justice,		84	41
	Lougee & Brother, bill of sundries for State Geologist,		55	
	Thos. H. Briggs, bill of sundries for State Geologist,		244	11
	W. C. Kerr, State Geologist, under section 10 of chapter 2, Revised Code,		1,700	89
	Raleigh & Gaston Railroad Company, freight shipped for State Geologist,		4	69
	John Nichols, Treasurer Institution Deaf and Dumb and the Blind, on account of appropriation for said Institution for 1869,		2,000	
	C. W. Horner, Treasurer Insane Asylum, on account of appropriation of said Asylum for the year 1869,		4,000	
	C. W. Horner, Treasurer Insane Asylum, on account as per above,		3,000	
	Dr. E. Grissom, expenses for conveying Lewis Rose to Asylum,		37	75
	J. B. Paul, per Dr. E. Grissom, order on Public Treasurer,		11	25
	State National Bank, for interest on funds advanced by said bank to pay interest accruing October 1st, 1869, on public debt,		272	81
	W. P. Caldwell, Solicitor 10th Judicial District, 7 certificates,		280	
	Seaton Gales, Attorney for Judge J. S. Henry, salary for quarter ending June 30, 1869,		625	
	E. W. Jones, Judge Superior Court,			

Public Fund, disbursements.	1869. July.		
		on account 2d quarter's salary ending June 30, 1869,	\$ 325
		Col. Anderson, for C. C. Pool, Judge Superior Court, on account 2d quarter's salary ending June 30, 1869,	525
		Daniel L. Russell, Judge Superior Court, salary for quarter ending June 30th, 1869,	625
		A. H. Joyce, Solicitor 8th Judicial District, for attendance at Superior Court in the counties of Surry and Yadkin,	80
		J. R. Bulla, under resolution authorizing Governor to employ counsel in certain cases,	100
		D. A. Wicker, Marshal Supreme Court, 47 days service at \$3 per day,	141
		L. P. Olds, Attorney General, attendance upon Supreme Court during June Term, 1869,	100
		Hon. C. C. Pool, balance due him on quarter's salary ending June 30th, 1869,	100
		J. R. Bulla, Solicitor 7th Judicial District, 2 certificates,	80
		D. D. Colgrove, for subsisting detailed militia in Jones county,	150
		A. W. Fisher, Adjutant General, for amounts due members of Company A, No. 5, North Carolina Detailed Militia, as per muster and pay roll,	597 76
		A. W. Fisher, Adjutant Genral, for amount due Capt. R. T. Boshier, Company A, No. 5, North Carolina Detailed Militia, for services rendered and expenses incurred in said Company,	79 63
		Lieut. G. T. Tomnofski, Company A, for services rendered, &c.,	152 60
		J. S. Montgomery, expenses incurred as Engineer of Marion and Asheville Turnpike Company,	40
		M. S. Littlefield, State Printer, for advertising meeting of Board of Committee on Banks, printing summons, and paper furnished,	10

1869. July.			Public Fund, disbursements.
	M. S. Littlefield, State Printer, printing for the various departments of State,	\$	232
	M. S. Littlefield, State Printer, for composition on 224 pages public laws, 2,209ms per page, and press work on 14 forms, 72 tokens per form,		1,502 81
	S. M. Parish, examining accounts of Public Printer,		6
	M. S. Littlefield, State Printer, printing for State department,		1,095 01
	J. C. L. Harris, for indexing Senate Journal,		100
	Samuel T. Carrow, Sheriff of Beaufort county, expenses incurred in travelling 280 miles to furnish returns of election of President and Vice President United States and members of Congress,		28
	V. C. Barringer, Code Commissioner, salary for June, 1869,		200
	W. B. Rodman, Code Commissioner, services for 2d quarter ending June 30th, 1869,		600
	S. M. Parish, for services from June 12 to July 11, 1869, as Clerk to Secretary of State,		75
	J. J. Sawyer, Clerk to Secretary of State from June 12 to July 11, 1869,		75
	C. L. Harris, Superintendent of Public Works, salary for month of July,		200
	Little, Brown & Co., subscription to American Law Review, 1869,		5
	T. & J. W. Johnson & Co., 1 law report, 1868, 6 vols., bound,		26
	J. B. Neathery & Co., Daily Standard from April 24, 1869, to April 24, 1870,		10
	E. J. Hale & Sons, books purchased for Supreme Court,		114 60
	John Armstrong, repairing and lettering for State Library,		13 85
	S. T. Carrow, Sheriff Beaufort county, settling taxes for 1867,		37 50
	G. W. Swepson, President Western		

1868-'69.—AUDITOR'S STATEMENT.

