LAWS AND RESOLUTIONS
PASSED BY THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
AT THE
SPECIAL SESSION,
BEGIN AND HELD IN THE
CITY OF RALEIGH ON THE FIRST OF JULY, 1868.

PUBLISHED BY AUTHORITY.

RALEIGH:
N. PAGE, PRINTER TO THE STATE.
1868.
NOTE.

The following Acts, forming part of the Code of Civil Procedure, passed at the Special Session of the General Assembly, 1868, are published in the Code and not in this collection of the Laws:

1. The first part of the Code of Civil Procedure.

2. An Act entitled, "An Act concerning the powers and duties of Clerks of the Superior Court."

3. The second part of the Code of Civil Procedure.

4. An Act entitled, "An Act concerning the powers and duties of Clerks of the Superior Courts, as Judges of Probate."


6. An Act concerning the fees of Clerks of Superior Courts, Sheriffs, Register of Deeds, Solicitors, Coroners, Constables, Justices of the Peace and Jurors.

The custom of supplying words in brackets, [thus] in order to sustain the sense of the context, in obvious mistakes in the enrolled acts, has been abandoned in this publication, and the laws are published in strict accordance with the text of the originals on file in the office of the Secretary of State.

HENRY J. MENNINGER,
Secretary of State.
<table>
<thead>
<tr>
<th>Act</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Act to provide for the qualification of certain officers recently elected under the provisions of the Constitution of the State of North Carolina.</td>
<td>1</td>
</tr>
<tr>
<td>An Act in relation to provisional municipal officers.</td>
<td>5</td>
</tr>
<tr>
<td>An Act to extend the time for registering grants, mesne conveyances, powers of attorneys, deeds of sale, deeds of gift, deeds of trust and marriage settlements.</td>
<td>6</td>
</tr>
<tr>
<td>An Act to provide for the filling of vacancies occurring in the offices provided for in Article Seven of the Constitution of North Carolina.</td>
<td>7</td>
</tr>
<tr>
<td>An Act in relation to marriage licenses.</td>
<td>8</td>
</tr>
<tr>
<td>An Act to repeal an Act directing the time and place for selling land in the Counties of Halifax, Northampton, Hertford and Martin.</td>
<td>8</td>
</tr>
<tr>
<td>An Act to provide for the relief of Sheriffs and their sureties of the State.</td>
<td>9</td>
</tr>
<tr>
<td>An Act to amend an act to provide for the qualification of certain officers elected under the provisions of the Constitution of North Carolina.</td>
<td>12</td>
</tr>
<tr>
<td>An Act to empower the County Commissioners to draw Jurors for the Superior Courts.</td>
<td>9</td>
</tr>
<tr>
<td>An Act appointing Clerks of Superior Courts to take privy examination of feuds courts, in the conveyance of real estate.</td>
<td>12</td>
</tr>
<tr>
<td>An Act to notify the Governor in certain cases of the disqualification of County Commissioners.</td>
<td>12</td>
</tr>
<tr>
<td>An Act to establish Special Courts in the Cities of Wilmington and New Bern.</td>
<td>13</td>
</tr>
<tr>
<td>Title of Act</td>
<td>Page</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>An Act to require Trustees for the University of North Carolina to reside in the County for which they are chosen</td>
<td>17</td>
</tr>
<tr>
<td>An Act to provide for the burial expenses of the late Hon. Lorenzo D. Hall and for other purposes</td>
<td>17</td>
</tr>
<tr>
<td>An Act to limit liabilities of Sheriffs</td>
<td>18</td>
</tr>
<tr>
<td>An Act to repeal an act ratified February 22d, 1866</td>
<td>18</td>
</tr>
<tr>
<td>An Act in relation to Jurors</td>
<td>19</td>
</tr>
<tr>
<td>An Act to amend sections second, sixth and eighth, chapter one-hundred and twenty of the Revised Code of North Carolina</td>
<td>19</td>
</tr>
<tr>
<td>An Act in relation to County Treasurer</td>
<td>21</td>
</tr>
<tr>
<td>An Act concerning the government of Counties</td>
<td>22</td>
</tr>
<tr>
<td>An Act to regulate capital, executions</td>
<td>34</td>
</tr>
<tr>
<td>An Act to organize a militia of North Carolina</td>
<td>35</td>
</tr>
<tr>
<td>An Act to provide for the filling of vacancies that may occur in the General Assembly</td>
<td>38</td>
</tr>
<tr>
<td>An Act in relation to Sheriffs</td>
<td>39</td>
</tr>
<tr>
<td>An Act to relieve the late Sheriffs and their sureties</td>
<td>40</td>
</tr>
<tr>
<td>An Act to prevent the sale of intoxicating liquors on the days of election</td>
<td>40</td>
</tr>
<tr>
<td>An Act to repeal an act ratified the 14th day of February, 1861, concerning tax collectors</td>
<td>41</td>
</tr>
<tr>
<td>An Act making appropriation for the Deaf, Dumb and Blind Asylum</td>
<td>41</td>
</tr>
<tr>
<td>An Act to provide for the payment of the interest on the lawful debt of the State</td>
<td>42</td>
</tr>
<tr>
<td>An Act providing for furnishing the Executive Mansion</td>
<td>43</td>
</tr>
<tr>
<td>An Act for the more effectual suppression of the crime of stealing horses and mules</td>
<td>43</td>
</tr>
<tr>
<td>An Act to provide for funding the matured interest of the public debt</td>
<td>44</td>
</tr>
<tr>
<td>An Act for the preservation of the public health, by establishing suitable quarantine regulations for the port of Wilmington, N. C.</td>
<td>46</td>
</tr>
<tr>
<td>An Act to amend an act to provide for the qualification of certain officers recently elected under the provisions of the Constitution of the State of North Carolina</td>
<td>48</td>
</tr>
<tr>
<td>An Act concerning the Register of Deeds</td>
<td>49</td>
</tr>
<tr>
<td>An Act to amend an ordinance entitled &quot;An Ordinance admitting members of the Bar of other States to practice in this State,&quot; ratified 4th day of February, 1868</td>
<td>53</td>
</tr>
<tr>
<td>An Act to authorize the County Commissioners to appoint standard keepers</td>
<td>54</td>
</tr>
<tr>
<td>An Act to establish a Turnpike Road from the Town of Morganton in Burke County to the Tennessee line</td>
<td>54</td>
</tr>
<tr>
<td>An Act providing for the support of the Insane Asylum</td>
<td>55</td>
</tr>
<tr>
<td>An Act in relation to Sheriffs</td>
<td>56</td>
</tr>
<tr>
<td>An Act establishing a lien in favor of builders, mechanics and material men</td>
<td>57</td>
</tr>
</tbody>
</table>
An Act to protect persons distilling spirituous liquors under United States license,
An Act to provide for laying off the homestead and setting apart the personal property exempted in favor of residents of this State, by article X. of the State Constitution,
An Act in relation to punishments,
An Act to provide for the election of Electors of President and Vice-President,
An Act relating to salaries and fees,
An Act to make bank bills a set off,
An Act regulating the selling of lands under execution,
An Act to provide for the registration of voters,
An Act to amend an act entitled "An Act to provide for the registration of voters,"
An Act in relation to suits pending in the late Supreme Court of this State,
An Act to facilitate the settlement of the estates of deceased persons and for other purposes,
An Act concerning refunding bonds,
An Act authorizing certain persons to practice law,
An Act for the relief of such persons as may have suffered from the destruction by fire of the records of the Superior and County Courts in the County of Anson,
An Act to prevent injuries to the navigation works in Cape Fear and Deep Rivers,
An Act supplemental to an act on salaries and fees,
An Act to amend section fifth, chapter eighty-five, Revised Code,
An Act to punish conspiracy, sedition and rebellion,
An Act to provide for the employment of convicts and the erection of a Penitentiary,
An Act to punish bribery and coercion in the election,

RESOLUTIONS.

1. A Resolution authorizing the Secretary of the Senate to procure a copy of the election returns now in the office of the Secretary of State, 80
2. A Joint Resolution, ratifying the proposed amendment of the Constitution of the United States, styled Article 14th, 89
3. A Resolution authorizing the printing of the Governor's Inaugural Speeches of Judge Reade and Lieut. Gov. T. R. Caldwell, 91
4. A Resolution in relation to alleged frauds in the recent election
   for members to the General Assembly, 92
5. A Resolution in relation to W. D. Palmer, 92
6. A Joint Resolution in relation to the Committee ordered to inves-
   tigate the affairs in the Auditor's Office, 93
7. Resolution relative to Printing, 93
8. Resolution in regard to a Penitentiary, 93
9. Resolution in relation to printing of the usual rules of the General
   Assembly, 94
10. Resolution instructing the Board of Education to prepare and re-
    port a plan and code of laws for the organization, government
    &c., of public Free Schools, 94
11. Resolution in relation to filling vacancy in the 16th Senatorial
    District, 95
12. Resolution directing the Treasurer to furnish the Senate with a
    statement of the expenses incurred by the late Constitutional
    Convention, also the Convention of 1865, and 1868, and also the
    disposition of Literary Funds and the $100,000.00 since the Con-
    stitutional Convention, 95
13. Resolution directing the Treasurer to report without delay wheth-
    er any sum or sums of money have been paid by him as Treasurer
    to defray the expenses of the Republican Party celebration in
    this City, on the 4th of July, 96
14. Resolution in relation to Senators, banned by the Howard Amend-
    ment, 96
15. Resolution authorizing 1,000 copies of all acts relative to County
    officers and their duties, passed by this General Assembly to be
    printed, 97
16. Joint Resolution authorizing the State Treasurer to negotiate a
    loan, 97
17. Resolution in favor of Benjamin Durfee for services rendered as
    temporary Engrossing Clerk, 98
18. Resolution requesting the military authorities to forward to the
    General Assembly the papers in the case of alleged frauds in the
    election in Caswell County, 98
19. Resolution in relation to the address of the Governor on the 4th
    day of July, 98
20. Resolution in relation to the Committee of Credentials, 99
21. Resolution to supply each member of the Senate with certain doc-
    uments, 99
22. Resolution authorizing the printing of enactments for the use of
    members, 100
23. Resolution in relation to the payment of Pages, 100
24. Resolution in relation to adjournment, 100
25. Resolution in relation to salaries, 100
<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Resolution relative to settling certain claims</td>
<td>101</td>
</tr>
<tr>
<td>27</td>
<td>Resolution in relation to an office for the Superintendent of Public Instruction</td>
<td>101</td>
</tr>
<tr>
<td>28</td>
<td>Resolution in regard to Clerks</td>
<td>102</td>
</tr>
<tr>
<td>29</td>
<td>Resolution instructing the Treasurer of the State</td>
<td>102</td>
</tr>
<tr>
<td>30</td>
<td>Joint Resolution in favor of N. Paige &amp; Co.</td>
<td>102</td>
</tr>
<tr>
<td>31</td>
<td>Resolution relative to adjournment</td>
<td>103</td>
</tr>
<tr>
<td>32</td>
<td>Senate Resolution in relation to the appointment of an Assistant Enrolling Clerk</td>
<td>103</td>
</tr>
<tr>
<td>33</td>
<td>Senate Resolution in relation to daily session</td>
<td>103</td>
</tr>
<tr>
<td>34</td>
<td>Senate Resolution in favor of Hon. J. W. Osborne</td>
<td>105</td>
</tr>
<tr>
<td>35</td>
<td>Resolution in reference to the validity of the State Government &amp;c.</td>
<td>105</td>
</tr>
<tr>
<td>36</td>
<td>Resolution concerning H. E. Stilley and J. B. Respess</td>
<td>107</td>
</tr>
<tr>
<td>37</td>
<td>Resolution in relation to Clerks</td>
<td>108</td>
</tr>
<tr>
<td>38</td>
<td>Resolution concerning the Confederate securities now in the State Treasury</td>
<td>108</td>
</tr>
<tr>
<td>40</td>
<td>Resolution in relation to the Attorney General</td>
<td>109</td>
</tr>
<tr>
<td>41</td>
<td>Resolution in favor of Joseph T. Backalan</td>
<td>109</td>
</tr>
<tr>
<td>42</td>
<td>Resolution in favor of A. J. Summerlin, late tax collector in Wayne County</td>
<td>110</td>
</tr>
<tr>
<td>43</td>
<td>Resolution in favor of John W. Stevens, contestant Fourteenth district and others</td>
<td>110</td>
</tr>
<tr>
<td>44</td>
<td>Senate Resolution in relation to the mileage of Pages</td>
<td>111</td>
</tr>
<tr>
<td>45</td>
<td>Resolution in favor of N. Paige &amp; Co.</td>
<td>111</td>
</tr>
<tr>
<td>46</td>
<td>Resolution instructing Public Treasurer</td>
<td>112</td>
</tr>
<tr>
<td>47</td>
<td>Resolution in favor of the principal Clerks of both Houses</td>
<td>113</td>
</tr>
<tr>
<td>48</td>
<td>Resolution authorizing the Secretary of State to furnish members with copies of laws</td>
<td>113</td>
</tr>
<tr>
<td>49</td>
<td>Resolution from the Chairman of Committee on Claims</td>
<td>114</td>
</tr>
<tr>
<td>50</td>
<td>Resolution in relation to contingent expenses</td>
<td>114</td>
</tr>
<tr>
<td>51</td>
<td>Resolution to investigate the claims in the Twenty-fourth Senatorial District</td>
<td>115</td>
</tr>
<tr>
<td>52</td>
<td>Resolution in relation to currency of the National Banks</td>
<td>115</td>
</tr>
</tbody>
</table>
AN ACT TO PROVIDE FOR THE QUALIFICATION OF CERTAIN OFFICERS RECENTLY ELECTED UNDER THE PROVISIONS OF THE CONSTITUTION OF THE STATE OF NORTH CAROLINA.

SECTION 1. The General Assembly of North Carolina do enact, That it shall be the duty of County Commissioners elect in each County respectively, to meet immediately and designate one of their number, who shall at once go before a Judge of the Supreme or Superior Court, United States Commissioner, or any other officer of the United States authorized to administer an oath, or before a County Commissioner of any other County, who has been previously qualified, and be duly qualified by taking the oath prescribed in section four, article six, of the Constitution of this State; and the County Commissioner thus qualified shall forthwith proceed to qualify, in like manner, the other four Commissioners elect.

Sec. 2. That the Board of County Commissioners elect, thus constituted, shall, without delay, proceed to qualify, in like manner as aforesaid, each and all of the other County officers elected, or appointed, including Justices of the Peace and Constables, and shall take the bonds required by law, as specified in the Revised Code, for the due discharge of their duties, from such of the officers as are, or may be required by law to give such bonds, and shall cause the said bonds to be recorded by the Register of Deeds, in a separate book to be kept for the purpose.
known as the registry of official bonds, and the original of said bonds shall also be filed in the office of the Clerk of the Superior Court, except the bond of said Clerk of the Superior Court, which shall be filed in the office of the Register of Deeds, and no officer shall be surety on any bond required to be filed in his office: provided, The Sheriff shall execute three several bonds payable to the State of North Carolina: one in the sum of twice the amount of the County and poor taxes for the preceding year, conditioned for the collection, payment and settlement of the County and poor taxes as required by law; one in the sum of twice the amount of the public taxes paid by the County for the preceding year, conditioned for the collection, payment and settlement of the public taxes as required by law: provided further, That neither of the aforesaid bonds shall exceed the amount of such bonds as required by existing law; and the third in the sum of five thousand dollars, conditioned as follows: "The condition of the above obligation is such that, whereas, the above bounden ______ is elected and appointed Sheriff of ______ County, ______, if, therefore, he shall well and truly execute and due return make of all process and precepts to him directed, and pay and satisfy all fees and sums of money by him received, or levied by virtue of any process into the proper office into which the same by the tenor thereof ought to be paid, or to the person or persons to whom the same shall be due, his, her, or their executors, administrators, attorneys, or agents, and in all other things well, truly and faithfully execute the said office of Sheriff during his continuance therein, then the above obligation to be void, otherwise to remain in full force and effect:" provided, That the Commissioners and other County officers who have heretofore been qualified by other means than those prescribed in this act, shall re-qualify according to the provisions of this act, but all official acts done by such officer heretofore in good faith, shall be deemed valid in all respects.

Section 3. That a majority of the Board of County Commissioners shall have power to perform the duties imposed by
this act upon said Board. The sufficiency of any bond required by this act, shall be certified by endorsement of such bond by each member of said Board assenting thereto, and if any bond with insufficient sureties be taken of any officer by said Board, or by a majority acting for them, each and every member of the Board assenting to such sufficiency, shall himself be liable in all respects, as a surety on such bond, and subject to suit as such, by any person entitled to sue on said bond, but the Commissioners shall not be liable if they act in good faith, and the bond is sufficient when taken.

Sec. 4. That if any of the aforesaid County officers elected or appointed shall fail to give a sufficient bond or bonds, as required by this act, within twenty days after receiving notice from the aforesaid Board to appear and qualify, it shall be the duty of said Board to declare the office of the said officer elected or appointed vacant, and to take such action at once as may be necessary to have said vacancy filled in the manner prescribed by the Constitution and laws of this State.

Sec. 5. That the Solicitor in each Judicial District of the State shall be qualified by the Judge of the Superior Court of said Judicial District by taking the oath aforesaid; and if there be no Judge in said Judicial District, then the Solicitor may be qualified by the Judge of some other Judicial District; and if any Solicitor elect shall fail for insufficient reasons to qualify within twenty days after notice from the Judge of said District to appear and qualify, it shall be the duty of the Judge aforesaid to declare the office of the said officer elect vacant, and to report the said vacancy to the Governor.

Sec. 6. All officers herein mentioned, including the County Commissioners when they are qualified as herein directed, shall be furnished by the officers qualifying them with certificates duly signed, stating the fact of their having been qualified and the date when, together with the office to which each has been qualified, which certificates shall be recorded in the office of the Register of Deeds, who shall en-
dorse upon each certificate the book and page of the book
on which the same is recorded.

Sec. 7. That all persons now holding offices of trust or
profit in this State shall, immediately after demand is made
and the aforesaid certificate of qualification is exhibited to
them by their successors chosen under the present Constitu-
tion of this State, turn over to their said successors all
moneys, books, papers, processes, executions, lists of taxes
collected and uncoltected, County and State, for the year
1858, and all other effects whatsoever pertaining to their
respective offices, taking receipts for the same, but such
officer is hereby authorized to retain the fees and commis-
sions accrued up to the time of transfer: Provided, That,
within the meaning of this section, the Register of Deeds
shall be deemed the successor of the late County Register,
and the County Treasurer shall be deemed the successor of
the County Trustee.

Sec. 8. No person prohibited from holding office under
any State by section three of the amendment to the Consti-
tution of the United States, known as Article Fourteen, shall
qualify under this act or hold office in this State.

Sec. 9. That any person, now holding an office of trust or
profit, who shall wilfully fail or refuse to comply with the
requirements of section seven, in relation to turning over the
appurtenances of his office to his successor under the present
Constitution of this State, or shall wilfully violate section
eight of this act, shall be liable to indictment for a high
misdemeanor, and on conviction shall be fined not less than
one thousand dollars nor over five thousand dollars, or im-
prisoned not exceeding two years, or both, at the discretion
of the Court.

Sec. 10. That all laws, and parts of laws, inconsistent
with the provisions of this act, are hereby repealed.

Sec. 11. That this act shall take effect from and after the
date of its ratification.

Ratified the 21st day of July, A. D., 1858.
AN ACT IN RELATION TO PROVISIONAL MUNICIPAL OFFICERS.  

Chapter 2.

Section 1. The General Assembly of North Carolina do enact, That all municipal officers of any city, town or incorporated village in the State, which have been filled under the Provisional Government since the close of the war, by election or appointment, be, and are hereby declared vacant, and the Governor is directed hereby to fill such offices with appointees, who shall hold such offices and discharge the functions thereof until an election may be held under the Constitution of North Carolina.

Sec. 2. That in all cities, towns and incorporated villages, an election for municipal officers shall be held on the first Monday of January next and regularly each year thereafter.

Sec. 3. The officers to be appointed by the Governor shall attend to the registration of voters in said municipal corporation, and hold the elections above provided for.

Sec. 4. All charters, laws, acts and parts of acts inconsistent with the provisions of this act are repealed.

Sec. 5. Any provisional officer refusing to comply with the provisions of this act, and deliver his office, books, papers, records, &c., to his successor duly elected or appointed and qualified, shall be deemed guilty of a misdemeanor, and may be fined not more than five thousand dollars nor less than one thousand dollars, and imprisonment at the discretion of the Court.

Sec. 6. This act shall take effect from and after its passage.

Ratified the 24th day of July, A. D., 1868.
AN ACT TO EXTEND THE TIME FOR REGISTERING GRANTS, MESNE CONVEYANCES, POWERS OF ATTORNEYS, DEEDS OF SALE, DEEDS OF GIFT, DEEDS OF TRUST AND MARRIAGE SETTLEMENTS.

Section 1. The General Assembly of North Carolina do enact, That all grants of land in this State, all deeds of mesne conveyances, deeds of sale, deeds of gift, powers of attorney under which any lands, tenements or hereditaments have been or may be conveyed, all powers of attorney which are required to be proved and registered by any act of the General Assembly, all bills of sale, deeds of gift already proved, or which may hereafter be proved, shall and may, within one year after the passage of this act, be admitted to proof and registration under the same rules, regulations and restrictions as heretofore or hereafter may be provided by law, and said grants, deeds of mesne conveyances, deeds of sale, deeds of gift, powers of attorney and bills of sale, shall be as good and valid as if they had been proved and registered within the time heretofore allowed: Provided, That nothing herein contained shall be construed to extend to mortgages and conveyances in trust or marriage settlements.