Public Fund,
disbursements.

1869.			
July.	North Carolina Railroad, Western Division, part payment of note for \$100,000, dated April 8, 1869,	\$	13,333 33
	G. W. Swepson, President Western North Carolina Railroad, Western Division, part payment of note for \$100,000, dated April 8, 1869,		3,540 10
	G. W. Swepson, President Western North Carolina Railroad, Western Division, State coupon bonds at par, for subscription by State of North Carolina in said road,		4,000,000
Aug.	A. W. Fisher, Adjutant General, salary for July, 1869,		100
	Anderson Cain, commutation for a leg,		50
	John McMairy, commutation for a leg,		50
	Henderson Adams, Auditor of State, salary for July, 1869,		200
	John Armstrong, binding 300 documents, session 1868-'69, at 75 cents,		225
	Williams & Haywood, spirits turpentine, linseed oil, lead, varnish, glue, &c., used in painting fence around Capitol Square and sundry rooms in Capitol,		346 63
	Solomon Bragg and others, services rendered on Capitol Square and guarding Arsenal month of August,		142 50
	D. B. Wharton, 60 days' service as Superintendent on survey of Turnpike Road in the counties of Carteret and Craven,		120
	Frank Fenderson, 60 days' labor in surveying said road,		90
	John Simpkins, 60 days' services as surveyor of said road,		180
	John E. Henry, 60 days' services as commissioner of said road,		120
	Lewis Stephens, 60 days' services as laborer on said road,		90
	Jas. E. Whitehurst, 60 days' services as Commissioner on survey of said road,		120
	S. S. Ashley, Superintendent Public Instruction, salary for July, 1869,		200
	Sundry persons, under an act prescrib-		

1869. Aug.	ing the powers and duties of the Governor in regard to fugitives from justice, as follows :	\$	Public Fund, disbursements.
	W. J. Clarke,	50	
	J. W. Stephens,	30	
	L. H. Mowers,	200	
	A. W. Fisher, Adjutant General,	450	
	L. H. Mowers,	113	25
	John H. Boner, making Index to Journal to House of Representatives, session 1868-'69,	100	
	A. W. Stevens, one day's attendance as member of House of Representatives,	7	
	C. W. Horner, Treas. Insane Asylum, on account appropriation of said Asylum, 1869,	4,000	
	J. P. Browley, expenses incurred in going home,	11	
	F. N. Jordan, conveying Bird Gunn to Asylum,	35	10
	C. F. Silver, for conveying N. J. Silver to Asylum,	57	
	M. Masten, for conveying Ann Fou to Asylum,	41	50
	John Nichols, Treas. Institution Deaf, Dumb and Blind, on account appropriations to said Institution for 1869,	3,000	
	J. C. Blake, interest on State Coupon Bonds,	30	
	H. J. Cowles, interest on State Coupon Bonds,	30	
	L. P. Olds, Attorney General, salary for July, 1869,	125	
	W. R. Cox, Solicitor 6th Judicial District, 1 certificate,	40	
	T. T. Hollowell, one pine coffin for W. H. Putney, late member of Company No. 5, N. C. detailed militia,	3	75
	D. D. Colgrove, wood, rations and team furnished, and for rent of quarters for company No. 5, N. C. detailed militia,	111	05
	Newbern Daily Times, printing 14 forms badges and ribbon furnished		

Public Fund, disbursements	1869. Aug.		\$	
		for same for N. C. detailed militia, companies No. 26 and 27,		18 80
		W. T. Robinson, M. D., for profession- al services rendered W. H. Putney, dec'd, late member of N. C. militia,		15
		A. W. Fisher, Adj't General, travel- ing expenses while supervising the N. C. militia,		63 75
		S. D. Franklin, expenses incurred in locating Penitentiary,		5
		A. Dockery, Chairman of Committee for locating and erecting Peniten- tiary,	5,000	
		J. B. Neathery & Co., printing pay rolls for use of keeper of Capitol,		3
		M. S. Littlefield, State Printer, com- position 160 pages public laws and press work on 10 forms public laws,		1,073 04
		M. S. Littlefield, State Printer, print- ing circulars, letter heads, &c., for State Department,		41
		M. S. Littlefield, State Printer, print- ing for same,		23
		S. M. Parish, examining accounts of State Printer,		3
		M. S. Littlefield, State Printer, print- ing laws per order of State Depart- ment,		496 12
		M. S. Littlefield, State Printer, print- ing for Executive, Auditor and Treasury Departments,		92
		M. S. Littlefield, State Printer, compo- sition on 112 pages public laws and press work on 7 forms public laws,		751 40
		L. S. Farlaw, 1 sail boat, called the North State, including sails, oars, anchors, &c., for Beaufort harbor, North Carolina,		175
		Wm. Grimes, amount allowed by Gen- eral Assembly to Wm. Thompson, W. D. Jones, Wm. Grimes and R. K. Ferrell,		259 93
		V. C. Barringer, Code Commissioner, salary for July, 1869,		200
		A. W. Tourgee, Code Commissioner, salary for July, 1869,		200

1869. Aug.		Public Fund, disbursements.
	J. N. Uzzle, making election returns in the 19th Senatorial district, August 5th, 1869,	8 11 16
	H. J. Menninger, Secretary of State, salary for July, 1869,	2 00
	J. J. Sawyer, Clerk in State department, salary from July 12th, to August 11,	75
	S. M. Parish, Clerk in same, salary from July 12th to August 11, 1869,	75
	S. M. Parish, Clerk in same, salary from August 12th, to 31, 1869,	50
	Andrew Syme, Clerk in same, salary from August 1, to 31st,	75
	W. R. Richardson, Private Secretary, sealing 10 bonds at 10 cents,	1
	Southern Express Company, freight on packages for Treasury and State Departments,	2 95
	H. Bishop, hauling 12 loads wood and rock to Capitol Square,	6
	Newbern Daily Times, publishing 50 6-20 columns (Standard measure,) laws of North Carolina,	251 22
	R. C. Badger, services rendered the State in representing the Governor in the Wilmington, Charlotte & Rutherford Railroad meeting for re-organization held at Wilmington,	318 25
	H. Fendt, 3 office baskets,	4 25
	S. F. Phillips and K. P. Battle, professional services rendered in injunction against C. L. Harris, Superintendent Public Works,	5 00
	H. C. Smith, altering copper pipe and work done on Capitol,	56
	Southern Express Company, freight on 27 boxes books for State Department, and sundry packages for Treasurer's Department,	32 25
	Henry Biggs, for 12 days services as waiter in Supreme Court Room at 75 cents,	9
	Forest Manufacturing Company, 200 reams number 1 book paper at \$10	2,000
	Wilmington Post, for publishing laws	

1869.	Aug.	of North Carolina, 132 6-20 columns, (Standard measure,) at \$5,	\$ 661 22
Public Fund, disbursements.		Asheville Pioneer, publishing 80 col- umns laws of North Carolina, (Standard measure,) at \$5,	400
		Raleigh Gas Light Company for gas consumed in Capitol and gate lamps, month of July, 1869,	56
		Wm. H. Bernard, for publishing in Morning Star, Governor's Procla- mation in relation to Wilmington, Charlotte and Rutherford Railroad,	10
		Southern Express Company, freight on packages for Treasury and Audi- tor's departments,	3 90
		Jas. H. Emnis, 1 day book, journal and ledger for use of Board of Educa- tion,	25
		Southern Express Company, freight on sundry packages for the various de- partments,	12 25
		Engelhard & Price, for advertising for Executive department,	47
		Renben Clawson, for making and re- pairing steps in capitol,	5
		Douglas Bell, 1 box toilet soap, use of capitol,	6
		Friday Jones, watchman of capitol, ser- vices for the month of August, 1869,	46 50
	Sept.	Dr. Wm. Little, for medical examina- tion of John W. McNairy, an appli- cant for commutation for the loss of a leg,	5
		Henderson Adams, Auditor, salary for the month of August, 1869,	200
		James H. Adams, Clerk in Auditor's department, salary for 3d quarter ending Sept. 30th, 1869,	250
		Henderson Adams, Auditor, salary for month of September, 1869,	200
		A. J. Partin, salary for the month of September, 1869, as Clerk in Audi- tor's department,	75
		Solomon Bragg and others, for services rendered on capitol square, and guarding arsenal 4 weeks,	141 75