Ratified the 27th day of July, A. D., 1868.

Chapter 4. AN ACT TO PROVIDE FOR THE FILLING OF VACANCIES OCCURRING IN THE OFFICES PROVIDED FOR IN ARTICLE SEVEN OF THE CONSTITUTION OF NORTH CAROLINA.

Section 1. The General Assembly of North Carolina do enact, That every vacancy occurring in any of the offices provided for in Article Seven of the Constitution of North Carolina, shall be filled unless otherwise provided for by law, by a majority of the Board of County Commissioners of the County in which such vacancy may occur; Provided, That
1868—Chapter 5.

any vacancy occurring in the Board of Commissioners of any County shall be filled by the Governor of the State.

Sec. 2. This act shall take effect from and after the date of its passage.

Ratified the 27th day of July, A. D., 1868.

AN ACT IN RELATION TO MARRIAGE LICENSES.

Section 1. The General Assembly of North Carolina do enact, That the duty of issuing marriage licenses in each County respectively, and the fees allowed by law for performance of said duty, shall appertain to the Register of Deeds.

Sec. 2. That the Register of Deeds shall be liable to the same penalties for failure or refusal to issue said license to persons properly applying therefor, as have heretofore attached to the County Court Clerk for similar default.

Sec. 3. That Magistrates and Ministers of the Gospel, who celebrate or solemnize any marriage, shall make their return of the licenses and certificates to the Register of Deeds, who shall file and record the same in the manner heretofore required to be done by the County Court Clerk.

Sec. 4. That until the qualification of the Register of Deeds in each County, the late Clerk of the County Court thereof shall continue to issue marriage licenses as heretofore, only signing himself as "Late Clerk of the County Court."

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

Ratified the 29th day of July, A. D., 1868.
Chapter 6. AN ACT TO REPEAL AN ACT DIRECTING THE TIME AND PLACE FOR SELLING LAND IN THE COUNTIES OF HALIFAX, NORTHAMPTON, HERTFORD AND MARTIN.

Repealing clause.

Section 1. The General Assembly of North Carolina do enact, That an act entitled "An act directing the time and place for selling land in the Counties of Halifax, Northampton, Hertford and Martin," be; and the same is hereby repealed.

Sec. 2. All sales bona fide made in any of the Counties aforesaid according to the provisions of the Revised Code, chapter forty-five, section fourteen, are hereby confirmed and declared to be valid, notwithstanding they were not made on the premises.

Sales according to Revised Code made valid

Sec. 3. That this act shall be in force from and after the first day of September next.

Ratified the 29th day of July, A. D., 1868.

Chapter 7. AN ACT TO PROVIDE FOR THE RELIEF OF SHERIFFS AND THEIR SURETIES OF THE STATE.

Executions to be returned without rule to Superior Court.

Section 1. The General Assembly of North Carolina do enact, That all executions now in the hands of officers of the law, issued against the sureties of Sheriffs on account of failure to collect taxes by their principal, or on account of a failure to pay over taxes collected, shall by all such officers be returned without a rule, to the next Superior Court within the Counties in which the principal lived during life, or lived at the time of failure to collect or failure to pay over after collection; Provided, The lien of the State shall not be impaired.

Proviso.

Sec. 2. That this act shall be in force from and after the date of its ratification.

Ratified the 29th day of July, A. D., 1868.
AN ACT TO AMEND AN ACT TO PROVIDE FOR QUALIFICATION OF CERTAIN OFFICERS RECENTLY ELECTED UNDER THE PROVISIONS OF THE CONSTITUTION OF THE STATE OF NORTH CAROLINA.

Section 1. The General Assembly of North Carolina do enact, That section second of an act entitled "An act to provide for the qualification of certain officers recently elected under the provisions of the Constitution of North Carolina," be amended by adding thereto, "Provided, That the Treasurer shall give bond in such sum as the Board of Commissioners may think sufficient to cover all monies which may be paid to him for the use of the County as heretofore required of the County Trustee, and the Register of Deeds shall likewise give such bond as has heretofore been required by law of Registers for Counties and all bonds heretofore so taken are by this act authorized are declared in all respects valid; Provided, further, That Justices of the Peace may also qualify before any Judge of the Superior Court or the Clerk of the Superior Court for their County; And provided further, That Notaries Public shall qualify before the Clerk of the Superior Court."

Ratified the 28th day of July, A. D., 1868.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS TO DRAW JURORS FOR THE SUPERIOR COURTS.

Section 1. The General Assembly of North Carolina do enact, The Commissioners for the several Counties at their regular meeting on the first Monday of September in each year, shall cause their Clerks to lay before them the tax returns of the preceding year for their County, from which they shall proceed to select the names of such persons only.
as have paid tax for the preceding year and are of good moral character and of sufficient intelligence.

Sec. 2. A list of the names thus selected shall be made out by the Clerk of the Board of Commissioners and shall constitute the Jury list; Provided, That no practicing physician, regular minister of the gospel, keepers of public grist mills, or regularly licensed pilots shall be required to serve as Jurors.

Sec. 3. If the list so made out does not contain the names of all the inhabitants who are qualified as provided in section one to serve as jurors, the Commissioners shall insert the names of such inhabitants in the Jury list.

Sec. 4. At each regular meeting on the first Monday in September, in each year, the Commissioners shall carefully examine the jury lists as already made out, compare the same with the tax returns, and diligently enquire whether any persons qualified to be jurors as provided in section one, are omitted, and whether any person not qualified to be jurors as therein provided have been inserted, and if any have been inserted not possessing the requisite qualifications, they shall strike such names from the Jury lists, and in order to obtain full information on the subject the Commissioners may examine on oath any person they think proper.

Sec. 5. The Commissioners shall cause the names on their jury list to be written on small scrolls of paper of equal size and put into a box procured for that purpose, which must have two divisions marked No. 1 and 2, and two locks, the key of one to be kept by the Sheriff of the County, the other by the Chairman of the Commissioners, and the box by the Clerk of the Board.

Sec. 6. At least twenty days before the regular fall and spring term of the Superior Courts in each year, the Commissioners shall cause to be drawn from the Jury Box out of the partition marked No. 1 by a child not more than ten years of age, thirty-six scrolls, and the persons whose names are inscribed on said scrolls shall serve as jurors at the fall and spring terms of the Superior Court to be held for the County
respectively ensuing such drawing, and the scrolls so drawn to
make the jury shall be put into the partition marked No. 2.

Sec. 7. If any of the jurors drawn have a suit pending and
at issue in the Superior Court, the scrolls with their names
must be returned into partition No. 1 of the Jury Box.

Sec. 8. If any of the persons drawn to serve as jurors be
dead or removed out of the County, the scrolls with the names
of such persons must be destroyed, and in such cases other
persons shall be drawn in their stead.

Sec. 9. The drawing out of partition marked No. 1 and
putting the scrolls drawn into partition No. 2, shall continue
until all the scrolls in partition No. 1 are drawn out, when
all the scrolls shall be returned into partition No. 1 and drawn
out again as herein directed.

Sec. 10. Whenever a special term of the Superior Court is
ordered for the County, the Commissioners, fifteen days before
the holding of such special term, shall draw eighteen jurors
to attend said Court as herein provided for drawing jurors of
the regular terms thereof.

Sec. 11. If the Commissioners for any cause fail to draw a
jury for any term of the Superior Court, regular or special,
the Sheriff of the County and the Clerk of the Commissioners
in the presence of, and assisted by two Justices of the Peace
of the County, shall draw such jury in the manner above pre-
scribed.

Sec. 12. The Clerk of the Board of Commissioners shall de-
liver to the Sheriff a list of the jurors drawn, within five days
after such drawing, with an order to summon the same as di-
rected by law.

Sec. 13. This act shall be in force only until the division
of Counties into Townships shall be completed when the per-
manent provision of the Code shall take effect.

Sec. 14. All laws and parts of laws in conflict with the pro-
visions of this act are repealed, and this act is in force from
the date of its passage.

Ratified the 4th day of August, A. D. 1868.
Chapter 10. AN ACT APPOINTING CLERKS OF SUPERIOR COURTS TO TAKE PRIVY EXAMINATION OF FEME COVERTS IN THE CONVEYANCE OF REAL ESTATE.

Section 1. The General Assembly of North Carolina do enact, That all conveyances in writing and sealed by husband and wife for any lands, and duly proved, or by them personally acknowledged before the Clerk of the Superior Court, or before any Justice of the Peace, the wife being first privately examined before the Clerk, whether she doth voluntarily assent thereto, and duly registered, shall be valid in law, to convey all the estate, right and title, which such wife may have in the said lands, tenements and hereditaments.

Sec. 2. That the said Clerk, before whom said conveyances are duly proven or acknowledged, shall receive a fee of twenty-five cents and no more.

Sec. 3. That all laws, coming in conflict with this act, are hereby repealed.

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

Ratified the 5th day of August, A. D. 1868.

Chapter 11. AN ACT TO NOTIFY THE GOVERNOR IN CERTAIN CASES OF THE DISQUALIFICATION OF COUNTY COMMISSIONERS.

Section 1. The General Assembly of North Carolina do enact, That in any case where all the County Commissioners who received a majority of votes at the recent election are disqualified to act in their respective offices under the Constitutional amendment known as Article XIV., or on any other ground, it shall be the duty of the Judge of the Superior Court, in whose District said County is located, forthwith to notify the Governor of the disqualification, who shall proceed
Chapter 13.

at once to fill the office of Commissioners for any such County by appointment.

Sec. 2. Be it further enacted, That where any one County Commissioner in any County is qualified to act, it shall be the duty of such officer immediately upon taking the oath of office to notify the Governor what County Commissioner or Commissioners are disqualified under the Constitutional Amendment known as Article XIV., or any other account.

Sec. 3. Be it further enacted, That any County Commissioner elect, or appointed, may qualify before any officer authorized by law, to administer an oath.

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

Ratified the 6th day of August, A. D. 1868.

AN ACT TO ESTABLISH SPECIAL COURTS IN THE CITIES OF WILMINGTON AND NEW-BERN.

Section 1. The General Assembly of North Carolina do enact, That an act entitled "An act to establish a Criminal Court in the County of New Hanover," ratified on the eleventh day of February, eighteen hundred and sixty-seven, and an act to establish a "Criminal Court in the County of Craven," ratified on the eleventh day of February, eighteen hundred and sixty-seven, are hereby repealed, and the Courts established by those acts are abolished.

Sec. 2. That Special Courts shall be established in the cities of Wilmington and New-Bern for the trial of misdemeanors committed within the corporate limits of said cities.

Sec. 3. A Judge for each of said Courts shall be nominated by the Governor, and upon confirmation by the Senate, appointed to hold said Courts.
Sec. 4. Said Judge shall have received licenses to practice law in the Courts of North Carolina, and shall reside within the corporate limits of the said cities.

Sec. 5. The Court in Wilmington, under the regulations herein prescribed, shall have jurisdiction of all misdemeanors committed in the city of Wilmington which shall be tried in said Court in the manner and according to the forms prescribed for the trial of like criminal offences in the Superior Courts of this State.

Sec. 6. The Court at New-Bern shall, in like manner, have jurisdiction of all misdemeanors committed in the city of New-Bern which shall be tried in said Court according to the provisions of the preceding section.

Sec. 7. Immediately after their appointment the Judges of said Courts shall qualify by taking the oath of office before some Judge of the Supreme or Superior Courts, which oaths shall be subscribed by the Judges taking them and filed with the Register of Deeds, for the Counties of Craven and New Hanover respectively.

Sec. 8. The said Judges shall hold terms of their Courts quarterly, on the first Mondays in January, April, July and October, for one week at each term or longer, if the business of the Court shall require it.

Sec. 9. The Clerk of said Courts, together with the Register of Deeds for the County, shall at least fourteen days before each term of said Court, cause to be drawn from the jury box of the County thirty-six jurors, and the Clerk shall immediately issue an order to the Sheriff of the County to summon the jurors to appear at the time and place fixed for the term. Such jurors shall be drawn in the manner prescribed by law for drawing jurors for the Superior Courts. The Clerks shall immediately issue to the respective Sheriffs of the Counties of Craven and New Hanover orders to summon said jurors to appear at the terms for which they are drawn. These jurors shall be divided into grand and petty jurors as is prescribed for jurors in the Superior Courts, and
shall be liable to the same penalties for non-attendance, and receive the same pay as jurors in the Superior Courts.

Sec. 10. The Clerks of said Courts shall be appointed by the Judges of said Courts respectively. They shall give bond in the sum of two thousand dollars, payable to the State of North Carolina and conditioned for the performance of their duties.

Sec. 11. It shall be the duty of said Clerks to keep a docket in which shall be recorded all the proceedings of said Courts and proper files of all writs, summons, indictments and other papers properly belonging to such cases as may be tried in said Courts, and shall have power, and it shall be his duty, to issue all writs, subpoenas, notices and obey all orders of the Courts in regard to proceedings had therein.

Sec. 12. It shall be the duty of the Sheriffs of the Counties of Craven and New Hanover to give due attendance upon the said Courts, execute all processses issuing therefrom, and to obey all orders thereof in as full and ample a manner as is now required by law from said officers in regard to the Superior Courts of this State.

Sec. 13. All persons tried in said Courts shall have the same right of appeal on the same terms as are given from the Superior Courts.

Sec. 14. The Solicitors of the Judicial Districts in which the cities of Wilmington and New-Bern are situated shall prosecute for the State. In case of the absence of the Solicitor or of his inability to act, the Judge shall appoint a Solicitor for the time being. The fees of the Solicitor shall be as prescribed in like cases in the Superior Courts.

Sec. 15. The Judges shall hold their offices for eight years. The Judge of the Court at Wilmington shall receive an annual salary of two thousand dollars, and the Judge of the Court at New-Bern fifteen hundred dollars, each payable quarterly and levied by the County Commissioners of the Counties of Craven and New Hanover respectively.

Sec. 16. The fees of the Clerk, Witnesses and Sheriff, and all the expenses of supporting, guarding and transporting...
the accused when the accused shall be discharged with or without acquittal on trial, or insolvent, and the fees of the Solicitor also when the accused shall be convicted and insolvent, shall be paid by the Counties in which the bills were found respectively and immediately after each term, the Clerk shall send to the Commissioners thereof a list of such fees, which shall be paid to such Clerk, and by him to the parties entitled.

Sec. 17. The Judges of these Courts shall have all the power and jurisdiction in respect to criminal complaints within their jurisdiction, and to issue writs of *habeas corpus* to enforce the attendance of witnesses and to punish for contempt as Judges of Superior Courts have, and shall be subject to the like remedies for improper conduct. They shall not by reason of their office be barred from practicing as Attorneys in civil cases, but no such Judge shall knowingly accept any fee or give any counsel or assistance in any civil action when the subject of the civil action is substantially the same with that of any criminal action which has been or is likely to be prosecuted or pending in his Court. Any Judge violating this section shall upon conviction, be fined and imprisoned at the discretion of the Court.

Sec. 18. The Judges of the Superior Courts shall alone have jurisdiction of criminal actions in which the Judges of the Special Courts have a personal interest.

Sec. 19. The rules of proceedings in the Special Courts will be such as are prescribed by law in similar cases.

Sec. 20. This act shall take effect from and after its ratification.

Ratified the 11th day of August, A. D., 1868.
AN ACT TO REQUIRE TRUSTEES FOR THE UNIVERSITY OF NORTH CAROLINA TO RESIDE IN THE COUNTY FOR WHICH THEY ARE CHOSEN.

Section 1. The General Assembly of North Carolina do enact, That no person shall hereafter be elected Trustee for the University of North Carolina as provided for by Article IX., Section 13, of the Constitution of this State, for any County except the one in which such person shall reside at the time he is chosen.

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

AN ACT TO PROVIDE FOR THE PAYMENT OF THE BURIAL EXPENSES OF THE LATE HON. LORENZO D. HALL AND FOR OTHER PURPOSES.

Section 1. The General Assembly of North Carolina do enact, That the Treasurer of the State of North Carolina is hereby authorized and required to pay out of any money in the Treasury, not otherwise appropriated, a sufficient sum of money to defray the burial expenses of the late Hon. Lorenzo D. Hall, and also to pay the actual expenses incurred by the Committee appointed by the Senate and House of Representatives in accompanying the remains to its resting place.

Sec. 2. That the widow of the late Hon. Lorenzo D. Hall be allowed to draw his per diem from the first day of July, eighteen hundred and sixty-eight, to the seventeenth of August, and also his mileage, as allowed by joint resolution regulating per diem and mileage of members of the General Assembly.

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

Ratified the 11th day of August, A. D. 1868.
Chapter 15. AN ACT TO LIMIT LIABILITIES OF SHERIFFS.

Section 1. The General Assembly of North Carolina do enact, That the Sheriffs and Constables of the several Counties of this State, shall not be held liable for any act heretofore done in obedience to any law, statute, order or ordinance enacted, or issued by any competent authority in force in the State, whether of the Commanders of the Second Military District, or of the Convention of eighteen hundred and sixty-eight, in the Articles of the Constitution, or in the several ordinances, unless such law, statute, order or ordinance shall have been declared unconstitutional by the Supreme Court of this State.

Sec. 2. That all laws or statutes, contrary to the provisions of this act, are hereby repealed.

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

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

Chapter 16. AN ACT TO REPEAL AN ACT RATIFIED FEBRUARY TWENTY-SECOND, EIGHTEEN HUNDRED AND SIXTY-SIX.

Section 1. The General Assembly of North Carolina do enact, That an act to appoint a tax collector for the Counties of Wayne, Haywood, Burke, Pasquotank, Mecklenburg, Iredell, Davidson, Anson, Union, Johnston, Madison, Macon, Buncombe, Caldwell, Orange, Cherokee, Henderson, Pitt, Chatham, Bertie and Surry, and an act amending the same, ratified the twenty-third day of February, A. D., eighteen hundred and sixty-one, be, and the same is hereby repealed.

Sec. 2. This act shall be in force from the date of its ratification.

Ratified the 11th day of August, 1868.
AN ACT IN RELATION TO JURORS.

Section 1. The General Assembly of North Carolina do enact, That if from any cause, the jurors required to be drawn and summoned to attend the Fall Term 1868 of the Superior Courts in any County in this State, shall have been illegally drawn and summoned, or if the County Commissioners or others, whose duty it is by law to draw and summon juries for the Courts aforesaid, shall have failed to draw and summon such jury in any County of the State, the presiding Judge of such Court shall have power to require the Sheriff, at any time during the term of said Court, to summon a sufficient number of good and lawful men to act as grand and petit jurors for that term of the Court.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage.

Ratified the 12th day of August, A. D., 1868.

Chapter 18.

AN ACT TO AMEND SECTIONS SECOND, SIXTH AND EIGHTH, CHAPTER ONE HUNDRED AND TWENTY OF THE REVISED CODE OF NORTH CAROLINA.

Section 1. The General Assembly of North Carolina do enact, That section second, chapter one hundred and twenty of the Revised Code, be so amended as to read as follows:

"That the Governor shall, whenever it may be necessary, appoint a Commissioner of Wrecks for each District, who shall hold his office for two years from date of appointment, and shall at thine of his appointment enter into bond with good security in the sum of five thousand dollars, payable to the State of North Carolina, and conditioned for the faithful performance of his duties as Commissioner of Wrecks, which bond shall be deposited in the office of the Clerk of the
To take oath.

How wrecked property may be sold.

Proviso.

Further proviso.

Further amendment.

Penalty for violation of law.

Superior Court for safe keeping, and may be sued upon, by any person aggrieved by the neglect or misconduct of such Commissioner. Before entering on the duties of his office, the Commissioner shall, before the Clerk of the Superior Court, or any officer qualified to administer an oath, take the oath prescribed by the Constitution and laws of the State of North Carolina."

Sec. 2. That section sixth be so amended as to read as follows: "When any Commissioner shall undertake to sell any wrecked or stranded property, he shall advertise the same thereof, not less than twenty nor exceeding thirty days, at the Court House door, and at other public places in three townships in his county, and should said property be adjudged above the value of one thousand dollars, he shall advertise the same in some newspaper (if any) and at one other public place of the towns in the Judicial District of which his County forms a part: Provided, however, That the Commissioners of the first, second, third and fourth wreck districts in the County of Currituck, may advertise when practicable in some newspaper published in Norfork, Virginia, in cases where they are required to advertise in a newspaper: Provided, further, That in case the property is in a damaged state, the Commissioner may appoint two disinterested merchants, to survey the same, and upon their recommendation may sell, by advertising for ten days; and the Commissioner shall pay the merchants so appointed a reasonable compensation, to be retained by him out of the proceeds of the sale."

Sec. 3. Section eighth, chapter one hundred and twenty, is hereby amended as follows: In the twelfth line strike out the word "County" and insert the word "Superior," so that the line shall read "to the office of Superior Court of the County."

Sec. 4. That any Commissioner of Wrecks who shall wilfully violate the provisions of the above-named Chapter shall, on conviction thereof, in the Superior Court, forfeit and pay a fine of not less than one hundred nor more than two thou-
AN ACT IN RELATION TO COUNTY TREASURERS.

Section 1. The General Assembly of North Carolina do enact, It shall not be lawful for the County Treasurers of this State to pay out of the funds of the Counties, any order or other certificate of indebtedness, issued by the late County Courts, unless the same shall have been audited by the Board of County Commissioners.

Sec. 2. The Secretary of State is directed to forward a copy of this Act to the Chairmen of the Boards of Commissioners, and to the County Treasurers, immediately after its ratification.

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

Ratified the 22d day of August, A. D., 1868.
Chapter 20. AN ACT CONCERNING THE GOVERNMENT OF COUNTIES.

The General Assembly of North Carolina do enact:

CHAPTER I.

COUNTIES AS BODIES CORPORATE.

Every County a body politic. Section 1. Every County is a body politic and corporate, and has the powers specified by statute, or necessarily implied in such a body and no others.

How its powers can be exercised. Sec. 2. Its powers can only be exercised by the Board of Commissioners, or in pursuance of a resolution adopted by them.

Power to sue and be sued. Sec. 3. It has power:

To purchase land. 1. To sue, and be sued, in the name of the Board of Commissioners.

To make contracts, &c. 2. To purchase and hold land within its limits, and for the use of its inhabitants, subject to the supervision of the General Assembly.

To dispose of property 3. To make such contracts, and purchase and hold such personal property as may be necessary to the exercise of its powers.

4. To make such orders for the disposition or use of its property as the interests of its inhabitants require.

CHAPTER II.

THE BOARD OF COUNTY COMMISSIONERS.

Proceedings by or against County. Sec. 4. All acts or proceedings by or against a County, in its corporate capacity, shall be in the name of the Board of Commissioners of the County.

Commissioners to hold meetings. Sec. 5. The Board of Commissioners in each County shall hold a regular meeting at the Court House, on the first Monday in September and February in each year. They may
also hold special meetings at the call of their Clerk, on the written request of any two members of the Board, at the Court House, or elsewhere in the County, for the more convenient dispatch of business; but public notice of the time and place of all such special meetings shall be posted at the Court House or published in a county newspaper, if there be one, for not less than twenty days. They may adjourn from time to time. Every meeting shall be open to all persons.

Sec. 6. A majority of the Board shall constitute a quorum.

Sec. 7. They shall, at each regular September meeting, choose one of their number as Chairman for the ensuing year. In his absence at any meeting, the members present shall choose a temporary Chairman.

Sec. 8. The Commissioners have power:

1. To levy in the several Counties, for County purposes, the necessary taxes in the like manner with the State taxes, but the taxes so levied by them shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly. All taxes shall be levied at their regular meeting on the first Monday of February.

2. To exempt from capitation tax in special cases on account of poverty and infirmity.

3. To provide, by taxation or otherwise, for the prompt and regular payment, with interest, of any existing debt due by bond or otherwise from any County, except a debt, or the interest on any debt, contracted directly or indirectly in aid or support of the rebellion.

4. To submit to a vote of the qualified electors in the County, any proposition to contract a debt or loan the credit of the County under Sec. 7, Art. VII. of the Constitution; to order the time for voting upon such proposition, which shall be upon public notice thereof, at one or more places in each Township in the County, and publication in one or more County newspapers, if there be any, for three months next immediately preceding the time fixed on; and such
24

Chapter 20.

To order elections, &c.

election shall take place, and be conducted under the laws as prescribed for the election of members of the General Assembly; and the Commissioners shall provide for giving effect, in case of the adoption of the proposition, to the expressed will of a majority of the qualified voters in such election.

5. To make such orders respecting the corporate property of the County, as they deem expedient.

6. To liquidate and audit accounts against the County, and direct the raising of the sums necessary to defray them.

7. To purchase real property necessary for any public County building, and for the support of the poor; and to determine the site thereof, where it has not been already located.

8. To remove or designate a new site for any County building; but the site of any County building already located, shall not be changed, unless by a unanimous vote of all the members of the Board, at the regular September meeting, and unless upon notice of the proposed change, specifying the new site. Such notice shall be published in a newspaper printed in the County, if there be one, and posted in one or more public places in every Township in the County, for three months next immediately preceding the annual meeting at which the final vote on the proposed change is to be taken. Such new site shall not be more than one mile distant from the old, except upon the special approval of the General Assembly.

9. To erect the necessary County buildings, and to raise by tax upon the County the money necessary for their erection.

10. To repair the County buildings, and raise the expense thereof by tax.

11. To construct and repair bridges in the County, and to raise by tax the money necessary therefor, where, in their judgment, the Township Board of Trustees cannot conveniently, and without unreasonable burden to the inhabitants, construct or repair the same; and when a bridge is necess-

To make orders respecting property.

To audit accounts, &c.

To purchase property, &c.

To designate site for any county building under certain regulations.

To erect county buildings, &c.

To repair county buildings.

To construct and repair bridges in certain cases.
ary in like cases, over a stream which divides one County from another, the Commissioners of each County shall join in constructing or repairing such bridge; and the charge thereof shall be defrayed by the Counties concerned, in proportion to the number of taxable polls in each.

12. To borrow money for the necessary expenses of the County, and to provide for its payment, with interest, in yearly instalments or otherwise, by taxation.

13. To raise by tax, the necessary highway moneys in such manner as may be prescribed by law.

14. To divide each County into convenient districts, to determine the boundaries and prescribe the names of said districts, and to report the same to the General Assembly before the first of January, eighteen hundred and sixty-nine. They shall cause a map and survey of said districts, when fully completed, to be filed in the office of the Clerk of the Board of Commissioners of each County, and of the Secretary of State.

15. To erect, divide or alter Townships in the manner following. In any County, any three freeholders of each Township to be effected, may, after the notice presently to be mentioned, apply by petition to the Board of Commissioners, at the regular September meeting, to erect a new Township, or divide an existing Township, or alter the boundaries thereof. Notice of the application shall be posted in one or more public places in each of such Townships, and published in one or more newspapers printed in the County, if there be any, for, at least, four weeks immediately preceding the regular September meeting to which the application is made to the Board. A map and survey of all the Townships effected, showing the proposed alterations, shall be furnished to the Board, a copy of which, if the application is granted, shall be filed, with a certified statement of the action of the Board, in the office of the Clerk of the Board of Commissioners of the County, and of the Secretary of State. Whenever the Board erect a new Township, they shall designate its name, fix the time and place of holding the first election, and appoint two
electors and a Clerk, who shall open and keep the polls, and exercise all the powers necessary to an organization of the Township, as provided in Art. VII., Sec. 5, of the Constitution.

16. To order the laying out, alteration, or discontinuance of any highway, in cases where they deem such highway important and necessary to the public convenience, and are satisfied that the authority of the Township Board of Trustees will not be exercised to lay out, alter, or discontinue the same. But the Commissioners shall not move, in the first instance, in such proceeding, except upon the written petition of not less than six electors, resident in the Township, or in each of the Townships, where the highway is located, or the proposed route lies. And personal services of not less than ten days, of such petition and of the time and place of hearing the same, must be made on the Clerk of each Township to be effected thereby.

17. To hear and determine, as prescribed by law, all appeals from Township Board of Trustees in matters respecting roads and bridges.

18. To exercise authority in laying out, altering, repairing and discontinuing highways; in establishing and settling ferries; in building and keeping up bridges; in laying off or discontinuing cart ways; in providing draws in all bridges where the same may be necessary for the convenient passage of vessels; in appointing overseers of highways; in excusing persons from working on the highways; in allowing and contracting for the building of toll-bridges and taking bond from the builders thereof; and in licensing the erection of gates across highways. This authority shall be exercised under the rules, regulations, restrictions and penalties in all respects prescribed and imposed in chapter 101 of the Revised Code, upon the justices of the County Court. The Clerk of the Board shall perform the duties therein enjoined upon the Clerk of the County Court. This subdivision, however, is provisional and temporary, and will remain in force only till the establishment and organization
of the townships contemplated by the Constitution under Article VII, unless longer continued by the General Assembly.

19. To appoint an inspector of highways and bridges for the County, if they deem it necessary; to fix and provide for his compensation, and regulate his duties, not inconsistent with the laws of the State. The Commissioners of two or more Counties may unite in employing an Inspector of highways and bridges, and apportioning his compensation between the respective Counties as may be agreed.

20. To make provision, if they deem it necessary, for the erection in each County of a House of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed; to regulate the employment of labor therein; to appoint a Superintendent thereof, and such assistants as they may deem necessary, and fix their compensation.

21. To provide, under such regulations as they deem best, for the employment on the highway or public works in the County, of all persons, condemned to imprisonment with hard labor, and not sent to the Penitentiary.

22. To appoint proxies to represent, in any annual or other meeting, the shares or interest held by any County in a Rail Road Company or other Corporation, in the manner heretofore exercised by the Justices of the County Court, under the charter of such Corporation or any special Acts of the General Assembly authorizing County subscriptions in such cases.

23. To sell or lease any real property of the County, and convey the same.

24. To provide by tax for the maintenance, and to do all such matters and things as they may deem expedient, for the comfort and well-ordering of the poor; to employ, biennially, by public letting or otherwise, some competent person as overseer of the poor; to institute proceedings by the warrant of their Chairman against any person coming into the County, who is likely to become chargeable thereto and to

Power of Commissioners to appoint an inspector of highways and bridges.

To provide for the erection of a house of correction.

To appoint a Superintendent thereof.

To provide for the employment of certain prisoners.

To appoint proxies to represent interest held by county.

To sell or convey real property.

To provide for the maintenance of the poor.

To employ overseer.
causes the removal of such poor person to the County where he was last legally settled; and to recover by action in the Superior Court from the said County, all the charges and expenses whatever incurred for the maintenance or removal of such poor person.

25. To establish public hospitals for the County in cases of necessity, and to make such rules, regulations and by-laws as they deem useful, for preventing the spread of contagious and infectious diseases, and for taking care of those afflicted thereby, the same not being inconsistent with the laws of the State; and they shall raise by taxation the necessary moneys to defray the charges and expenses incurred under this subdivision.

26. To procure for their respective Counties sealed weights and measures, according to the standard, prescribed by the Congress of the United States; and to elect a Standard-keeper, who shall qualify before the Board and give bond approved by them, as prescribed by law.

27. To appoint a Commissioner, in case they deem it expedient, to open and clear the rivers and creeks within the County or where such river or creek forms a County line or a part thereof. For this purpose they are authorized to withdraw from the public roads such hands as they deem necessary, and allot them to such work under overseers and the direction of the Commissioner. They may impose the duties of this subdivision on the Inspector of highways and bridges when appointed; and they shall in all respects conduct the opening and clearing of such river and creeks as prescribed by law.

28. To license keepers of inns, taverns or ordinaries, peddlers and the retailers of spirituous and other liquors, as prescribed by law. No license shall be good for more than one year, nor granted to two or more persons to peddle as partners in trade.

29. To establish such public landings and places of inspection within their respective Counties, as they may think necessary and convenient; to appoint not more than six inspec-
tors in any town or city, who shall hold office for two years; and give bond before the Board, payable to the State of North Carolina and renewed annually, with two sufficient sureties, in the penalty of one thousand dollars for the faithful discharge of their duties; to bring before the Board, by the summons of the Chairman, any Inspector charged, on written complaint, with neglect, malpractice or misbehavior in office, and on proof thereof to remove him from office and appoint another in his stead; and to fill, from time to time, any vacancy arising from any cause. The Commissioners may appoint, for the purpose of inspecting timber, such number of inspectors as they consider necessary; Provided, That the provisions of this sub-division shall not apply to the City of Wilmington so far as the same are in conflict with the provisions of an act ratified on the twenty-seventh day of July, A. D., 1865, entitled "An act concerning inspectors for the City of Wilmington." The County Commissioners shall appoint not exceeding ten persons, where there may be an inspection of tobacco established, to turn up and cooper tobacco. The turners up shall hold their appointments during good behavior, but the inspectors shall be judges of their behavior; and if the inspectors find them deficient in duty, they shall report them to the Commissioners, who shall examine the charge alleged, and if the turners up are found guilty, the Commissioners shall remove them and appoint others.

The Commissioners shall appoint, where any public inspection of tobacco is established, two persons skilled in tobacco to be pickers, and may authorize one of the pickers to act in the room of an inspector, who is unable to attend to his duties, and in such case, the picker shall take the oath of an inspector and receive his allowance. Upon complaint made against any picker, the Commissioners shall inquire into the nature thereof, and if such picker has been guilty of any misbehavior in the execution of his duty, they shall remove him and appoint another in his stead.

To appoint inspectors and to try them for misbehavior in office and to remove them.

Proviso in relation to city of Wilmington.

Commissioners to appoint turners up of tobacco.

Pickers.

Pickers to be removed for misbehavior.
The Commissioners may, at the expense of the County, purchase or rent ground, build or rent warehouses, provide scales and weights for a tobacco inspection and allow such salaries to the inspectors as they judge proper, to be paid as a County charge; and also order and limit the times for the attendance of the inspectors at their respective warehouses.

The Commissioners shall from time to time regulate what shall be paid as warehouse rent for each hogshead of tobacco, and shall appoint some fit person to receive such moneys, who shall be accountable to them for the same; and they shall, as occasion may require, appropriate any part of said moneys in repairing or rebuilding their warehouses.

The Commissioners of Craven County may appoint one or more inspectors of firewood for the City of New-Bern, who, before entering on their duties, shall take the oaths and give the bonds required of other inspectors.

The Commissioners of any County may appoint for their County an inspector of provisions and forage, who shall hold his office for five years and give bond as other inspectors, and be entitled to such fees as the Commissioners may prescribe.

30. To provide by tax for the support and education of deaf mutes and the blind, and for the care and maintenance of the insane, in their respective Counties as prescribed by law.

31. To license, for the term of one year, any number of persons to exercise the trade and business of auctioneers in each County, and to take their bonds as prescribed by law.

32. To qualify, and induct into office at the annual meeting on the first Monday of September after a general election, or at any time when a vacancy in any of the County offices shall be filled, the Clerk of the Superior Court, the Sheriff, the Coroner, the County Treasurer, Register of Deeds and and County Surveyor; and to take and approve the official bonds of the said County officers, which they shall cause to be registered and the originals to 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.

33. To require from any County officer, or other person employed and paid by the County, a report, under oath, at any time, on any matter connected with his duties. A neglect to comply with such requirement shall be a misdemeanor.

34. To authorize their Chairman to issue subpoenas to compel the attendance before the Board, of persons and the production of books and papers relating to the affairs of the County, for the purpose of examination on any matter within their jurisdiction.

The subpoena shall be served by the Sheriff or any constable to whom it is delivered; and upon return of personal service thereof, whoever neglects to comply with the subpoena or refuses to answer any proper question, shall be deemed guilty of contempt and punishable therefor by the Board. A witness is bound in such case to answer all questions which he would be bound to answer in like case in a Court of Justice; but his testimony given before the Board shall not be used against the witness on the trial of any criminal prosecution other than for perjury committed on the examination.

35. To adopt a seal for the County, a description and impression whereof shall be filed in the offices of the Superior Court Clerk and of the Secretary of State.

Sec. 9. For the exercise of the powers mentioned in any of the subdivisions of the preceding section, a vote of a majority of all the members is necessary in all cases, unless otherwise specially provided.

Sec. 10. No account shall be audited by the Board for any services or disbursements, unless it is first made out in items and has attached to, and filed with it the affidavit of the claimant that the services therein charged have been in fact made and rendered, and that no part thereof has been paid or satisfied. Each account shall state the nature of the services, and, where no specific compensation is provided by law, it shall also state the time necessarily devoted to the perform-
Board may disallow.

Certain fees and costs to be paid by township or city where offence was committed.

How bill of fees shall be made out.

How assessed. Not applicable to felonies.

Accounts to be numbered.

To be entered on minutes.

Not to be withdrawn except as evidence.

Board to make annual publication of accounts audited.

To make statement of County revenue and charges.

Of permanent debt.

When Commissioners to qualify and enter upon office.

Oaths of office to be filed.

1868—Chapter 20.

ance thereof. The Board may disallow or require further evidence of the account, notwithstanding the verification.

Sec. 11. All fees and costs of magistrates or other officers for the arrest or trial of persons charged with misdemeanors, including cases of vagrancy, where the same are not collected out of the defendant, shall be paid by the Township or City, where the offence was committed. The Clerk and Magistrate or other officer making out such bills of fees and costs, shall specify thereon the place of offence, and the Board shall assess the same upon the Township or City specified. This section does not apply to felonies.

Sec. 12. All accounts presented in any year, beginning at each regular meeting in September, shall be numbered from one upwards, in the order in which they are presented; and the time of presentation, the names of the persons in whose favor they are made out, and by whom presented, shall be carefully entered on the minutes of the Board; and no such account shall be withdrawn from the custody of the Board or its Clerk, except to be used as evidence in a judicial proceeding and forthwith returned.

Sec. 13. The Board shall cause to be posted at the Court House, and to be published in one or more County newspapers, if there be any, within five days after each regular September meeting and for, at least, four successive weeks, the name of every individual whose account has been audited by them, the amount claimed and the amount allowed; and also, at the same time, a full statement of County revenue and charges, showing by items the income from every source and the disbursements on every account for the past year, together with the permanent debt of the County, if any, when contracted and the interest paid or remaining unpaid thereon.

Sec. 14. The Commissioners shall qualify and enter upon their office hereafter, on the first Monday of September next succeeding their election, and they may take the oaths of office before any person authorized by law to administer oaths. The oaths of office severally taken and subscribed
Sec. 15. Except where otherwise provided by law, each Commissioner shall receive for his services and expenses in attending the meetings of the Board three dollars per day and five cents per mile for all necessary travel on official duty. And the accounts due each Commissioner shall be audited by the Board as prescribed in section ten.

Sec. 16. The Board shall fix the compensation of their Clerk.

Sec. 17. Any Commissioner who neglects to perform any duty required of him by law, as a member of the Board, shall be guilty of a misdemeanor, and liable, besides, to a penalty of two hundred dollars for each offence.

Sec. 18. It is the Clerk's duty:
1. To record, in a book to be provided for the purpose, all the proceedings of the Board.
2. To enter every resolution or decision concerning the payment of money.
3. To record the vote of each Commissioner on any question submitted to the Board, if required by any member present.
4. To preserve and file, in alphabetical or other due order, all accounts presented or acted on by the Board, and to designate upon every account audited, the amount allowed, and the charges for which it was allowed.
5. To keep the books and papers of the Board free to the examination of all persons.

Sec. 19. The Clerk shall annually, on or within five days next before the first Monday of September, make out and certify, and cause to be posted at the Court House, and published in a newspaper printed in the County, if there be one, for at least four weeks, a statement for the preceding year showing:
1. The amount, items and nature of all compensation audited by the Board to the members thereof severally.
2. The number of days the Board was in session, and the distance traveled by the members, respectively, in attending the same.

3. Whether any unverified accounts were audited, and, if any, how much and for what.

Sec. 20. Any Clerk who intentionally neglects to post and publish the statement required by the preceding section, or knowingly posts and publishes a false statement, shall be guilty of a misdemeanor.

Sec. 21. Copies of the records of the Board, certified by the Clerk under his hand and the seal of the County, are declared evidence in all the Courts of the State.

Ratified the 14th day of August, A. D. 1868.
AN ACT TO ORGANIZE A MILITIA OF NORTH CAROLINA.

Section 1. The General Assembly of North Carolina do enact, That the militia of North Carolina shall consist of those liable to military duty, and that every person so liable shall be required to serve in the same unless he shall pay to the County Treasurer a yearly contribution of two dollars, or be exempted under the certificate of some practicing physician on account of bodily infirmity.

Sec. 2. The militia shall consist of companies, regiments, brigades and divisions as now required by law.

Sec. 3. The regulations of the United States Army shall be adhered to as near as practicable in organizing the militia of this State.

Sec. 4. The Governor shall appoint one Adjutant General, who shall receive a salary of one hundred dollars per month, and necessary travelling expenses while organizing and supervising the militia, and after the militia shall have been fully organized, said salary shall be reduced to three hundred dollars per annum.

Sec. 5. The Governor shall appoint and commission all officers.

Sec. 6. All officers and enrolled men in the militia shall take and subscribe the oath required of officers by the Constitution of the State of North Carolina.

Sec. 7. The white and colored militia shall be enrolled in separate and distinct companies and shall never be compelled to serve in the same companies.

Sec. 8. The Governor is hereby authorized to accept and organize regiments of volunteer infantry, not exceeding six, the same to be apportioned as nearly as possible through the State, for which purpose the State shall be divided into three divisions, to be known as the Eastern, Middle, and Western divisions, which divisions shall constitute a Major General’s Department. If in the discretion of the Governor, it shall be deemed advisable, he may also accept and organize volun-
Cavalry.
Artillery.

How organized and equipped.

Detailed militia.

Number.

Officers.

Arms and badges.

Qualification of officers and privates.

How the force may be called out.

Adjutant General to provide rules.

Penalty for violation of rules.

teer battalions of cavalry not to exceed three, and one vol-
unteer battery of artillery, the same to be equally divided
among the divisions named in this section.

Sec. 9. The Governor is hereby authorized at the request
of any five Justices of a County to direct the Colonel Com-
manding therein to detail, organize and equip from the men
liable to military duty in his command, a sufficient force to
preserve the peace and to enforce the laws, which force shall
be known as the detailed militia of North Carolina.

Sec. 10. The number of said detailed militia shall not ex-
ceed fifty to each member of the House of Representatives,
unless the Governor shall deem said number insufficient for
the preservation of the peace or the enforcement of the laws.
There shall be a Captain appointed for each company and a
Lieutenant for each platoon of fifty men, and a Sergeant for
every ten men, comprising the force, but when the organiza-
tion does not exceed fifty men, there shall be no Lieutenant;
the said detailed militia shall be provided with proper arms
and badges.