1869. Sept.			Public Fund, disbursements.
	W. R. Richardson, Private Secretary, 3d quarter's salary, 1869,	\$ 250	
	W. H. Sauls, Messenger in Executive department, 3d quarter's salary, 1869.	125	
	C. W. Horner, Clerk in Executive department, 3d quarter's salary, 1869,	300	
	Samuel T. Carrow and S. F. Weatherston, for the arrest of Samuel McGlovehour, <i>alias</i> Samel Stocks, a fugitive from justice,	300	
	L. H. Mowers, under an act concerning the power and duty of the Governor in regard to the fugitives from justice.	486 50	
	P. A. Wiley, for A. J. Davis, for the arrest of Shoemaker John, a fugitive from justice,	100	
	W. H. Huskey, under an act concerning the duty and power of the Governor in regard to fugitives from justice,	99 25	
	J. F. Patterson, interest on State coupon bonds,	30	
	C. W. Horner, Treasurer Insane Asylum, on account of appropriation of said Asylum, for the fiscal year, ending Sept. 30th, 1869,	5,000	
	J. J. Ward, for expenses incurred in moving from Asylum,	15	
	John Nichols, Treasurer Institution Deaf and Dumb and the Blind, on account of said Institution for the year 1869,	2,000	
	L. P. Olds, Attorney General, salary for the month of August, 1869,	125	
	Hon. R. H. Cannon, Judge Superior Court 12th judicial district, on acc't of 3d quarter's salary, 1869,	125	
	Hon. E. W. Jones, Judge Superior Court, 2d judicial district, balance due on 3d quarter's salary, 1869,	200	
	W. R. Cox, Solicitor, 1 certificate of attendance at Warren Superior Court,	40	
	Hon. Thomas Settle, Judge Supreme Court, 3d quarter's salary, 1869,	625	

1869. Sept. Public Fund, disbursements.		
	J. J. Martin, Solicitor, 2d Judicial District, 1 certificate,	\$ 40
	J. W. Albertson, Solicitor, 1st Judicial District, 1 certificate,	40
	Chas. Burlison, services as Commissioner on Marion and Asheville Turnpike from June 21st to August 30th, 1869, 61 days at \$3 per day,	183
	J. S. Montgomery, 2 $\frac{1}{2}$ months services on above Turnpike as Civil Engineer at \$100 per month and expenses incurred in the field,	332 03
	David W. Ellis, 65 days services as Commissioner on said Turnpike at \$3,	195
	C. Burlison and D. W. Ellis, Commissioners on M and A. Turnpike, to pay for services of assistant engineers,	1,121 75
	C. M. Farriss, Keeper of Arsenal at Raleigh, salary for the year ending September 1st, 1869,	60
	M. S. Littlefield, State Printer, for printing public laws, press work on same, ruling and binding and printing reports of railroad companies for Superintendent Public Works,	759 74
	M. S. Littlefield, State Printer, printing public and private laws,	561 09
	S. M. Parish, 1 day's service in examining accounts of Public Printer,	3
	Hon. A. W. Tourgee, Code Commissioner, salary for month of August, 1869,	200
	W. G. Curtis, quarantine physician at port of Wilmington, for quarantine regulations of said port,	2,175
	W. G. Curtis, quarantine physician, to pay salaries and monthly pay of boat crew,	340
	John Davis, 1 month's services as one of the crew in taking care of boat, &c., for quarantine purposes,	25
	W. Hanly, 1 month's pay for taking care of quarantine boat,	20
	F. J. Menninger, Chief Clerk State	