Sec. 11. No man shall be an officer or private in the de-
tailed militia unless he be an elector of the State, and first
take and subscribe the Constitutional oath of office.

Sec. 12. Every officer of the detailed militia shall have
power to call out the whole or any part of the force under
his command, to preserve the peace and enforce the law at
the written request of any Judge, Justice of the Peace, Sher-
iff or his Deputy, County or Town Constable, or any County
Commissioner, and such request shall state the reason of the
call and a copy of the same shall at once be forwarded to the
Adjutant General of the State.

Sec. 13. It shall be the duty of the Adjutant General to
prepare and forward to each man appointed a member of the
detailed militia a printed copy of the rules prescribed to gov-
ern his conduct, and any wilful violation shall be a misde-
meanor, punishable with fine not to exceed one hundred
dollars.
Sec. 14. The said detailed militia shall be under the command of the Governor and be subject to his orders, and may be sent to any portion of the State by him. He shall report to each session of the General Assembly, the condition and efficiency of this organization, and propose any legislation he may deem proper and necessary therefor.

Sec. 15. The badge of the detailed militia shall bear these initials, N. C. D. M. The badge of a Captain shall be marked Co. ——, No. —— Captain; that of a Lieutenant, Co. ——, No. —— Platoon No. —— Lieutenant; and that of a Sergeant; Co. ——, No. —— Platoon No. —— Section No. —— Sergeant; and no arrest shall be made or authority exercised without the same. The loan or transfer of said badge to another shall be an indictable offense, punishable with imprisonment for not less than one month nor more than two years. The Adjutant General shall have power to designate the number of each company, platoon and section.

Sec. 16. Any officer of said detailed militia shall have power and it shall be his duty to use such force as may be necessary, to overcome resistance in quelling riots or making arrests, and not otherwise.

Sec. 17. That the white and colored members of the detailed militia shall not be compelled to serve in the same sections.

Sec. 18. Each officer shall be allowed necessary travelling expenses, and postage incurred in the discharge of his duties.

Sec. 19. Each Captain shall require monthly reports from each Sergeant in his company, and shall make monthly reports to the Adjutant General of the State.

Sec. 20. That officers shall take rank according to the date of their commissions, and the Adjutant General shall furnish to each officer a list of all officers according to rank.

Sec. 21. The sum necessary to carry out the provisions of this act is hereby appropriated and ordered to be paid from any money not otherwise appropriated.
SEC. 22. The detailed militia organized under the provisions of this act shall not be used on any occasion nor under any pretext for any other purpose than to execute the laws and to suppress resistance to the same, and it may be called upon by any peace officer for that purpose. And in case it be called into service to preserve the peace in any election, the force shall be used to secure a fair and untrammeled vote of all electors without regard to their political opinions, and on member of the force shall while on active duty, be allowed to endeavor to influence the vote of any citizen, and any one offending against the provisions of this act shall be deemed guilty of a misdemeanor, and, on indictment and conviction before any Superior Court, shall be fined or imprisoned at the discretion of the Court, and shall forfeit any office or position, that he may then hold under the laws of this State. Every Justice of the Peace or other peace officer shall cause all offenders against this act to be immediately arrested and held to bail to appear before the next succeeding Superior Court of the County to answer such charge.

SEC. 23. All laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed.

SEC. 24. This act shall be in force from and after its ratification.

Ratified the 17th day of August, A. D., 1868.

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Chapter 23. AN ACT TO PROVIDE FOR THE FILLING OF VACANCIES THAT MAY OCCUR IN THE GENERAL ASSEMBLY.

SECTION 1. The General Assembly of North Carolina do enact, That when a vacancy occurs in the General Assembly by death, resignation or otherwise, it shall be the duty of the Sheriff of the County in which the late member resided, provided the General Assembly shall not be in session, to notify the Governor of such vacancy, and in the case the General
Assembly shall be in session when such vacancy occurs, it shall be the duty of the presiding officer of the House in which the vacancy occurs, to notify the Governor of the same, who shall thereupon issue a writ of election to the Sheriff or Sheriffs of the District or County represented by the late member, said election to be held at such time as the Governor may designate, and in such manner as may be prescribed by law.

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

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

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AN ACT IN RELATION TO SHERIFFS.

Section 1. The General Assembly of North Carolina do enact, That any Sheriff or other public officer of this State who shall wilfully disobey or violate any law or ordinance in relation to the stay of proceedings for the collection of debts, passed by the Constitutional Convention which assembled in the City of Raleigh on the 14th of January, A. D., 1868, or any law of this State now in force concerning the same subject, not repugnant to the Constitution of this State, or of the United States, shall be deemed guilty of a misdemeanor, and shall be indicted in the Superior Court for the same; Provided, Said law or ordinance shall not have been repealed or declared unconstitutional by a court of competent jurisdiction before the commission of the offence.

Sec. 2. That upon conviction of any officer for the foregoing offence he shall be fined and imprisoned at the discretion of the court.

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

Ratified the 18th day of August, A. D., 1868.
Chapter 25. AN ACT TO RELIEVE THE LATE SHERIFFS AND THEIR SURETIES.

Section 1. The General Assembly of North Carolina do enact, That the late Sheriffs of this State be authorized to return to the Commissioners of their respective Counties, lists of insolvents on the tax lists of 1865-'66 and '67, and that when said lists shall be duly allowed by said Commissioners, the amount so allowed shall be entered as a credit on any execution on the official bonds of said Sheriffs.

Sec. 2. That the present Sheriffs be instructed to indulge the execution against said late Sheriffs or their sureties until the first day of January, eighteen hundred and sixty-nine: Provided, That nothing herein contained shall be construed to waive or relinquish any lien had in favor of the State by virtue of said execution.

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

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

Chapter 26. AN ACT TO PREVENT THE SALE OF INTOXICATING LIQUORS ON THE DAYS OF ELECTIONS.

Section 1. The General Assembly of North Carolina do enact, That no person or persons shall give away in any public place, retail or sell except upon prescription of a practicing physician, and for medical purposes, any intoxicating liquors at any time within twelve hours next preceding or succeeding any public election, or during the holding thereof at any place within five miles of any election precinct.

Sec. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and punishable with a fine of not less than one hundred nor more than one thousand dollars.
Sec. 3. That this act shall be in force from and after its ratification.
Ratified the 19th day of August, A. D., 1868.

AN ACT TO REPEAL AN ACT RATIFIED THE FOURTEENTH OF FEBRUARY, EIGHTEEN HUNDRED AND SIXTY-ONE CONCERNING TAX COLLECTORS.

Section 1. The General Assembly of North Carolina do enact, That an act to appoint a tax collector for the Counties of Wayne, Haywood, Burke, Pasquotank, Mecklenburg, Iredell, Davidson, Anson, Union, Johnston, Madison, Macon, Buncombe, Caldwell, Orange, Cherokee, Henderson, Pitt, Chatham, Bertie and Surry, and an act amending the same, ratified the twenty-second day of February, A. D., eighteen 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 19th day of August, A. D., 1868.

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

Section 1. The General Assembly of North Carolina do enact, That the sum of eight thousand dollars be appropriated for the purpose of defraying the current expenses of the Asylum for the Deaf and Dumb and Blind until the first day of January, A. D. 1869.

Sec. 2. That the Treasurer be authorized to pay the said amount of eight thousand dollars to the Treasurer of the Asylum of the Deaf and Dumb and Blind, out of monies not otherwise appropriated.
Chapter 29. AN ACT TO PROVIDE FOR THE PAYMENT OF THE INTEREST OF THE

LAWFUL DEBT OF THE STATE.

Section 1. The General Assembly of North Carolina do enact, Interest on the bonds dated before May 20th, 1861, and since May 20th, 1865, whether the latter are or shall be issued under authority of the late provisional or present permanent government, falling due on the 1st day of October, 1868, and on the 1st day of January, 1869, and at any time subsequent thereto, shall be paid by the Public Treasurer at the Treasury, or in New York, according to the stipulation contained in the bonds, in cash.

Section 2. The Public Treasurer is hereby authorized and directed to apply towards such payments, not only receipts from taxes and other sources, but any dividends and income accruing from the Rail Road Companies or other internal improvement corporations in which the State is or may be interested, and he is authorized to dispose of in such manner as may be best for the interests of the State, any of said dividends not declared or paid in National currency.

Section 3. When it may become necessary to raise money for the purposes aforesaid, in advance of receipts from taxes or otherwise, the Public Treasurer as aforesaid, by and with the advice and consent of the Governor, is authorized to negotiate temporary loans, not exceeding the amount required to carry out the provisions of this act, and for a term not exceeding ninety days, and to pledge for the payment thereof all the revenues of the State, including dividends from corporations and interest therein, and the taxes thereafter receivable.

When act to force.

Ratified the 19th day of August, A. D. 1868.
AN ACT PROVIDING FOR FURNISHING THE EXECUTIVE MANSION.

SECTION 1. The General Assembly of North Carolina do enact, That the sum of ten thousand dollars be, and the same is hereby appropriated, for the purpose of furnishing the Executive Mansion, and making necessary repairs for the same; and the Governor is hereby authorized to draw for the above amount on the Treasurer, out of any monies not otherwise appropriated.

SEC. 2. That the sum herein appropriated be expended under the direction of his Excellency, the Governor.

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

Ratified the 19th day of August, A. D., 1868.

AN ACT FOR THE MORE EFFECTUAL SUPPRESSION OF THE CRIME OF STEALING HORSES AND MULES.

SECTION 1. The General Assembly of North Carolina do enact, That every person who shall steal any horse, mare, gelding or mule, and shall thereof be convicted according to the due course of law, shall suffer imprisonment at hard labor for not less than five nor more than twenty years, at the discretion of the Judge.

SEC. 2. That every accessory before the fact to any such felony and stealing as aforesaid, shall also, on due conviction
Chapter 32. AN ACT TO PROVIDE FOR FUNDING THE MATURED INTEREST ON THE PUBLIC DEBT.

Section 1. The General Assembly of North Carolina do hereby enact, That the principal and interest which became due on or before the first day of July, 1868, of bonds dated before May 20th, 1861, and of bonds dated since May 20th, 1865, whether issued under Acts passed before May 20th, 1861, or under Acts and Ordinances of the late Provisional or the present Permanent Government shall, when presented on or before the first day of October, 1869, at the Treasury, or in the City of New York, where the said bonds are made payable, be redeemed with bonds of the State to be issued as hereinafter mentioned.

Sec. 2. The bonds to be issued for the redemption of said past due securities shall be signed by the Governor, countersigned by the Public Treasurer, shall be sealed with the Great Seal of the State, shall bear date the first of October, 1868, and shall be payable thirty years thereafter, coupons for interest at the rate of six per cent, per annum payable semi-annually to be attached, principal and interest payable in the City of New York, at such place as the Public Treasurer may designate; and such bonds shall be of the denominations of $100, $500, and $1,000, and shall be issued under the provisions of the 19th Chapter of the Revised Code.

Chapter 32. 1868—Chapter 32.

thereof, suffer imprisonment at hard labor for not less than five, nor more than twenty years.

Sec. 3. All 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 19th day of August, A. D., 1868.
Sec. 3. On application by the holder thereof, the Public Treasurer shall issue said bonds in exchange for the principal and interest to October, A. D., 1868, of bonds not yet due of the issue mentioned in section one of this act, of denominations less than $500, and of such as are mutilated or defaced by erasure, interlineation, endorsements, scratches or otherwise: Provided, That the provisions of this section shall not apply to such coupon bonds as have been registered on the books of the Treasury Department, duly witnessed by the Treasurer, unless regularly transferred to the bearer or to the holder.

Sec. 4. Certificates for balances on such exchanges shall be given exchangeable for bonds of the description aforesaid if presented on or before October 1st, 1869.

Sec. 5. Past due bonds shall bear interest at the rate of six per cent. per annum until October 1st, 1869, from date of maturity.

Sec. 6. The act of the General Assembly ratified March 10th, 1866, entitled "An act to provide for the payment of the debt of the State," is hereby repealed. Such repeal not to affect the validity of the bonds heretofore issued thereunder.

Sec. 7. The Public Treasurer, by and with the advice and consent of the Governor, shall appoint a financial agent of the State in the City of New York, to carry into effect the redemption of said past due securities, and by and with like advice and consent of the Governor shall fix his compensation.

Sec. 8. This act shall take effect from and after its ratification.

Ratified the 20th day of August, A. D., 1868.
Chapter 33. AN ACT FOR THE PRESERVATION OF THE PUBLIC HEALTH BY ESTABLISHING SUITABLE QUARANTINE REGULATIONS FOR THE PORT OF WILMINGTON, N. C.

Section 1. The General Assembly of North Carolina do enact, That for the preservation of the public health, there shall be established opposite Deep Water Point, near the mouth of the Cape Fear River, a Quarantine Station, where all vessels subject to quarantine shall be brought to anchor, and await the inspection of the medical officer, and be subject to such rules and regulations as he may prescribe.

Sec. 2. It shall be the duty of the Governor to designate some Physician of experience, who shall act as Medical Quarantine Officer for the above station, and who shall prescribe such regulations as may be necessary for the protection of the inhabitants from infectious diseases, and all persons shall be bound by such regulations, under penalties to be hereafter designated. The Quarantine Officer shall duly advertise all quarantine regulations, and cause the pilots to be especially notified of them. He shall make a monthly report of all receipts and disbursements, and shall pay over all monies to the Treasurer of the State, and shall be removable at the pleasure of the Governor.

Sec. 3. There shall be provided for the use of the Quarantine Officer, a suitable boat furnished with all necessary materials, and he shall employ a crew of four men, at such seasons as quarantine regulations are in force, or when the public health may require it. He shall cause the boat to be kept in repair and always ready for service, and may employ some competent person for the service; which shall be paid for out of the public treasury, on the certificate of the Medical Officer, that the services were necessary and the charges just and reasonable.

Sec. 4. There shall be established at the nearest convenient station upon the shore, a hospital sufficient for the accommodation of such sick persons as the Quarantine Medical Of-
Sec. 5. Every vessel subject to visit and inspection shall pay a fee of five dollars, which shall be collected and accounted for by the Medical Officer, and every sick person taken to the hospital shall pay a fee not exceeding three dollars per day, until discharged by the Medical Officer, for the payment of which the vessel shall be responsible, and only such vessel shall be subject to visit and inspection as may be from posts designated, from time to time, by the Medical Officer, except that all vessels having sickness on board shall be brought to the visiting station for examination.

Sec. 6. It shall be the duty of all pilots to bring vessels to the visiting station, as they may be required from time to time by the Quarantine Officer, and they shall not take any vessel subject to quarantine or visitation, past the station, until released by the Quarantine Officer, and any pilot who shall wilfully violate any quarantine regulation shall forfeit his branch or commission, and from thence be deemed incapable to act as a pilot in any port in the State.

Sec. 7. Any master of a vessel who shall refuse to obey the quarantine regulations shall forfeit and pay a fine of two hundred for each day he shall refuse to obey the same, for which forfeiture the property of the Captain, together with the vessel and cargo, shall be held responsible.

Sec. 8. Any person who shall violate the quarantine regulations, as prescribed from time to time, by the Medical Officer, shall forfeit and pay the sum of two hundred dollars for each and every offence; and all penalties and forfeitures imposed by any of the provisions of this act, may be recovered before any jurisdiction having cognizance of the sum due and applied, one-half to the informer, the other half to the payment of the expenses of the quarantine establishment.

Sec. 9. The Quarantine Medical Officer may issue a warrant to any Sheriff or other officer, commanding him to arrest any person violating this act, to the end that his body may be committed to the custody of a judge of the superior court for the State, and there be tried for the offence.
rest the body of any person violating the Quarantine, and have him without delay before some competent jurisdiction for trial.

Sec. 10. The compensation of the Quarantine Medical Officer shall be six hundred dollars per year, and the compensation of the boat's crew shall be twenty dollars per month each, while regularly employed, provided that one of the crew may be designated by the Quarantine Officer, to take care of the buildings, boats and materials at an extra compensation of ten dollars per month while so employed.

Sec. 11. For the purchase of a site and for the erection of suitable hospital buildings, and for a boat and necessary materials and expenses for quarantine service, the sum of four thousand dollars is, and the same is hereby appropriated from any moneys in the Public Treasury not otherwise appropriated, to be expended under the direction of Quarantine Officer and a Commissioner to be appointed by the Governor; Provided, That the said Commissioner shall receive no compensation for his services.

Sec. 12. All acts or parts of acts, inconsistent with the foregoing, are hereby repealed.

Sec. 13. This act shall be in force from and after its ratification.

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

Chapter 34. AN ACT TO AMEND AN ACT TO PROVIDE FOR THE QUALIFICATION OF CERTAIN OFFICERS RECENTLY ELECTED UNDER THE PROVISIONS OF THE CONSTITUTION OF THE STATE OF NORTH CAROLINA.

Section 1. The General Assembly of North Carolina do enact, That section second of an act entitled "An act to provide for the qualification of certain officers recently elected under the provisions of the Constitution of the State of North
Carolina," be amended by adding thereto, Provided, That the Treasurer shall give bond in such sum as the Board of Commissioners may think sufficient to cover all monies which may be paid to him for the use of the County as heretofore required of the County Trustee, and the Register of Deeds shall likewise give such bond as has heretofore been required by law of Registers for Counties, and all bonds heretofore so taken as by this act authorized are declared in all respects valid; Provided, further, That Justices of the Peace may qualify before any Judge of the Superior Court for their County; And provided further, That Notaries Public shall qualify before the Clerk of the Superior Court.

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

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

AN ACT CONCERNING THE REGISTER OF DEEDS.

Section 1. The General Assembly of North Carolina do enact:

REGISTER OF DEEDS.

Repeal:

Chapter ninety-six of the Revised Code and all other laws in conflict with the provisions of this act, are hereby repealed; and the sections of this chapter are substituted in lieu thereof.

Sec. 2.—When and before whom to qualify:

The Register of Deeds shall take oath of office on the first Monday of September next after his election before the Board of Commissioners.
SEC. 3.—Bond:

He shall give bond with sufficient security, to be approved by the Board of Commissioners, in the penalty of five thousand dollars, payable to the State and conditioned for the safe keeping of the books and records, and for the faithful discharge of the duties of his office.

SEC. 4.—Vacancy:

When a vacancy occurs from any cause in the office of Register of Deeds, the Board of Commissioners shall fill such vacancy by the appointment of a successor for the unexpired term, who shall qualify and give bond as prescribed in the preceding sections.

SEC. 5.—Office, where kept:

The Register shall keep his office at the Court House unless the County Commissioners shall deem it impracticable.

SEC. 6. Times of attendance may be fixed:

The Board of Commissioners may fix by order, to be entered on their records, what days of each week, and at what hours of each day, the Register shall attend at his office in person or by deputy, and he shall give his attendance accordingly.

SEC. 7.—Judge of Probate to hand over deeds and pay fees:

The Register of Deeds shall, at least once a week, apply to the Judge of Probate of his County, for all instruments of writing admitted to probate and then remaining in the office of such Judge for registration, and also for all fees for registration due thereon; which fees the Judge of Probate shall receive for the Register.

SEC. 8.—Penalty on Judge of Probate:

In case the Judge of Probate fail to deliver such instruments of writing, and pay over such fees as prescribed in the last section, on application of the Register, the Judge of Pro-
bate shall forfeit and pay to the Register, one hundred dollars for every such failure: for which sum judgment may be entered at any time by the Judge of the Superior Court of the District on motion in behalf of the Register, on a notice of ten days thereof to the Judge of Probate.

Sec. 9.—Within what time to Register:

The Register of Deeds shall register all instruments in writing delivered to him for registration within twenty days after such delivery, except mortgages and deeds in trust, or other instruments made to secure the payment of money, which he shall register forthwith after delivery to him. He shall endorse on each deed in trust and mortgage, the day on which it is presented to him for registration, and such endorsement shall be entered on his books and form a part of the registration, and he shall register such deeds in trust and mortgages in the order of time in which they were presented to him.

Sec. 10.—Penalty on Register:

In case of his failure to register any deed or other instrument within the time and in the manner required by the last section, the Register shall be liable in an action to the party injured by such delay on his official bond.

Sec. 11.—Alphabetical files of original deeds:

The Register shall keep in files alphabetically labelled, all original instruments delivered to him for registration, and on application for such originals by any person entitled to their custody, he shall deliver the same.

Sec. 12.—Books transcribed and indexed:

The County Commissioners, where they deem it necessary, may direct the Register of Deeds to transcribe and index such of the books in the Register's office as from decay or other cause, may require to be transcribed and indexed. They may allow him such compensation at the expense of
the County for this work, as they think just. The books when so transcribed and approved by the Board of Commis-
sioners, shall be deemed and taken as public records in like
manner, to all intents, as the original books, and copies there-
from may be certified accordingly.

Sec. 13.—General index:

The Board of Commissioners, at the expense of the Coun-
ty, shall cause to be made and consolidated into one book, a
general index of all the deeds and other documents in the
Register's office, and the Register shall afterwards keep up
such index without any additional compensation.

Sec. 14.—Omitted duties:

Whenever, upon the determination for any cause of the
term of office of the Register, it appears that he has failed
to perform any of the duties of his office, the Commissioners
shall cause the same to be performed by another person or
the successor of any such defaulting Register, such person or
successor shall receive for his compensation the fees allowed
for such services, and if any portion of the compensation has
been paid by the County to such defaulting Register, the
same may be recovered by the Board of Commissioners, by
suit on his official bond.

Sec. 15.—Clerk of the Board of Commissioners:

The Register of Deeds is ex officio Clerk of the Board of
Commissioners, and as such shall perform the duties imposed
by law or by order of the Commissioners.

Sec. 16.—Tax Lists:

The Register shall make out the tax lists as directed by
law, under the supervision of the Board of Commissioners.
Sec. 17.—Marriage Licenses:

The Register of Deeds is authorized to issue Marriage Licenses as prescribed in chapter sixty-eight of the Revised Code, or by any other act of the General Assembly.

Sec. 18.—Penalty for neglect of duty:

If any Register fails to perform any of the duties imposed or authorized by this act he shall be guilty of a misdemeanor and on conviction thereof, besides other punishments at the discretion of the Court, he shall be removed from office.

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

AN ACT TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE ADMITTING MEMBERS OF THE BAR OF OTHER STATES TO PRACTICE IN THIS STATE,” RATIFIED 4TH DAY OF FEBRUARY, 1868.

Section 1. The General Assembly of North Carolina do enact, That an ordinance of the Convention of 1868, entitled “An ordinance admitting members of the Bar of other States to practice in this State,” ratified 4th day of February, 1868, be amended by inserting after the words “Supreme Court” in said ordinance, the words “or any Superior Court,” so that the ordinance shall hereafter read “before the Supreme Court or any Superior Court of the State.”

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

Ratified the 21st day of August, A. D., 1868.
Chapter 37. AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS TO APPOINT STANDARD KEEPERS.

How appointed. Section 1. The General Assembly of North Carolina do enact, That the Commissioners for the several counties of the State are hereby authorized to appoint Standard Keepers for their respective Counties according to the provisions of the Revised Code, and to exercise all the powers heretofore exercised by County Courts in the premises.

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

Ratified the 22d day of August, A. D., 1868.

Chapter 38. AN ACT TO ESTABLISH A TURNPike ROAD FROM THE TOWN OF MORGANTON, IN BURKE COUNTY, TO THE TENNESSEE LINE.

Appointment of Commissioners to open road. Section 1. The General Assembly of North Carolina do enact, That Hugh Taylor, R. B. Michase, John McDowell and E. A. Perkins, of the County of Burke, George Daggar and Lewis Banner, of the County of Watauga, and Wilson Burleson and R. T. Hoke, of the County of Mitchell, are hereby appointed Commissioners for the purpose of surveying, laying out and opening a public road from the town of Morganton, along the most practicable route of the Jonas Ridge road to the terminus of East Tennessee and Western North Carolina Rail Road on the Tennessee line, in the County of Mitchell.

Directors. Sec. 2. That the Commissioners at their meeting, which shall be held as soon as practicable after the first of September, shall appoint their directors, from one of whom a President shall be chosen, and a Treasurer appointed. That the Treasurer shall give a bond, with good security, in the sum of two thousand dollars for the faithful keeping and expen-
AN ACT PROVIDING FOR THE SUPPORT OF THE INSANE ASYLUM.  Chapter 39.

Section 1. The General Assembly of North Carolina do enact, That the sum of forty thousand dollars be and the
same is hereby appropriated to the Insane Asylum, for the support of the same, until the close of the fiscal year, 1869, and the Board of Supervisors for the said Insane Asylum are hereby authorized and empowered to draw any part or all of said sum of forty thousand dollars, and no more, for the period for which it is appropriated; Provided however, That if the number of patients treated in said Insane 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 in general meeting assembled, may, and is hereby authorized to draw from the State Treasury a sum equal to two hundred and fifty dollars for each and every patient treated in said Asylum above the annual average of one hundred and sixty for the aforementioned period.

SEC. 2. That the sum of ten thousand dollars be, and the same is hereby appropriated, out of any money in the Treasury, not otherwise appropriated, to the Insane Asylum, to be used under the direction of the Board of Supervisors in the repair and painting of the building, fences, grounds, fixtures, furniture, machinery, heating and water apparatus of said Institution.

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

Ratified the 22d day of August, A. D., 1868.

Chapter 40.

AN ACT IN RELATION TO SHERIFFS.

SECTION 1. The General Assembly of North Carolina do enact, That the Provisional Sheriffs in the several Counties of the State shall continue to discharge the duties of Sheriff in their respective Counties, until their successors are duly qualified according to the provisions of the Constitution and laws of the State.


Sec. 2. All lawful acts of Provisional Sheriffs be, and are hereby declared valid.

Sec. 3. All processes which have heretofore issued from the Courts of Pleas and Quarter Sessions, should be executed, and returned, by the Sheriffs to the next term of the Superior Court held for their respective Counties in the same manner as if such process had issued from the Superior Courts; Provided, That if Sheriffs should be unable to comply with the provisions of this section, such processes shall be returned to the Superior Court unexecuted for further order of the Court.

Sec. 4. Sheriffs who have advertised real estate for sale at the time of holding the Fall Term, 1868, of Superior Courts, as they were heretofore regulated by law, may postpone the sale of such real estate, until the time of holding the Fall Term of said Courts as now regulated by law.

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

Ratified the 22d day of August, A. D., 1868.

AN ACT ESTABLISHING A LIEN IN FAVOR OF BUILDERS, MECHANICS AND MATERIAL MEN.

Sec. 1. The General Assembly of North Carolina do enact, That any vessel or building built or rebuilt, repaired or improved, together with the necessary lot on which such building may be situated, shall be subject to a lien for the payment of all debts contracted for work done on the same or materials furnished.

Sec. 2. Such lien shall cease within five days of the completion of such building or vessel, or of the repairs thereon; and in case of the delivery of materials within five days of the delivery of the last item thereof, unless a notice of such lien shall previously thereto be filed in the office of the Reg.
ister of Deeds of the County wherein such building is situated, or in case of a vessel when the materials are furnished or labor performed, and within ninety days of such completion or delivering as above, unless suit shall have previously been brought thereon.

SEC. 3. The notice of the lien shall consist of an affidavit setting forth the date, amount and particulars of the claims thereto, sworn before some Justice of the Peace and subscribed by the claimant.

SEC. 4. Every laborer performing labor in the making or securing of any crops, shall have a lien upon such crops, which shall have a priority to every other lien.

SEC. 5. Such lien may be enforced by attachments, and shall cease upon the removal of the crops from the premises whereon it was made.

SEC. 6. This act shall take effect from and after its ratification.

Ratified the 22nd day of August, A. D., 1868.

Chapter 42. AN ACT TO PROTECT PERSONS DISTILLING SPIRITUOUS LIQUORS UNDER UNITED STATES LICENSE.

SECTION 1. The General Assembly of North Carolina do enact, That no person in this State who has United States License for distilling spirituous liquors shall be liable to indictment under an ordinance of the State Convention ratified February 15th, A. D. 1868, entitled "An Ordinance prohibiting the distillation of grain."

SEC. 2. That all indictments heretofore brought against any person or persons under said ordinance having the United States license shall be dismissed.

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

Ratified the 22nd day of August, A. D., 1868.
AN ACT TO PROVIDE FOR LAYING OFF THE HOMESTEAD AND SETTING APART THE PERSONAL PROPERTY EXEMPTED IN FAVOR OF RESIDENTS OF THIS STATE BY ARTICLE X. OF THE STATE CONSTITUTION.

Section 1. The General Assembly of North Carolina do enact, That whenever any resident of this State may desire to take the benefit of the Homestead and Personal Property Exemption, as guaranteed by Article X. of the Constitution of this State, such resident (or his agent or attorney) shall apply to any Justice of the Peace of the County in which he resides, and said Justice of the Peace shall appoint three disinterested freeholders of the County, not connected with said applicant, who shall, on notice, by order of said Justice, meet at the applicant's residence, and after taking an oath to do impartial justice in the case, before some officer authorized by law to administer an oath, lay off and allot to the applicant a homestead by metes and bounds, according to the applicant's direction, not to exceed one thousand dollars ($1000) in value, and make a descriptive account of the same under their hand and seal, and return it to the office of the Register of Deeds.

Sec. 2. Be it further enacted, That said freeholders shall assess the personal property of said applicant, to be by him selected, articles of personalty not exceeding in value the sum of five hundred dollars, ($500) and make a descriptive list of the same, and return it under their hand and seal to the office of the Register of Deeds.

Sec. 3. Be it further enacted, That it shall be the duty of the Register of Deeds to endorse on each of said returns, the date when received for registration, and to cause the same to be registered without unnecessary delay. The said Register shall receive for registering the said returns the same fees that may be allowed him by law for other similar or equivalent services, which fees shall be paid by said resident ap-

Chapter 43.

How homestead and personal property may be exempted.

Application to Justice of the Peace.

Appointment of three freeholders.

Freeholders to lay off homestead.

To return descriptive account to Register of Deeds.

Freeholders to assess personal property.

Register of Deeds to endorse returns.

Register's fees
Action in case of fraud.

When act to be in force.

Penalty for murder.

For rape upon female of ten years and under.

Chapter 44.

AN ACT IN RELATION TO PUNISHMENTS.

Section 1. The General Assembly of North Carolina do enact, That every person who shall be convicted according to due course of law of any willful murder of malice prepense shall suffer death.

Sec. 2. That if any person shall ravish, or carnally know, any female of the age of ten years, by force or against her will, or shall unlawfully or carnally know, and abuse, any female child under the age of ten years, he shall suffer death.
Sec. 3. That every person who shall be convicted according to due course of law of any willful burning of any inhabited dwelling house, or any part thereof, in the night time, shall suffer imprisonment during his natural life.

Sec. 4. That any person who shall commit any crime of which the punishment has heretofore been death, by the laws of North Carolina, existing at the time the present Constitution of the State went into effect, other than the crimes before specified in this act, shall suffer imprisonment at hard labor, not less than twenty years, nor more than sixty years.

Sec. 5. That wherever the laws of North Carolina existing at the time the present Constitution of the State went into effect prescribed the punishment of public whipping, or standing in the pillory, or any other corporeal punishment, for any crime or offence whatever, there shall be inflicted hereafter in lieu of such whipping or standing in the pillory, or other corporeal punishment, imprisoned at hard labor for not less than six months, nor more than ten years, or fined not less than one hundred dollars, nor more than ten thousand dollars, at the discretion of the Court.

Sec. 6. That all laws, and parts of laws, inconsistent with the provisions of this act, are hereby repealed.

Sec. 7. This act shall be in force from and after the date of its ratification.

Ratified the 22d day of August, A. D., 1868.

AN ACT TO PROVIDE FOR THE ELECTION OF ELECTORS OF PRESIDENT AND VICE PRESIDENT.

Section 1. The General Assembly of North Carolina do enact. That on the Tuesday next after the first Monday in the month of November in the year one thousand eight hundred and sixty eight, and every four years thereafter, (or on
such days as the Congress of the United States shall direct,) a poll shall be opened in each of the precincts of the State for the election of electors of President and Vice President of the United States, the number of whom is to be equal to the number of Senators and Representatives in Congress to which this State may be entitled.

Sec. 2. The names of the electors to be chosen shall be written on each ballot, and each ballot shall contain the name of at least one inhabitant of each Congressional District into which the State may be divided, and against the name of each person shall be designated the number of the Congressional District to which he belongs.

Sec. 3. This election shall be conducted and the returns made as nearly as may be directed in relation to the election of State officers and Representatives in Congress, except as herein otherwise expressed.

Sec. 4. The returns from the township or precinct Judge of election to the Register of Deeds, shall be made within two days after the day of election, and on the third day after the day of election the County canvassers shall meet, examine the returns, make the abstract, and sign and seal it with the County Seal.

Sec. 5. The Register of Deeds shall envelope and seal up the abstract, and endorse and direct it as provided in other cases, and before ten o'clock, A. M., of the fifth day after the election, shall deliver the same to the Sheriff of his County, whose duty it is to deliver the abstract to the Secretary of State within ten days including the day he receives it.

Sec. 6. The Governor, or in his absence, the Secretary of State, shall issue a certificate of election under his hand, and the Seal of the State, and cause it to be served on each person elected, notifying him to attend at the seat of government at noon of the Tuesday preceding the first Wednesday of December, next after his election, and report himself to the Governor as in attendance.

Sec. 7. The electors so attending shall meet at the earliest convenient hour after the noon of the said Tuesday, and the
Governor shall provide them a list of all the electors elected, and in case of the absence of any elector chosen, or if the proper number of electors shall from any cause be deficient, those present shall forthwith elect from the citizens of the State so many persons as will supply the deficiency.

Sec. 8. Such choice being certified to the Governor, he shall cause the person chosen to be notified immediately.

Sec. 9. The College of Electors, being full, shall meet at the Capitol at noon of the said first Wednesday of December, and proceed to the election in conformity with the Constitution of the United States.

Sec. 10. The electors shall receive the same compensation for their travel and attendance as the members of the General Assembly.

Sec. 11. On the Tuesday next after the first Monday in the month of November, in the year 1868, a poll shall be opened in every precinct in the State for the election of Representatives to Congress in each Congressional District of the State, which election shall be conducted according to the laws heretofore in force.

Sec. 12. All laws now in force in regard to the election of Presidential electors not inconsistent herewith, or inconsistent with the act entitled "An act to provide for the registration of voters ratified the 24th day of August, 1868," shall apply to the election of Presidential electors held under this act.

Sec. 13. The Secretary of State on every year in which an election for State officers may be held, shall cause proper forms of returns to be prepared and printed, and send copies thereof, with plain directions as to the manner of endorsing, directing and transmitting the same to the seat of government, to all the returning officers in the State, at least thirty days before the time of holding such elections.

Sec. 14. All laws and parts of laws inconsistent with this act are hereby repealed.
SEC. 15. This act shall be in force from and after its ratification.
Ratified the 22d day of August, A. D., 1868.

Chapter 46.

AN ACT RELATING TO SALARIES AND FEES.

Section 1. The General Assembly of North Carolina do enact, That the officers named in this section, until their annual salaries shall have been determined by law, shall be allowed as payment on account of salaries, the sum of two hundred dollars per month, to be paid monthly by the Treasurer of the State upon warrants drawn by the Governor, that is to say: The Governor, the Secretary of State, the Auditor, the Treasurer, the Superintendent of Public Works and the Superintendent of Public Instruction. These officers shall also be allowed any fees to which any of them are entitled by existing law, and the Superintendent of Public Works and the Superintendent of Public Instruction shall be allowed necessary travelling expenses incurred while in the discharge of official duties.

Section 2. That the Attorney General shall be allowed fees, and as payment on account of salary to be paid as provided in section one, for other State executive officers, one hundred and twenty-five dollars per month, until his annual salary shall have been determined by law.

Section 3. That the Governor shall be allowed a Private Secretary at an annual salary of one thousand dollars and fees, one clerk at an annual salary of twelve hundred dollars, and one messenger at an annual salary of five hundred dollars. The Secretary of State shall be allowed a clerk at an annual salary of one thousand dollars. The Auditor shall be allowed one clerk at an annual salary of one thousand dollars. The Treasurer shall be allowed a chief clerk and a disbursing clerk at annual salaries of one thousand five hundred dollars, and
one thousand dollars respectively, and one assistant clerk at an annual salary of seven hundred and fifty dollars. The Superintendent of Public Instruction shall be allowed one clerk at an annual salary of one thousand dollars. The Public Librarian shall be allowed an annual salary of six hundred dollars. The salaries authorized by this section shall be paid quarterly; that is, on the first days of April, July, October and January, in every year, by the Treasurer of the State on warrants drawn by the Governor.

Sec. 4. Each Justice of the Supreme Court shall be allowed an annual salary of twenty-five hundred dollars to be paid quarterly; that is, on the first days of April, July, October and January, in every year.

Sec. 5. The Treasurer of the State is hereby authorized to re-imburse the Superintendent of Public Works and the Superintendent of Public Instruction for travelling expenses, the same having been allowed by the Auditor after verification by the following oath of the Superintendents, viz: I, ———, Superintendent of Public ———, do depose and say that the within account is a just and true statement of monies actually and necessarily expended by me while travelling upon the business of my office.

Sec. 6. The Judges of the Superior Court shall each have an annual salary of twenty-five hundred dollars, payable quarterly, that is, on the first days of April, July, October and January, in every year, in full compensation for all judicial duties which are now or may hereafter be assigned to them by the General Assembly; and for the holding of a special term of the Superior Court, the Judge presiding shall receive ninety dollars for each week, to be paid by the County in which the special term is held on the production of the certificate of the Clerk of the Court aforesaid.

Sec. 7. Every Judge of the Superior Court shall produce a certificate from the Clerk of the Superior Court for each County of his having held the Court of the County according to law, and for every such certificate omitted to be produced,
there shall be a deduction from his salary of one hundred dollars.

Sec. 8. The Reporter of Decisions of the Supreme Court shall receive as a compensation for the services and reports required of him by law, a salary of six hundred dollars, which shall be paid upon satisfactory evidence to the Treasurer that he has had printed and distributed within the prescribed time, the number of copies of the reports reserved for the use of the State. Besides the copies aforesaid, the reporter then, or at any other time, may, on his own account and at his own expense, print, publish and vend as many additional copies as he may choose; and shall also have the exclusive right to obtain under the act of Congress, the copy-right of the Reports, and if the Reporter should prefer to do the work himself of printing and distributing for the State, the copies directed to be distributed, he may do so upon such terms as the Clerk of the Supreme Court, at Raleigh, shall deem reasonable, and may contract with the Clerk on behalf of the State for that purpose.

Sec. 9. The Treasurer of each County shall be allowed as a full compensation for all services required of him by law, such a per centum not less than three nor exceeding five upon the amount of his receipts and disbursements, as the Board of Commissioners of his County shall deem adequate and proper.

Sec. 10. The Sheriff, Coroner and Register of Deeds of each County, and the Constables and Justices of the Peace of each Township, shall receive as a full compensation for all services required by law, such fees as may be allowed by law to them respectively, except the Register of Deeds, who shall also receive, while acting as Clerk of the Board of Commissioners, three dollars per diem.

Sec. 11. The Surveyor and Commissioners of each County shall receive three dollars per diem, and the Clerk of the Board of Trustees of each Township shall receive two dollars per diem, while actually employed in the duties of their respective offices, in addition to which the Commissioners shall
be allowed for each regular meeting of the Board, five cents for each mile travelled by them in going and returning by the most usual route between their places of residence and the place of meeting of said Board.

Ratified the 22nd day of August, A. D., 1868.

AN ACT TO MAKE BANK BILLS A SET OFF.

Chapter 47.

Section 1. The General Assembly of North Carolina do enact. That where any note or bond has been, or may hereafter be given as a renewal of any debt or demand due or payable to any Bank in this State, whose Charter bears date prior to the 20th day of May, 1861, the bills of said Bank shall be a legal set off to such note or bond, without regard to whether such note or bond be made payable to said Bank or to some other party; and the bills of such Bank may be offered, and shall be received to sustain the plea of set off to any suit brought upon such note or bond in any Court of this State, whether said note or bond be made payable to such Bank or to any other party.

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

Ratified the 22d day of August, A. D., 1868.

AN ACT REGULATING THE SELLING OF LANDS UNDER EXECUTION.

Chapter 48.

Section 1. The General Assembly of North Carolina do enact. That all officers authorized by law to sell lands in this State under execution shall be, and they are hereby empowered, when, in their judgment, it would not be clearly
injurious to the rights and interests of the defendant in execution, to so divide all tracts of land containing one hundred acres or more as to enable bidders of small or limited means to purchase.

SEC. 2. That the first Saturday in each and every month, and the first Monday of the regular terms of the Superior Courts in each County respectively, shall hereafter be sale days, and on these days only shall lands be sold under execution, and such sales shall take place at the Court House door in each County respectively, forty days' advertisement thereof being given by the respective sheriffs.

SEC. 3. This act shall be in force from and after its rati-fication.

Ratified the 24th day of August, A. D., 1868.

Chapter 49. AN ACT TO PROVIDE FOR THE REGISTRATION OF VOTERS.

Section 1. The General Assembly of North Carolina do enact. That the Commissioners of Counties shall have power, (a majority of such Commissioners who are duly qualified being present,) to establish, alter, discontinue or create such separate places of elections in their respective Counties as, from time to time, they may deem expedient, giving thirty days' notice thereof, by advertisement in some public journal if there is one in their County, in three public places, and at the Court House in their County.

Sec. 2. The Secretary of State shall, prior to the tenth day of September next, provide for and forward to the Commissioners of Counties, suitable registration books for each election precinct as established for the last previous election, and a suitable number of the blank forms of oaths, prescribed by Article VI., section 4, of the Constitution.

Sec. 3. In case the Commissioners of Counties shall not receive on or before the first day of October next, a sufficient
number of registration books and blank forms of oaths, as above prescribed, they shall provide themselves with the same at the expense of the State.

Sec. 4. The Commissioners of Counties, or in case no Commissioners shall have qualified, the Governor shall, on or before fifth day of October next, select one Justice of the Peace for each election precinct in their counties, who shall act as Registrar of voters for such precinct. He shall be furnished with a registration book and blank forms of oaths, and shall at all times, from the fifteenth day of October next until the day of the next Presidential election, receive and register such qualified voters as may offer, administering the oath provided by the fourth section of the sixth article of the Constitution, to which oath he shall require each elector to subscribe previous to registering his name in the registration book. He shall receive a fee of five cents for each voter registered, to be paid out of the County Treasury.