1869. Sept.	Department, salary for the quarter ending Sept. 30th, 1869,	\$	250	Public Fund. disbursements
	S. M. Parish, Clerk in State Department, salary month September,		75	
	Andrew Syme, Clerk in State Department, salary month September.		75	
	S. S. Ashley, Superintendent Public Instruction, salary for month Aug., 1869,		200	
	E. S. Ashley, Clerk in office of Superintendent Public Instruction, quarter's salary ending Sept. 30th, 1869.		250	
	C. L. Harris, Superintendent Public Works, salary for the months of August and September, 1869.		400	
	Thos. Hampson, Clerk in office of Superintendent Public Works, salary for the months of August and September, 1869,		150	
	C. M. Farriss, Keeper of Capitol and weights and measures, salary for the quarter ending September 30th, 1869,		237 50	
	A. D. Jenkins, Teller in Treasury Department, salary for the quarter ending Sept. 30th, 1869,		250	
	H. P. Buncombe, waiter in Capitol, services month August, 1869,		22 50	
	Alexander Turner, for services as waiter in Capitol, month August, 1869,		22 50	
	Phil. Thiem, for 1,766 pounds ice at 3½ cents furnished Supreme Court during Spring term, 1869,		61 81	
	Western Union Telegraph Company, for telegrams sent and received by sundry departments during month of August, 1869,		103 80	
	Southern Express Company, freight on packages from various points for Treasury Department,		33 25	
	H. Mahler for seals and press for several counties, and Calendar Clocks for Executive office and Supreme Court room,		155	

Public Fund,
disbursements.

1869. Sept.		
	Southern Express Company, freight on 2 boxes for Department Superintendent Public Instruction,	\$ 6 50
	Friday Jones, amount due him on the several months having 31 days from July 1st, 1868, to August 1st, 1869, he having drawn, as watchman of Capitol, \$45 per month instead of \$1.50 per night,	10 50
	W. R. Richardson, Private Secretary, for sealing 600 bonds for the North-western North Carolina Railroad, at 10 cents,	60
	Raleigh Gas Light Company, for gas consumed in State House and gate lamps from August 1, 1869 to September 1,	35 20
	Southern Express Company, freight on 2 packages for Auditor's Department,	1 25
	W. R. Richardson, Private Secretary, for sealing 180 bonds for the North-western North Carolina Railroad, at 10 cents,	18
	Southern Express Company, freight on package for Auditor's department, Sentinel office, advertising for Treasury department,	50
	Jno. Ransom, glazing 5 window glasses in Capitol,	5
	John Armstrong, binding 26 record books for State department at \$5.	2
	Southern Express Company, freight on package for Auditor's Department,	130
	W. R. Richardson, Private Secretary, sealing 540 bonds Western North Carolina Railroad, at 10 cents,	50
	W. R. Richardson, Private Secretary, sealing 2,000 bonds of Atlantic, Tennessee & Ohio Railroad in North Carolina, at 10 cents,	54
	Handy Lockhart, work done in sundry offices in Capitol,	200
	Southern Express Company, for freight on packages and box for sundry departments,	27 07
		24 30

1869. Sept.	Asheville Pioneer, publishing public laws,	\$ 100	Public Fund, disbursements.
	Southern Express Company, for freight on sundry packages from Sheriffs of the various counties of the State for Treasury Department,	20	
	Southern Express Company, freight on box from New York for Treasury Department,	3 25	
	C. T. Wood, under an act concerning the powers and duties of State officers,	11	
	Alex. Turner, waiter in Capitol, services for September, 1869,	22 50	
	H. P. Buncombe, waiter in Capitol, services for September, 1869,	22 50	
	Friday Jones, Watchman of Capitol, services for September, 1869,	45	
	G. W. Hays, work done in Executive Department,	9 62	
	Southern Express Company, for freight on package for Auditor's department,	25	
	D. R. Newsom, freight on 5 boxes arms, ammunition and equipments,	10 80	
	Southern Express Company, for freight on box from New York for Treasury Department,	1 75	
	D. J. Pruyn, balance due on wood delivered in April, 1869, for use of Capitol,	25 50	

I N D E X
TO THE
PUBLIC ACTS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY OF NORTH CAROLINA,
PASSED AT ITS
SESSION OF 1869-'70.

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