Sec. 5. The County Commissioners, or in case no Commissioners shall have qualified for their respective precincts, the Governor shall, on or before the twentieth day of October next, appoint two electors in each precinct, who shall, with the Registrar, be judges of elections at the next ensuing Presidential election, and shall, fifteen days previous thereto, appoint one Justice of the Peace and two electors in each precinct as judges of elections for every ensuing State, County and Municipal election. The judges of election shall attend at the places for which they are severally appointed, on the day of election, and shall be sworn by the Sheriff, or, in his absence, by some Justice of the Peace or other officer authorized to administer an oath, to conduct the election fairly and impartially, according to the Constitution and laws of the State; and in default of acting, shall be guilty of a misdemeanor. Such judges, in addition to the powers conferred upon them by this act, shall have all the powers and duties heretofore vested in inspectors of elections, not inconsistent herewith, and be subject to the same penalties.
SEC. 6. 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.

SEC. 7. 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 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; 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.

SEC. 8. It shall be the duty of judges of elections to keep the registration book 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.

SEC. 9. Immediately after any election, the judges of election shall deposit the registration books for their respective precincts with the Register of Deeds of their Counties.

SEC. 10. It shall be the duty of the Register of Deeds, previous to any election to be held after November next, to furnish the judges of elections for each precinct with the registry books for their precinct.

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
1868—Chapter 50.

such voter on the registration book. Upon such certificate of registration, such elector may vote in any precinct in his County, without further registration.

Sec. 12. Upon receiving such vote, the judges of elections shall fold such certificate of registration with the ballot of the elector offering to vote thereupon, and deposit it with his ballot in the ballot box.

Sec. 13. All acts and sections of acts, ordinances and sections of ordinances, in conflict herewith, are hereby repealed.

Sec. 14. This act shall be in force from and after its ratification.

Ratified the 24th day of August, A. D., 1868.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE REGISTRATION OF VOTERS."

Section 1. The General Assembly of North Carolina do enact, That the Justice of the Peace appointed by the Commissioners or by the Governor to act as Registrar of voters in each election precinct, as provided in the fourth section of an act entitled "An act to provide for the Registration of Voters," shall make out two copies of the original registration book for the purposes hereinafter mentioned; which said copies when certified to be correct by the Registrar, shall have all the legal force and effect of the original registration book.

Sec. 2. That the County Commissioners, or in case no Commissioner shall have qualified, the Governor shall, on or before the 20th of October next, appoint six electors at each precinct who shall, with the Registrar, be judges of election at the next ensuing Presidential election; and the said six electors thus appointed shall take the place of the electors provided for in the fifth section of the said act, and shall perform all the duties which have been conferred upon them.

Certificate to be folded with ballot.

Repealing clause.

When act to be in force.

Registrar to make copies of registration books.

Number of Judges of election.
Three ballot boxes to be provided.

Sec. 3. It shall be the duty of the judges provided for in the preceding section to provide at least three separate ballot boxes 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 of the three ballot boxes, and if a majority of the judges think more boxes necessary, they shall appoint two additional judges for each additional box. The Registrar shall assist at all the boxes.

Sec. 4. The Registrar of voters shall furnish the original registration book and the two copies hereinafter provided for, to the judges of the election in the precinct for which he is appointed; he shall furnish one copy to the judges of each of the three boxes, and if there be more than three boxes, he shall furnish one additional copy for each additional box.

Sec. 5. The Registrar shall receive one cent for each name copied from the original registration book.

Sec. 6. Any person who shall, with intent to commit a fraud, vote at more than one box, or more than one time, 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.

Sec. 7. 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.

Sec. 8. All acts inconsistent with the provisions of this act are hereby repealed.

Sec. 9. The Secretary of State shall furnish a printed copy of this act to the Commissioners of each County.

Sec. 10. This act shall be in force from and after its passage.

Ratified the 24th day of August, A. D., 1868.
AN ACT IN RELATION TO SUITS PENDING IN THE LATE SUPREME COURT OF THIS STATE.

Section 1. The General Assembly of North Carolina do enact, That all suits which at the approval of the Constitution of this State by the Government of the United States, were pending in the late Supreme Court of this State, shall be transferred to the docket of the present existing Supreme Court, and shall be heard and determined in said Court, according to the laws existing when such suits were carried to such late Supreme Court.

Sec. 2. The Clerk of said late Supreme Court shall upon demand pay over and deliver to the Clerk of the present Supreme Court, all monies, books records, papers and property belonging to his office or to said late Court, and on failure to do so shall be deemed guilty of a misdemeanor.

Sec. 3. All judgments, decrees, sentences, and orders made in any action, civil or criminal, at law or in equity, by the late Supreme Court and wholly or in part, unsatisfied or unexecuted, shall be transferred to a judgment docket, to be kept by the Clerk of the present Supreme Court, under such rules as shall be prescribed by said Court; and may be reviewed, modified, and enforced by said Court, as fully as they might have been by the late Supreme Court, or as they might be by the present Court, if made by that Court; the Clerk of the late Supreme Court, shall issue such process of execution, as may be proper to enforce such judgments, decrees, sentences or orders, which shall be returnable to the next term of the Supreme Court, and shall be obeyed and executed by the officers to whom they shall be addressed, in the like manner and under the like penalties, in case of failure, as if issued under the authority of the present Supreme Court.

Sec. 4. The late Sheriffs or other officers of this State who on the first day of July, 1868, had in their hands process of execution addressed to them, issued from the late Supreme Court to be tried according to what laws.

Section 2. The Clerk of said late Supreme Court shall upon demand pay over and deliver to the Clerk of the present Supreme Court, all monies, books records, papers and property belonging to his office or to said late Court, and on failure to do so shall be deemed guilty of a misdemeanor.

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Sec. 4. The late Sheriffs or other officers of this State who on the first day of July, 1868, had in their hands process of execution addressed to them, issued from the late Supreme Court to be tried according to what laws.
Court, and satisfied in their hands shall return the same, with the proceeds, to the next term of the Supreme Court, under the penalties prescribed in such cases in case of failure; if the execution has been levied on personal property which is unsold, they shall proceed under the execution according to law, and make return as is above provided; if the execution has been levied on lands or not levied at all, they shall immediately deliver such execution to the new Sheriff who shall act under and make return to the same, as if it had originally been addressed to him.

Sec. 5. All judgments heretofore regularly given and all proceedings heretofore had, in criminal actions in any court in this State, shall be valid and effectual, and shall be acted upon by the Superior Courts of the State, in the same manner as if they had been originally given or had in such courts; and judgments or orders heretofore given or made by the late Supreme Court of this State, shall be deemed addressed to the Superior Courts now existing, and be acted on and obeyed by them, as they would have been by the late Superior Courts of Law.

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

Ratified the 24th day of August, A. D., 1868.

Chapter 52.  
AN ACT TO REPEAL AN ORDINANCE APPOINTING COMMISSIONERS TO INVESTIGATE THE ACCOUNTS AND AFFAIRS OF THE ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

Section 1. The General Assembly of North Carolina do enact, That an ordinance appointing commissioners to investigate the accounts and affairs of the Albemarle and Chesapeake Canal Company, adopted by the Constitutional Convention on the 16th day of March, A. D., 1868, be, and the same is hereby repealed.
Sec. 2. That this act shall be in force from and after its ratification.

Ratified the 24th day of August, A. D., 1868.

AN ACT TO FACILITATE THE SETTLEMENT OF THE ESTATES OF DECEASED PERSONS AND FOR OTHER PURPOSES.

Section 1. The General Assembly of North Carolina do enact, That all executors, administrators, guardians and other persons acting in a fiduciary capacity, are hereby empowered to make such settlement of claims due by their intestates or wards, or cestui que trusts, or of claims which may be due the said executors, and administrators, and others as aforesaid, growing out of the transactions completed before the 15th day of May, A. D., 1865, as may be equitable and just upon the conditions hereinafter provided.

Section 2. The several Courts of Probate of this State shall have power, with the consent of both parties, to be entered on their proceedings to arbitrate between a claimant and an executor, administrator, guardian, trustee, or other person acting in a fiduciary capacity, or between an executor, administrator, guardian, or other person as aforesaid, and a person against whom they may have a claim or claims, or the subject matter may be referred to two or more disinterested persons at the discretion of the Court.

Section 3. In every case where an award shall have been made, the same shall be recorded and shall have the validity of a judgment of force, and shall be a lawful voucher in all respects whatever, in the settlement of the accounts of guardians, trustees and executors, and administrators, or of other persons which said accounts are required by law to be recorded.
Sec. 4. No award made by or under an order of a Court of Probate and returned to Court, shall be confirmed until after notice of the award shall have been given to the parties to the reference or their representatives, and any party may file exceptions or show cause against the award upon any ground on the face of it, or extrinsic thereto, and the Court may confirm or reject the same and remand the case to the referees for a new award, or appoint a new reference.

Sec. 5. The Courts of Probate may make such rules respecting the notice to be given in case of awards and exceptions, and showing cause and a hearing in the premises as they may deem reasonable.

Sec. 6. All laws and parts of laws in conflict with the provisions of the foregoing sections are hereby repealed.

Sec. 7. This act shall be in force from and after the date of its ratification.

Ratified the 24th day of August, A. D., 1868.

Chapter 54.

AN ACT CONCERNING REFUNDING BONDS.

Sec. 1. The General Assembly of North Carolina do enact, That hereafter all refunding bonds taken by executors and administrators with the descriptive lists of the property delivered, shall be filed in the office of the Clerk of the Superior Court of the County, within ninety days after they shall have been taken, and the Clerk shall cause a record to be made thereof.

Sec. 2. That the Clerks of said Courts shall have as full and ample power in every respect whatever as to the filing and recording of said bonds and lists as the County Courts formerly had; including the power to allow them to be filed now as of the proper term, in all cases where they were not filed at the first term of the proper Court, after being execu-
Chapter 55—56.

AN ACT AUTHORIZING CERTAIN PERSONS TO PRACTICE LAW.

Section 1. The General Assembly of North Carolina do enact, That all persons, who obtained license to practice law at June Term, 1868, of the Supreme Court, be authorized to practice in the Courts specified in said license.

Ratified the 24th day of August, A. D., 1868.

AN ACT FOR THE RELIEF OF SUCH PERSONS AS MAY HAVE SUFFERED FROM THE DESTRUCTION BY FIRE OF THE RECORDS OF THE SUPERIOR AND COUNTY COURTS IN THE COUNTY OF ANSON.

Whereas, the records of the Superior and County Courts for the County of Anson were destroyed by fire on the second day of April, 1868:

Section 1. The General Assembly of North Carolina do enact, That the act of Assembly entitled “An act for the relief of such persons as may suffer from destruction of the records and papers of the several Counties of this State, and for other purposes,” ratified the 3rd day of February, A. D., 1866,
and an act amendatory of the same, ratified the 4th day of December, A. D., 1866, shall apply to the County of Anson.

Sec. 2. The General Assembly do further enact, That when the record of any judgment or decree of the Superior or County Courts of Anson County, which has been destroyed by fire, as aforesaid, shall be re-established by the mode herein provided, and the judgment or decree had not become dormant at time of said burning, the said judgment or decree, whether execution shall have issued thereon or not, shall create the same lien, as though execution had regularly issued on the same, and no such judgment or decree shall be considered as becoming dormant until the second term of the Superior Court of said County, which shall be held for said County after the passage of this act, although no execution shall have been issued thereon: Provided, That said judgment or decree shall not then become dormant, if proceedings for the re-establishment of the second of same, shall be for them be commenced, and be there depending.

Sec. 3. The General Assembly do further enact, That when the records of any such judgment or decree, which has been destroyed by fire as aforesaid, shall be re-established by the mode herein provided, and the said judgment had not become dormant at the time of the said burning, and execution had been issued thereon, and levied on real or personal property, which had not at that time been sold, the benefit of such levy shall be preserved in behalf of the party in whose favor it was made, in as full and complete a manner as though writs of venditione exponas had been regularly issued thereon: Provided, A writ or writs of venditiones shall be issued in such case within two terms after the passage of this act.

Sec. 4. The General Assembly do further enact, That the execution docket of the County Court of Anson, which was preserved from said fire, and in which has been kept memoranda of judgments and decrees rendered in said Court and other proceedings, shall be prima facie evidence of the existence of such judgments and decrees, than amounts the date of their rendition of the executions issued thereon, and
of the return of the sheriffs and coroners on the same, and of such other proceedings of said Court as are regularly entered therein.

Sec. 5. The General Assembly do further enact, That the will-book kept in the office of the Clerk of the County Court, which was preserved from the destruction, and in which has been recorded the last wills and testaments that have been proved in said Court, shall be prima facie evidence of the existence, contents, and probate of all such last wills and testaments as shall be recorded therein, and all copies of the same duly certified by the Clerk of the Superior Court for said County, shall be received in evidence in the same manner as the original.

Sec. 6. The General Assembly do further enact, That in all controversies about lands, rents, and sums charged for equality of partition, which shall hereafter arise in said County, where it shall become necessary to show in evidence the partition of any lands heretofore made in said County, it shall not be required that the partitions and other pleadings in the case shall be shown, but everything shall be presumed to be rightly done, and the registry or duly certified copy of the report of the commissioners appointed to make partition of the same, shall be held to be full and sufficient evidence of the partition, and shall have the same force and effect in the evidence as the certified copy of a registered deed according to the provisions of the 16th section, 37th chapter of the Revised Code.

Sec. 7. The General Assembly do further enact, That this act and those herein made are applicable to the County of Anson, shall be literally construed.

Ratified the 24th day of August, A. D., 1868.
Chapter 57. AN ACT TO PREVENT INJURIES TO THE NAVIGATION WORKS IN CAPE FEAR AND DEEP RIVERS.

Section 1. The General Assembly of North Carolina do enact, That it shall be a misdemeanor for any one, without the consent of the State, or any of her assignees to burn, cut, or otherwise injure or dig into or around any of the dams and locks on Cape Fear and Deep Rivers; so that any of said dams or locks may be injured in value, or the supply of water in the same may be diminished, and any person offending against the provisions of this act shall be fined not less than five hundred dollars, nor more than five thousand dollars, and imprisoned at the discretion of the Court. Any person voluntarily taking advantage of or deriving benefit from any of the said injuries, whether hereafter or heretofore committed, shall be deemed guilty of a misdemeanor, and punished on conviction as above prescribed.

Ratified the 24th day of August, A. D., 1868.

Chapter 58. AN ACT SUPPLEMENTAL TO "AN ACT ON SALARIES AND FEES."

Section 1. The General Assembly of North Carolina do enact, That in addition to the compensation now provided in the act aforesaid for the Doorkeepers of the Senate and House of Representatives, they shall receive the additional sum of one dollar per day.

Ratified the 24th day of August, A. D., 1868.
AN ACT TO AMEND SECTION FIFTH, CHAPTER EIGHTY-FIVE, REVISED CODE.

Section 1. The General Assembly of North Carolina do enact, That section five, chapter eighty-five of the Revised Code be, and the same is hereby amended as follows: Provided, That at no one time shall there be over sixty-five Bar and River Pilots in Commission for the Cape Fear River.

Sec. 2. That all laws or parts of laws inconsistent with the foregoing are hereby repealed.

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

Ratified the 24th day of August, A. D., 1868.

AN ACT TO PUNISH CONSPIRACY, SEDITION AND REBELLION.

Section 1. The General Assembly of North Carolina do enact, That if two or more persons shall conspire together to overturn or put down, or to destroy by force, the Government of North Carolina, or to levy war against the Government of this State, or to oppose by force the authority of said Government, or by force, or by threats, to intimidate, or to prevent, hinder or delay the execution of any law of the State of North Carolina, or by force or fraud to seize or take possession of any fire arms or property of the State aforesaid, against the will or contrary to the authority of said State, every person so offending in any of the ways aforesaid, shall be deemed guilty of a high crime, and upon conviction thereof in any court having jurisdiction, shall be imprisoned for not more than ten years, and be fined not exceeding five thousand dollars.
§ 2. That if any person shall incite, set on foot, assist or engage in any rebellion or insurrection against the authority of the State of North Carolina or the laws thereof, or shall give aid or comfort thereto, each and every person so offending in any of the ways aforesaid, shall be deemed guilty of a high crime, and upon conviction thereof in any court having jurisdiction, shall be punished by imprisonment at hard labor for not more than fifteen years, and be fined not more than ten thousand dollars.

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

Ratified the 24th day of August, A. D., 1868.

Chapter 61. AN ACT TO PROVIDE FOR THE EMPLOYMENT OF CONVICTS AND THE ERECTION OF A PENITENTIARY.

 Whereas, It is highly important that the many convicts now supported in idleness at great expense in the County jails, should at once be put to work gathering material and grading the ground for the Penitentiary, which the Constitution requires to be built. Therefore,

Section 1. The General Assembly of North Carolina do enact, That a Committee of three on the part of the Senate, and a like number on the part of the House, to which shall be added the Superintendent of Public Works, shall be appointed by the presiding officers of the respective Houses, whose duty it shall be to hear the claims of the several places and then locate at once the Penitentiary and purchase a site for the same, and if, in their judgment, it is desirable, they may procure by grant or otherwise, coal or other property. The said Committee shall make all necessary arrangements to put the convicts aforesaid, or as many of them as the Governor shall deem it prudent or advisable to remove from their
present place of confinement, to work in grading, gathering and preparing material for the building of the Penitentiary, under the general supervision of the Superintendent of Public Works, and under the immediate care of the Superintendent of the Penitentiary, to be appointed until otherwise directed by law, by the Governor.

Sec. 2. The said Committee shall, as soon as practicable, cause a stockade to be erected, suitable for safely keeping one hundred convicts, which shall be enlarged from time to time, as may be needed; and the Governor, with the advice of the Council of State, shall employ sufficient guards to ensure the safe keeping of said convicts.

Sec. 3. The Governor shall take such measures as he may deem best, to procure plans and specifications suitable for a Penitentiary, of a size and material to be determined by a Board, consisting of himself and Council, and the Committee mentioned in section first of this act. The Governor shall lay said plans and specifications as soon as practicable before said Board, who shall adopt, such as, in the opinion of the majority, shall be best; and take measures by inviting sealed proposals or otherwise, in their discretion, to make contract for the erection of the Penitentiary according to the approved plans and specifications.

Sec. 4. The contractors shall have the privilege of using the labor of convicts selected as above mentioned, at a compensation to be agreed on with the said Board, and under such rules and regulations as may be prescribed by them regarding the treatment and care of said convicts. It shall be the duty of the Superintendent of the Penitentiary to see that these rules and regulations are faithfully carried out on the part of the contractors. The labor done and the material prepared, and stock, tools and machinery on hand at the time the work shall be turned over to the contractors, shall be valued by the Board and allowed for by the contractors, and said Board shall arrange the details of a contract regulating the rate of progress of the work, the time and manner of payment, the amounts to be withheld to se-
cure faithful performance, with such other stipulations as they may deem best.

Sec. 5. Said Board shall have power to employ a suitable engineer or architect with whom to consult in the discharge of their duties, who shall, as representative of the State, see that the contractors faithfully perform their agreement, and who shall advise the Board as to the progress and manner of construction.

Sec. 6. The said Board shall prescribe the number, duties, mode of appointment, and compensation of such foreman, assistants and police officers as may be necessary.

Sec. 7. The salary of the Superintendent of the Penitentiary until regulated by law, and the compensation of all other officers and agents authorized by this act, shall be prescribed by the said Board, and they shall likewise prescribe the duties of said Superintendent and of the Engineer or Architect. The Committee appointed by the two Houses shall receive when in the performance of their duties under this act, five dollars per diem and ten cents for every mile traveled, to be paid on the warrant of the Governor.

Sec. 8. The compensation of officers and employees under this act and all incidental expenses necessary to carry out its provisions, shall be paid out of any money in the Treasury not otherwise appropriated, not to exceed twenty thousand dollars, ($20,000,) requisitions on the Treasurer shall be signed by the Superintendent of the Penitentiary, counter-signed by the Superintendent of Public Works, and approved by the Governor. Said money shall be paid to the Superintendent, and by him disbursed under the general directions of the said Board and supervision of the Superintendent of Public Works, and his accounts shall be audited under direction of the said Board.

Sec. 9. The Superintendent shall make a full report annually, and whenever required by the Board, in detail of all his proceedings and of the condition of the Penitentiary and the convicts, giving their names, cause of convictions, term of confinement, and so forth; and likewise his accounts as dis-

Engineer and architect.

Board to prescribe mode of appointment.

Pay of Superintendents, officers and agents.

Duties of officers.

Pay of Committee.

$20,000 appropriated.

How accounts shall be paid.

Superintendent to make report.
ISGS—Chapter 01.

In the funds of the Penitentiary. He shall give bond in the penal sum of twenty-five thousand dollars, ($25,000,) for faithful discharge of his duties, and accounting for all money which may come into his hands by virtue of his office, which bond shall be approved by the Governor and the Superintendent of Public Works. He shall likewise take and subscribe to the oath of office prescribed by the Constitution before a Judge or the Governor.

Sec. 10. In order to provide a fund for the purchase of a site and property for the Penitentiary, and for the erection of the same, the Public Treasurer is authorized and required, when requested by the Committee named in section first, or by said Board, to sell for not less than par, bonds of the State, not exceeding in the aggregate two hundred thousand dollars, ($200,000,) of the denomination of one thousand dollars, ($1,000,) each dated 1st October, 1868, and payable thirty years thereafter, bearing six per cent. interest per annum, payable semi-annually; with coupons therefor attached principal and interest payable at such place in the City of New York as the Public Treasurer may designate, said bonds to be signed by the Governor and countersigned by the Public Treasurer, and sealed with the Great Seal of the State. The purchase money of said site and property shall be payable on the warrant of a majority of said Committee, approved by the Governor, and dues to contractors for building the Penitentiary, shall be payable on the warrant of a majority of the said Board, approved by the Governor.

Sec. 11. All provisions of laws inconsistent with this act are hereby repealed.

Sec. 12. This act shall be in force from its ratification.

Ratified the 24th day of August, A. D., 1868.
Chapter 62. AN ACT TO PUNISH BRIbery AND CoERCION IN ELECTIONS.

SECTION 1. The General Assembly of North Carolina do enact, That it shall be unlawful for any person to offer any bribe to any of the qualified voters of this State, with intent to influence his vote in any election.

SEC. 2. That it shall be unlawful for any person to attempt to influence the vote of any of the qualified voters of this State, in any election, by any threat to discharge such voter from employment, or to withdraw from him patronage, or to discharge from employment, or refuse patronage to any member of such voter’s family.

SEC. 3. That it shall be unlawful for any person to give a pecuniary or other consideration whatever, to any of the qualified voters of this State because of the vote which such voter may cast or may have cast in any election.

SEC. 4. That it shall be unlawful for any person to discharge from employment, withdraw patronage from, or otherwise injure, threaten, oppress or attempt to intimidate any of the qualified voters of this State, because of the vote such voter may cast in any election.

SEC. 5. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be liable to indictment for the same, and on conviction of having violated the provisions of section one, shall be fined not less than twenty dollars, or imprisoned not less than ten days. And on conviction of having violated the provisions of section two, shall be fined not less than fifty dollars, or imprisoned not less than twenty days. And on conviction of having violated the provisions of section three, shall be fined not less than twenty dollars, and also imprisoned not less than ten days. And on conviction of having violated section four, shall be fined not less than fifty dollars, and also imprisoned not less than twenty days.
Sec. 6. That every magistrate or peace officer of this State, or of municipal corporations in the State, who shall know of his own knowledge, or to whom information shall in any way come, that any person has violated any of the provisions of this act, shall immediately arrest, or by warrant cause to be arrested, such person so offending, and upon sufficient evidence, shall cause him to enter into a bond and sufficient security in the sum of not less than two hundred dollars, for his appearance before the next term of the Superior Court of the County in which the offence may have been committed, then and there to answer to the law, and in the meantime to keep the peace, and in default of giving such bond and sufficient security, such person so offending, shall be committed to prison until he shall have complied with the aforesaid provisions.

Sec. 7. That any Justice of the Peace or other officer charged with the execution of this act, who shall refuse or neglect to carry out the provisions of said act, shall be guilty of a misdemeanor in office.

Sec. 8. This act shall be in force from and after its ratification.

Ratified 24th day of August, A. D., 1868.
RESOLUTIONS.

A RESOLUTION AUTHORIZING THE SECRETARY OF THE SENATE TO
PROCURE A COPY OF THE ELECTION RETURN, NOW IN THE OFFICE OF THE SECRETARY OF STATE.

Resolved, That the Secretary of the Senate procure a copy of the abstract of the late election return filed by General Canby in the office of the Secretary of State, and that 200 copies be printed for the use of the Senate.

Ratified the 3rd day of July, A. D., 1868.

A JOINT RESOLUTION RATIFYING THE PROPOSED AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES, STYLED ARTICLE FOURTEENTH.

WHEREAS, The General Assembly has received notification of the passage by both Houses of the 39th Congress of the United States at its first session, of the following proposition to amend the Constitution of the United States by a constitutional majority of two-thirds thereof, in words, viz:

"JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

"Be it Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legisla-
tures, shall be valid as a part of the Constitution of said United States, viz:

"ARTICLE FOURTEEN.

"Sec. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

"Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age in such State.

"Sec. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as any officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability."
"Sec. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss of emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

"Sec. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article."

Therefore

Resolved, That the said amendment to the Constitution of the United States be, and the same is hereby ratified by the General Assembly of the State of North Carolina.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor, to the President of the United States, to the Presiding Officers of the United States Senate, and the Speaker of the United States House of Representatives.

Ratified the 4th day of July, A. D., 1868.

A RESOLUTION AUTHORIZING THE PRINTING OF THE GOVERNOR'S INAUGURAL, SPEECHES OF JUDGE READE AND LIEUTENANT GOVERNOR T. R. CALDWELL.

1. Resolved, That a message be sent to the House of Representatives, proposing to print the Inaugural Address, delivered by Governor W. W. Holden, on the 4th instant, fifty copies for the use of each member, as in our opinion it should be extensively circulated among the people in every County in the State.
2. **Resolved**, That the remarks delivered by Judge Edwin G. Reade, and Lieutenant Governor Tod R. Caldwell, President of the Senate, on the same occasion be published with the Inaugural Address of Governor Holden.

Ratified the 17th day of July, A. D., 1868.

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Res. 4.

A RESOLUTION IN RELATION TO ALLEGED FRAUDS IN THE LATE ELECTION FOR MEMBERS TO THE GENERAL ASSEMBLY.

**Resolved,** The House of Representatives concurring, That the Military Authorities be respectfully requested to forward to the General Assembly of North Carolina, the papers in the case of alleged frauds in the election in Caswell County, and all other evidence pertaining to similar cases in the State.

Ratified the 17th day of July, A. D., 1868.

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Res. 5.

A RESOLUTION IN RELATION TO W. D. PALMER.

**Resolved,** That the Senate of North Carolina entertain the highest opinion of the eminent services rendered the State by W. D. Palmer as Principal of the Deaf, Dumb and the Blind Asylum, and have the highest regard for him as a philanthropist and gentleman, who is in an eminent degree fitted for the position, and respectfully request the Board of Directors of that Asylum to retain his valuable services to the care of humanity in that Institution.

Ratified the 17th day of July, A. D., 1868.
A JOINT RESOLUTION IN RELATION TO THE COMMITTEE ORDERED TO INVESTIGATE THE AFFAIRS OF THE AUDITOR’S OFFICE.

Resolved, That the Joint Committee appointed to examine and investigate the affairs in the Auditor’s Office, be and are hereby authorized to burn and destroy all the Coupons in said office, after carefully examining and comparing all said Coupons with each and every entry in the Books in the Auditor’s Office.

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

RESOLUTION RELATIVE TO PRINTING.

Resolved, That the Committee on Public Printing be authorized to arrange with the Code Commissioners for the printing of the “usual number” of the Code, or any portion thereof, in addition to the number authorized by Ordinance of the Constitutional Convention, ratified March 13th, 1868, said “usual number” being for the use of the Senate and House of Representatives.

Ratified the 24th day of July, A. D., 1868.

RESOLUTION IN REGARD TO A PENITENTIARY.

Whereas, The Senate has passed a resolution authorizing the appointment of a Committee of one from each Congressional District to select a site for a Penitentiary; therefore,

Resolved, That this House do concur in the said resolution of the Senate and order the appointment of a like Committee to be a Joint Committee, and ask that the Senate on
their part will assent to a Joint Committee for the above named purpose.

Ratified the 25th day of July, A. D., 1868.

A RESOLUTION IN RELATION TO PRINTING THE USUAL RULES OF THE GENERAL ASSEMBLY.

Resolved, The House of Representatives concurring, That the usual numbers of the rules of the Senate, together with the joint rules of both houses and the House, be printed with marginal references.

Ratified the 28th day of July, A. D., 1868.

RESOLUTION INSTRUCTING THE BOARD OF EDUCATION TO PREPARE AND REPORT A PLAN AND CODE OF LAWS FOR THE ORGANIZATION, GOVERNMENT &c., OF PUBLIC FREE SCHOOLS.

Resolved, That the Board of Education be and is hereby instructed to prepare and report to this Legislature, on or before the 15th day of November next, a plan and code of laws for the organization and maintenance of the system of Public Free Schools contemplated by the Constitution of this State.

Ratified the 28th day of July, A. D., 1868.
Resolved, That the President of the Senate be requested to notify the Governor that a vacancy exists in the representation of the sixteenth Senatorial District in the Senate, caused by the death of Senator Lorenzo D. Hall, and that he be requested to issue a writ of election for the filling of the same.

Ratified the 29th day of July, A. D., 1868.

RESOLUTION DIRECTING THE TREASURER TO FURNISH THE SENATE WITH A STATEMENT OF THE EXPENSES INCURRED BY THE LATE CONSTITUTIONAL CONVENTION, ALSO THE CONVENTION OF 1865 AND 1866, AND ALSO THE DISPOSITION OF THE LITERARY FUNDS, AND THE $100,000 SINCE THE CONSTITUTIONAL CONVENTION ADJOURNED.

Resolved, That the State Treasurer furnish the Senate with a statement of the expenses incurred by the late Constitutional Convention, also the Convention of 1865 and 1866, and in such statement, furnish in detail a list of the several items, on account of which monies were expended. That the Treasurer be also requested to furnish a detailed statement of the Schools or Literary fund of 1861, and what has become of the same, and also of the expenses of the Provisional Government since May 20th, 1865, with a detailed statement of the same. That the Treasurer be authorized to report for what purpose the one hundred thousand dollars has been expended since the Constitutional Convention adjourned up to the time the late Treasurer went into office.

Ratified the 31st day of July, A. D., 1868.
RESOLUTION DIRECTING THE TREASURER TO REPORT WITHOUT DELAY WHETHER ANY SUM OR SUMS OF MONEY HAVE BEEN PAID BY HIM AS TREASURER, TO DEFRAY THE EXPENSES OF THE REPUBLICAN PARTY CELEBRATION IN THIS CITY ON THE FOURTH OF JULY.

Resolved, 1. That the Treasurer be respectfully requested to report to this body without delay, whether any sum or sums of money have been paid by him as Treasurer, to defray the expenses of the Republican Party celebration in this City, on the fourth of July, instant; and, if so, what sum or sums were paid, and to whom, and by what authority.

2. That he report if any money at any time, within the last twelve months, has been used for party purposes; if so, what amount.

3. That he report if the property of the State has been used to advance the interests of any party; if so, what property and what party.

Ratified the 31st day of July, A. D., 1868.

RESOLUTION IN RELATION TO SENATORS BANNED BY THE HOWARD AMENDMENT.

Whereas, The Committee on investigation, to whom was referred the credentials of certain Senators elect, have reported that Col. Wm. A. Allen, Senator elect from the 12th Senatorial District; Hon. Josiah Turner, Jr., Senator elect from the 22nd Senatorial District; and Edmund W. Jones, Esq., Senator elect from the 41st Senatorial District, are banned by the 14th Article of the Constitution, commonly called the "Howard Amendment," and are therefore not entitled to take the seat to which they were respectively elected. Be it therefore
Resolved by the Senate of North Carolina, That the seats of William A. Allen, Josiah Turner, Jr., and Edmund W. Jones be, and they are hereby declared vacant.

Be it further Resolved, That the President of the Senate be directed to inform His Excellency, the Governor of North Carolina, of the said vacancies, to the end that he may forthwith proceed to have the same filled, as the Constitution of the State and the laws thereof may direct.

Ratified the 1st day of August, A. D., 1868.

Res. 15.

RESOLUTION AUTHORIZING ONE THOUSAND COPIES OF ALL ACTS RELATIVE TO COUNTY OFFICERS AND THEIR DUTIES, PASSED BY THIS GENERAL ASSEMBLY, TO BE PRINTED.

Resolved, the House of Representatives concurring, That one thousand copies of all acts, relative to County officers and their duties, passed by this General Assembly, be printed for the use of the members.

Ratified the 3rd day of August, A. D., 1868.

Res. 16.

RESOLUTION AUTHORIZING THE STATE TREASURER TO NEGOTIATE A LOAN.

Resolved, the House of Representatives concurring, That the Treasurer of the State be authorized to negotiate a loan not exceeding one hundred thousand dollars, for ninety days, at the legal rate of interest, to meet a temporary deficiency in the Treasury.

Ratified the 3d day of August, A. D., 1868.
Res. 17. Resolution in favor of Benjamin Durfee, for services rendered as temporary engrossing clerk.

Resolved, That Benjamin Durfee be allowed seven dollars per diem for services as Engrossing Clerk during the first six days of this session, prior to the appointment of an Engrossing Clerk; Provided, That the Engrossing Clerk of the House of Representatives shall receive pay only from the date of his election.

Ratified the 5th day of August, A. D., 1868.

Res. 18. Resolution requesting the military authorities to forward to the General Assembly the papers in case of alleged frauds in the election in Caswell County.

Resolved, The House of Representatives concurring, That the military authorities be respectfully requested to forward to the General Assembly of the State of North Carolina, the papers in the case of alleged frauds in the election in Caswell County.

Ratified the 6th day of August, A. D., 1868.

Res. 19. Resolution in relation to the General Assembly hearing the address of the Governor on the fourth day of July.

Resolved, the House of Representatives concurring, That the General Assembly will be pleased to hear the proposed address of the Governor on the fourth of July, ensuing, and that a Committee of two on the part of the Senate and three
RESOLUTION IN RELATION TO THE COMMITTEE ON CREDENTIALS.

Resolved, That the Investigating Committee, to which the credentials of certain Senators elect have been referred, be empowered to administer oaths, and send for persons, books and papers.

Ratified the 6th day of August, A. D., 1868.

Res. 20.

RESOLUTION TO SUPPLY EACH MEMBER OF THE SENATE WITH CERTAIN DOCUMENTS.

Resolved, That His Excellency, W. W. Holden, be requested to furnish each member of the Senate with a copy of the Constitution of North Carolina, the ordinances of the late Constitutional Convention, and all the orders of General Canby, bearing upon late election and the organization of the present State Government.

Ratified the 6th day of August, A. D., 1868.

Res. 21.

RESOLUTION AUTHORIZING PRINTING OF ENACTMENTS FOR THE USE OF MEMBERS.

Resolved, That upon the ratification of any enactment of the General Assembly, there shall be printed of each act ten copies of each act to be printed for each member of the General Assembly.

Ratified the 6th day of August, A. D., 1868.

Res. 22.
RESOLUTION IN RELATION TO THE PAYMENT OF PAGES.

Resolved, the House of Representatives concurring, That the pay of Pages, not to exceed two in each House, be paid three dollars per day.

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

RESOLUTION IN RELATION TO ADJOURNMENT.

Resolved, the House of Representatives concurring, That the joint resolution, fixing the tenth day of August as the day of adjournment, be rescinded, and this General Assembly do adjourn on Monday, the seventeenth day of August, eighteen hundred and sixty-eight, to meet again on the third Monday of November, eighteen hundred and sixty-eight, unless sooner convened by His Excellency, the Governor.

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

RESOLUTION IN RELATION TO SALARIES.

Whereas, The Constitution of this State creates several State executive officers, the full extent of whose duties cannot now be ascertained; and, whereas, the several State officers under the old Constitution of this State, which have been
continued under the new Constitution, have additional duties imposed upon them, the extent of which will be better known at the next session of the General Assembly; and, whereas, the salaries of the State officers should be somewhat proportioned to the extent of duties required of them respectively. Therefore be it

Resolved, the House of Representatives concurring, That the report of the Joint Committee on salaries and fees be recommitted to said Committee, with instructions to report a monthly compensation for the State officers until their annual salaries shall have been determined by law.

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

RESOLUTION RELATIVE TO SETTLING CERTAIN CLAIMS.

Resolved, the House of Representatives concurring, That the Public Treasurer be requested and instructed to pay P. F. Pescud, $978.76; F. J. Hutchings, $893.00; Jas. M. Towles, $89.35; R. K. Ferrell, $191.13.

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

RESOLUTION IN RELATION TO AN OFFICE FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTIONS.

Resolved, the House of Representatives concurring, That the Joint Standing Committee on Public Buildings be instructed to make such changes or arrangements in regard to the several rooms of the Capitol, that the Superintendent of Public Instruction shall be provided with a convenient room for his present occupation.

Ratified the 11th day of August, A. D., 1868.
Resolved, the House of Representatives concurring, That the Principal Enrolling Clerk be, and is hereby authorized to employ additional clerical force, not to exceed two in number, at the price of four dollars per day each.

Ratified the 13th day of August, A. D., 1868.

Res. 29.

RESOLUTION INSTRUCTING THE TREASURER OF THE STATE.

WHEREAS, The Treasurer of the State was authorized by concurrent resolution, ratified the third day of August, A. D., 1868, to negotiate a loan not exceeding one hundred thousand dollars for ninety days at the legal rate of interest to meet a temporary deficiency in the Treasury. Therefore,

Resolved, the House of Representatives concurring, That the Treasurer of the State be requested and instructed to inform the General Assembly without delay, whether such loan has been negotiated, and if not negotiated, whether any additional legislation is necessary to enable him to negotiate the loan authorized by the aforesaid concurrent resolution.

Ratified the 13th day of August, A. D., 1868.

Res. 30.

JOINT RESOLUTION IN FAVOR OF N. PAIGE & CO., PUBLIC PRINTER.

Resolved, That the Public Treasurer be and is hereby authorized to settle the accompanying claims:

For composition on bill, No. 16 pages, 250 copies, one-half for House of Representatives, $10 58
For presswork on same, one token, one-half for House of Representatives, $ 50
For composition on report, 8 pages, 1,323 ems, one-half for House of Representatives, 5 20
For composition on an act for government of Counties, 16 pages, one-half for House of Representatives, 16 60
For presswork on same, four tokens, one-half for House of Representatives, 2 00
For printing 340 copies Civil Procedure, 44 pages, 28 60
one-half for House of Representatives, 4 50
For presswork on same, 9 tokens, one-half for House of Representatives, 58 00
For composition on 340 copies report, 90 pages, 4 260
117,000 ems, one-half for House of Representatives, 75
For presswork on same, eighteen tokens, one-half for House of Representatives, 18 20
For composition on 300 copies, act Code Commissioners 4 pages, one-half for House of Representatives, 3 00
For presswork on same, six tokens, one-half for House of Representatives, 2 50
For alteration of copy, 58 00

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The above printing was done on Acts and Bills submitted by the Code Commissioners, and ordered to be printed by them for use of the House.
Ratified the 13th day of August, A. D., 1868.
Res. 31.

Former resolution rescinded

Adjournment on August 31, 1868.

Resolved, the Senate concurring, That the vote by which the House concurred in the joint resolution to adjourn on the seventeenth instant, be rescinded, and that the General Assembly adjourn on the twenty-fourth instant, at six o'clock, A. M.

Ratified the 15th day of August, A. D., 1868.

Res. 32.

Senate Resolution in relation to the appointment of an Assistant Enrolling Clerk.

Resolved, That the Senate allow the Engrossing Clerk of this body one Assistant Clerk for the balance of the present session at a price not exceeding four dollars per day.

Ratified the 15th day of August, A. D., 1868.

Res. 33.

Senate Resolution in relation to Daily Session.

Resolved, That from and after the 17th inst., the Senate shall meet at nine o'clock, A. M., and adjourn at two o'clock, P. M., and meet again at eight o'clock, P. M., and adjourn at such time as may be agreed upon.

Ratified the 18th day of August, A. D., 1868.
SENATE RESOLUTION IN FAVOR OF HON. J. W. OSBORNE.

Resolved, That the Public Treasurer be, and is hereby authorized to pay Hon. J. W. Osborne, Senator elect from the Thirtieth District, his per diem from the commencement of this session.

Ratified the 19th day of August, A. D., 1868.

RESOLUTION IN REFERENCE TO THE VALIDITY OF THE STATE GOVERNMENT, &c.

Whereas, The public mind is still dangerously excited by events and measures, consequent on the late protracted, exhausting and bloody war; and

Whereas, the people of this State desire and need peace, and in order to secure the same have lately, by a very large majority, adopted a Constitution and established a civil government thereunder, which has been approved and recognized by the government of the United States; and

Whereas, notwithstanding such action of our people, the President of the United States has since taken upon himself in a late proclamation to speak of the lawful Governor of this sovereign State as a man “who writes himself Governor,” meaning thereby to imply that he is not the rightful Governor, to incite and encourage insurrection and rebellion against the State government, leading to further revolution and bloodshed; and

Whereas, the Ex-Provisional Governor of the State, Jonathan Worth, in yielding to the permanent government, in a deliberately written protest, declared that he did not recognize the validity of the late elections, under which the present State officers claim to be invested with the civil government of the State; and
A political Convention declares the existing State government illegal.

The nominee of said Convention for the Vice Presidency, declares that without reference to legal tribunals, State governments should be overthrown by force.

Endorsement of said Convention and sentiments by a State Convention at Raleigh.

Evil results of these movements.

Apprehensions of civil war.

Whereas, one of the two leading political parties in the nation, in their Convention, held in the City of New York, on the 4th day of July, 1868, to nominate candidates for the Presidency and Vice Presidency of the United States, declared in their platform that the existing Governments in the recently insurgent States are illegal and void; and

Whereas, the nominee of said New York Convention of the Vice Presidency, previous to his nomination, declared, in writing, that these State Governments are null and void, and that the President elected by his party should, without reference to the legal tribunals established by the Constitution, declare the Governments null and void, and compel the army to overthrow them by force; and

Whereas, the State Convention of the same party assembled in the City of Raleigh on the 13th day of August, 1868, in their platform have endorsed and approved the platform and action of the said New York Convention, and declared the political views of the said nominee for Vice Presidency "sound;" and

Whereas, the public press, and the mass meetings, and the public speakers of the said political party have, and do uniformly approve and endorse the action of said Convention, and endeavor to persuade and excite the people of this State to sustain and aid them in their aforesaid treasonable and revolutionary doctrines and designs; and

Whereas, these movements and proceedings have alarmed the people, embarrassed business and enterprise, injured the public credit, impaired the authority of the government and raised most serious apprehensions of a renewal of a most destructive and bloody civil war, in the near future:

Therefore, in order, as far as possible, to restore public quiet and confidence, and to encourage the law-abiding portion of the people to discontinue these dangerous proceedings, sustain the government, and avert the terrible calamities which are threatened to themselves and to their country,
Resolved by the General Assembly of the State of North Carolina, That the government of this State, as at present organized in its Executive, Legislative and Judicial Departments, is the legitimate, rightful, legal, constitutional government of the State of North Carolina; and the Constitution, ratified by the people on the 21st, 22d and 23d days of April, 1868, is the rightful and valid Constitution of this State.

Resolved further, That it is the duty of the Executive, Legislative and Judicial Departments of the government of this State to co-operate in sustaining the same, and of the Executive to employ promptly, and as effectually as possible, all the resources and powers reposed in and pertaining to his office, to enforce the authority of the government, overcome resistance to the laws, put down all riots and attempts at insurrection and rebellion, and, should it become necessary, to call promptly upon the government of the United States for assistance and support.

Ratified the 20th day of August, A. D., 1868.

RESOLUTION CONCERNING H. E. STILLEY AND J. B. RESPASS.

Resolved, the Senate concurring, That the Treasurer of the State be directed to pay Hiram E. Stilley and John B. Respess their accounts of expenses incurred in travelling to and from Caswell County as Commissioners appointed to investigate the Caswell County election frauds.

Ratified the 21st day of August, A. D., 1868.
108

1868—Resolution 37—38.

RESOLUTION IN RELATION TO CLERKS.

Resolved, That the Assistant Enrolling and Engrossing Clerks, employed by authority of a “resolution” ratified August 11th, be paid seven dollars per day as other Clerks of the Legislature from the time of their employment.

Resolved further, That so much of the above mentioned resolution as allows said Clerks four dollars per day is hereby repealed.

Ratified the 22d day of August, A. D., 1868.

RESOLUTION CONCERNING THE CONFEDERATE SECURITIES, NOW IN THE STATE TREASURY.

Resolved, That the Public Treasurer be authorized to burn in the presence of the Governor, Secretary of State and Auditor, all Confederate securities now in the State Treasury or in the Treasuries of the Sinking Fund and Literary Fund, and any such securities that may have been consigned to the safe keeping of the Public Treasurer, at the close of the war, by any quartermaster or other officer or agent of the State, still remaining in the office.

Resolved further, That a certificate of the character and amount of the securities destroyed be given by the Governor, Secretary of State and Auditor, to the Public Treasurer to be filed in his office.

Ratified the 22d day of August, A. D., 1868.
1868—Resolution 39—40—41.  

RESOLUTION IN FAVOR OF W. H. & R. S. TUCKER & CO.  

Resolved, That the General Assembly of the State of North Carolina do pay to Messrs. W. H. and R. S. Tucker & Co., the sum of eighty-two dollars and forty two cents ($82.42.)  

Ratified the 22d day of August, A. D., 1868.  

RESOLUTION IN RELATION TO ATTORNEY GENERAL.  

Resolved, That the Attorney General be instructed to inquire into the legality of the act of a Joint Committee of the General Assembly in removing the Supreme Court Library from its present locality, and to take such action as may be necessary to enforce the law of the State in that behalf, and that all proceedings in removing said Library be suspended until decision shall be made in the premises.  

Ratified the 22d day of August, A. D., 1868.  

RESOLUTION IN FAVOR OF JOSEPH T. BACKALAN.  

Resolved, That the Public Treasurer be directed to pay to Joseph T. Backalan, Coroner, the sum of seventeen dollars and forty cents, for expenses incurred in holding inquest on the body of the late Hon. Lorenzo D. Hall, Senator from Sampson.  

Ratified the 22d day of August, A. D., 1868.
Res. 42. RESOLUTION IN FAVOR OF A. J. SUMMERLIN, LATE TAX COLLECTOR OF WAYNE COUNTY.

RESOLUTION IN FAVOR OF A. J. SUMMERLIN, LATE TAX COLLECTOR OF WAYNE COUNTY.

WHEREAS, A. J. Summerlin, late tax collector for Wayne County, did fail to pay over and account to the Public Treasurer the amount of taxes due the State from said County for the year A. D., 1866, as required by law, thereby incurring certain penalties and forfeitures; and

Whereas, The sureties to the official bond of the said A. J. Summerlin have since that time paid to the Public Treasurer all the arrears of the said A. J. Summerlin, except an amount of ($348.67,) three hundred and forty-eight dollars and sixty-seven cents, which amount was due from insolvents and allowed by the County Court of said County. Therefore

Resolved, That the said A. J. Summerlin shall be discharged from the payment of all penalties and forfeitures incurred by reason of his failure to pay and account for taxes as aforesaid, and that no execution shall be issued from any of the Courts of this State against the said A. J. Summerlin, tax collector, or the sureties to his official bond, by reason of failure on the part of the said A. J. Summerlin to pay and account for taxes as aforesaid, and if any such executions have been issued, they are hereby revoked.

Ratified the 22nd day of August, A. D., 1868.

Res. 43. SENATE RESOLUTION IN FAVOR OF JOHN W. STEVENS, CONTESTANT TWENTY-FOURTH DISTRICT, AND OTHERS.

Resolved, That the President of the Senate be, and he is hereby authorized to give to John W. Stevens, contestant of the seat of Bedford Brown, of the Twenty-fourth District, a warrant for per diem and mileage from the commencement of the session to include August 18, 1868; also to the follow-
Senators and Representatives of the General Assembly of the State of North Carolina:

Resolved, That one of the Pages of the Senate be allowed mileage at the same rate as members of the General Assembly.

Ratified 24th day of August, A. D., 1868.

RESOLUTION IN FAVOR OF N. PAIGE & CO.

Resolution, That the Treasurer of the State of North Carolina be ordered to pay the accompanying bill for printing by N. Paige & Co.:

July 23rd. To composition on bill, No. 16 pages, 250 copies, one-fourth for Senate, $5 29

To press-work on same, 1 token, one-fourth for Senate, 25

To composition on report, 8 pages, 1323ems, one-fourth for Senate, 2 65

To composition on act for Government of Counties, 16 pages, one-fourth for Senate, 5 30

To press-work on same, 4 tokens, one-fourth for Senate, 1 00
July 30th. To 340 cop. Civil Proced'gs, 44 pages, one-fourth for Senate, $14 30
To press-work on same, 9 tokens, one-fourth for Senate, 2 25
To composition on 340 copies, rep., 90 pages, 117,000 ems, one-fourth for Senate, 29 00
To press-work on same, 18 tokens, one-fourth for Senate, 4 50
To composition on 300 act Co. Coni's, 4 pages, one-fourth for Senate, 1 30
To press-work on same, 1\frac{1}{2} tokens, one-fourth for Senate, 37\frac{1}{2}
To composition on 300 act concerning Sup. C. Clerks, 28 pages, one-fourth for Senate, 9 10
To press-work on same, 6 tokens, one-fourth for Senate, 1 50
To alteration of copy, one-fourth for Senate, 1 25

$78 56\frac{1}{2}

Ratified the 24th day of August, A. D., 1868.

Res. 46. RESOLUTION INSTRUCTING PUBLIC TREASURER.

Resolved, That the Public Treasurer be directed to pay H. Hodge, one hundred and twenty two dollars and forty cents, ($122.40,); W. A. Markham, one hundred and thirty three dollars, ($133.00,); N. J. Whitaker, eighty-one dollars and twenty-five cents, ($81.25,); C. W. D. Hutchings, seven dollars, ($7.00,); Mrs. M. Green, two hundred and seventy three dollars, ($273.00,); Bryan Green, thirty three dollars.
Resolved, the House of Representatives concurring, That the principal Clerks of each House shall be allowed one hundred dollars per session as a compensation for transcribing the Journals of their respective Houses for the public printer, and for taking care of the books, papers and effects of the same, and all other incidental services attached to their offices.

Ratified the 24th day of August, A. D., 1868.

Resolution Authorizing the Secretary of State to Furnish Members with Copies of Laws.

Section 1. Resolved by the General Assembly of North Carolina, That the Secretary of State be requested to forward by mail, as soon as practicable, to each member of this General Assembly, ten copies, bound in pamphlet form, of all the acts passed during this session.

Sec. 2. That an appropriation be made, of money in the Treasury, not otherwise appropriated, sufficient to defray the expenses incurred under the foregoing resolution.

Ratified the 24th day of August, A. D., 1868.
Res. 49.

Resolved, That the Public Treasurer be directed to pay
E. C. Fisher one thousand and forty-one dollars and sixty-six cents, ($1041.66); F. T. Fuller three hundred and fifty-four dollars and sixteen cents ($354.16); R. K. Ferrell two hundred and eight dollars and thirty-three cents, ($208.33); Mrs. Kate Dunlop two hundred and eight dollars and thirty-three cents, ($208.33); W. E. Anderson two hundred and eight dollars and thirty-three cents, ($208.33); J. F. Curfman two hundred and ninety-one dollars and sixty-six cents, ($291.66); Mrs. Nancy Hicks eighty-five dollars, ($85.00); Mrs. Bell fifty dollars, ($50.00); Miss A. Smith eighty-four dollars, ($84.00); Mrs. Mills and Mrs. Thomas, each seventy dollars, ($70.00); Miss Eliza Smith thirty-five dollars, ($35.00); Mary Sanford forty dollars, ($40.00); Martha Burnett twenty dollars, ($20.00); S. Walker eighty-seven dollars and fifty cents, ($87.50); James Wynn one hundred and thirteen dollars and thirty-three cents, ($113.33); J. Tighe seventy-five dollars, ($75.00); and to W. A. Markham, R. W. Hobgood, M. Ferrell, J. Dunree, M. Yates and W. Stells, each fifty-eight dollars and sixteen cents, ($58.16).

Ratified the 24th day of August, A. D., 1868.

Res. 50.

Resolution in relation to contingent expenses.

Resolved, the Senate concurring, That out of the monies in the Public Treasury not otherwise appropriated, there is hereby appropriated a sum not exceeding five hundred dollars, ($500.00,) for contingent expenses, and all such expenses which have been incurred, shall be paid out of said funds on the warrant of the presiding officers of each House, after the accounts have been affirmed by the Committee of Conti-
gent Expenses, but the presiding officer of each House shall sign only for expenses incurred by their respective Houses. Ratified the 24th day of August, A. D., 1868.

RESOLUTION TO INVESTIGATE THE CLAIM IN THE TWENTY-FOURTH SENATORIAL DISTRICT.

Whereas, The Special Committee on credentials have reported that the Hon. Bedford Brown, of the Twenty-fourth Senatorial District, claiming a seat in this body, is banned by the Howard Amendment; and whereas, John W. Stevens, a contestant for said seat from said Twenty-fourth Senatorial District, claims to have received a majority of the legal votes cast in said election.

Resolved, That the Committee on Privileges and Elections be directed to investigate the claims of said John W. Stevens, as set forth by him by petition to this House, and report as early as possible whether said John W. Stevens is entitled to the seat from said Twenty-fourth Senatorial District.

Ratified the 24th day of August, A. D., 1868.

RESOLUTION IN RELATION TO CURRENCY OF NATIONAL BANKS.

Whereas, The Senate of the United States has passed a bill making provisions for furnishing a National Bank circulation to the Southern States and Territories; and whereas, the extreme necessity of such circulation in this State is obvious to every one: therefore
Resolved, That the members of the House of Representatives from North Carolina be requested to urge the passage of said bill by their House, and that a copy of this resolution be sent to each member.

Ratified the 24th day of August, A. D., 1868.

STATE OF NORTH CAROLINA,
Office Secretary of State,
Raleigh, October 30th, 1868.

I, Henry J. Menninger, Secretary of State, hereby certify that the foregoing are true copies of the original acts and resolutions on file in this office.

HENRY J. MENNINGER,
Secretary of State.
PRIVATE LAWS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT THE

SPECIAL SESSION,

BEGIN AND HELD IN THE

CITY OF RALEIGH ON THE FIRST OF JULY, 1868.

PUBLISHED BY AUTHORITY.

RALEIGH:

N. PAIGE, PRINTER TO THE STATE,

1868.
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Act amending the charter of the City of Wilmington,</td>
<td>1</td>
</tr>
<tr>
<td>An Act to change the name of the town site in the County of Mitchell,</td>
<td>2</td>
</tr>
<tr>
<td>An Act to provide for the representation of stock owned by the State and the Counties of Carteret, Craven and Lenoir, in the Atlantic and North Carolina Rail Road Company,</td>
<td>3</td>
</tr>
<tr>
<td>An Act to amend an act entitled &quot;An act to incorporate the Davidson Copper Mining Company,&quot;</td>
<td>4</td>
</tr>
<tr>
<td>An Act to incorporate the town of Brevard, in the County of Transylvania,</td>
<td>5</td>
</tr>
<tr>
<td>An Act entitled &quot;An act concerning the Inspectors for the City of Wilmington,&quot;</td>
<td>6</td>
</tr>
<tr>
<td>An Act to extend the Chatham Rail Road,</td>
<td>7</td>
</tr>
<tr>
<td>An Act to Authorize the Air Line Rail Road Company in South Carolina to construct and operate its Road within the limits of this State,</td>
<td>8</td>
</tr>
<tr>
<td>An Act ratifying and confirming the charter of the North Western North Carolina Rail Road Company,</td>
<td>9</td>
</tr>
<tr>
<td>An Act for the relief of Willis S. Grandy,</td>
<td>10</td>
</tr>
<tr>
<td>An Act to incorporate the North Carolina Life Assurance, Annuity and Trust Company,</td>
<td>11</td>
</tr>
<tr>
<td>An Act in relation to the bonds of County Officers in the County of Cumberland,</td>
<td>12</td>
</tr>
<tr>
<td>An Act to extend the charter of the High Shoals Manufacturing Company,</td>
<td>13</td>
</tr>
<tr>
<td>An Act to amend the charter of the Chatham Rail Road Company,</td>
<td>14</td>
</tr>
<tr>
<td>An Act to amend the charter of the Williamston and Tarboro' Rail Road Company,</td>
<td>15</td>
</tr>
<tr>
<td>An Act to provide for the representation of stock owned by the State and the Counties of Carteret, Craven and Lenoir, in the Atlantic and North Carolina Rail Road Company,</td>
<td>16</td>
</tr>
<tr>
<td>An Act to extend the Chatham Rail Road,</td>
<td>17</td>
</tr>
<tr>
<td>An Act entitled &quot;An act concerning the Inspectors for the City of Wilmington,&quot;</td>
<td>18</td>
</tr>
</tbody>
</table>
Titles of Acts.

An Act to legalize and confirm a decree made by the Court of Equity at Fall Term, A. D., eighteen hundred and sixty-seven, in the County of Buncombe, in favor of the heirs at law of G. W. Candler, deceased, 18
An Act to incorporate the Salisbury Cemetery Association, 19
An Act to amend an act entitled "An act to incorporate the Greenville and French Broad Rail Road Company," ratified the 13th day of February, A. D., 1855, 21
An Act to incorporate the Enterprise Manufacturing Company, 22
An Act to amend the charter of the Atlantic, Tennessee and Ohio Rail Road Company, 23
An Act to incorporate the North State Swamp Land Naval Store and Lumber Company, 24
An Act to incorporate the Respass Guano Company, 25
An Act to authorize the Norfolk and Great Western Rail Road Company to construct its Road through the Counties of Granville, Person and Caswell in this State, 26
An Act to amend the charter of the Western North Carolina Rail Road Company, 27
An Act to amend the charter of the Southern Air Line Rail Road Company, 29
An Act entitled an act to amend an ordinance of the Convention, entitled "An ordinance to incorporate the North Western North Carolina Rail Road Company," 30
An Act to amend an act entitled "An act to incorporate the Newbern Gas Light Company," 31
An Act to amend the charter of the Western Rail Road Company, 31
An Act for the relief of Sarah Mann, 32
An Act to incorporate the Dismal Swamp Transportation Company, 33
An Act to incorporate the North Carolina Land, Mining and Lumber Carolina, 34
An Act to incorporate the Ridgeway Company, 36
An Act to incorporate the State Loan and Trust Company of North Company, 37
An Act in relation to the Mayor and Commissioners of the Town of Newport, 42
An Act to incorporate the North Carolina Iron and Steel Rail Company, 42
An Act to amend the charter of the Mecklenburg Female College, 44
An Act to relieve Durham and Monroe, of the County of Johnston, from payment of State and County taxes for the year eighteen hundred and sixty-eight, on a stock of goods that was burnt, 44
An Act to incorporate the Holden Hook and Ladder Fire Company, No. One, of Newbern, North Carolina, 45
An Act to incorporate the Roanoke Batteau Transportation Company, 46
AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON. Chapter 1.

SECTION 1. The General Assembly of North Carolina do enact, That so much of section four of "An act to incorporate the inhabitants of the Town of Wilmington," ratified February 1st, 1866, as required a residence of six months within the corporate limits of said City, and a residence of thirty days in any particular Ward, in order to entitle any person to vote for Mayor or Alderman, be, and the same is hereby repealed, and all citizens of this State who shall have resided within the corporate limits of said City for thirty days next before the day of election, and who have resided five days within the Ward where they offer to vote, shall be entitled to vote for Mayor and Aldermen, and all other officers that are now, or may hereafter be voted for within the corporate limits of said City.

SEC. 2. And be it further enacted, That so much of section second of said act of incorporation, as defines the boundaries of Wards, be amended as follows: The first Ward shall include all that part of the City which is North of the middle of Market Street, and East of the middle of Fourth Street. The second Ward shall include all that part of the City which is North of the middle of Market Street, and West of the middle of Fourth Street. The third Ward shall include all that part of the City which is South of the middle of Market Street.
Street, and West of the middle of Fourth Street. The fourth Ward shall include all that part of the City which is South of the middle of Market Street, and East of the middle of Fourth Street.

Sec. 3. And be it further enacted, That so much of section third of the said act of incorporation, as requires a residence of six months within any particular Ward, to render any person eligible as Alderman, be, and the same is hereby repealed, and any elector of said City shall be eligible as Alderman for any Ward thereof.

Sec. 4. This act shall take effect immediately.

Ratified the 17th day of July, A. D., 1868.

Chapter 2. AN ACT TO CHANGE THE NAME OF THE TOWN SITE IN THE COUNTY OF MITCHELL.

Section 1. The General Assembly of North Carolina do enact, That the name of the Town Site in the County of Mitchell be, and the same is hereby changed from that of Davis to that of Bakersville, and that hereafter the said Town Site shall be known and styled in all legal proceedings by the name of Bakersville.

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

Ratified the 17th day of July, 1868.
AN ACT TO PROVIDE FOR THE REPRESENTATION OF STOCK OWNED
BY THE STATE AND THE COUNTIES OF CARTERET, CRAVEN
AND LENOIR IN THE ATLANTIC AND NORTH CAROLINA RAIL
ROAD COMPANY.

SECTION 1. The General Assembly of North Carolina do
enact, That a majority of the Justices of the Peace in the
Counties of Carteret, Craven and Lenoir respectively, be, and
they are hereby authorized and empowered to appoint, from
time to time, a proxy to represent the stock of the Counties
respectively for which they have been appointed or may be
appointed by the Governor or for which they may be elected
in the meetings of the Stockholders of the Atlantic and
North Carolina Rail Road Company, and also an agent to col-
llect the dividends in such stocks and when collected to apply
the same to the payment of the bonds and interest there-
on negotiated for stock subscribed by said Counties respec-
tively.

SEC. 2. Be it further enacted, That the vote of the State
in all elections and upon all questions taken in any general
meeting of the Stockholders of said Atlantic and North Car-
olina Rail Road Company, in which a vote by stock may be
had, shall be increased over three hundred votes the number
fixed by the amended Charter of said Company in the ratio
of any stock thereafter purchased or otherwise acquired, or
which may be purchased or otherwise acquired to the origi-
nal stock owned by the State.

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

Ratified the 20th day of July, A. D., 1868.
Chapter 4. An Act to Amend an Act Entitled "An Act to Incorporate the Davidson Copper Mining Company."

Preamble.

Whereas, The Board of Directors of the Davidson Copper Mining Company, having divided the capital stock of said Company into two hundred thousand shares, and having reserved fifty thousand shares of the same, to be sold by them, to furnish a working capital with which to open, develop and equip the mine, and having already expended for these purposes more than was originally expected would be required, and much more than they can obtain by the sale of the aforesaid fifty thousand shares of reserved stock; and whereas, they contemplate further large expenditures in the extension of the working of the mine, furnishing additional steam engines, and furnishing apparatus in the erection of furnaces to smelt the ore, and the building of a train road from the mine to the North Carolina Rail Road; and whereas, for these purposes, and to pay the indebtedness of the corporation, they require an additional amount of cash capital:

Section 1. The General Assembly of North Carolina do enact, That the first section of an act entitled "An act to incorporate the Davidson Copper Mining Company," ratified on the fifteenth day of February, eighteen hundred and sixty-one, is hereby amended so as to authorize the President and Directors of the Company to increase the capital stock from one million of dollars, to one and one-half millions of dollars, and to issue one hundred thousand more shares of stock, and to provide for the sale and transfer thereof in such manner as they may, from time to time, deem expedient.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification.

Ratified the 21st day of July, A. D., 1868.
AN ACT TO INCORPORATE THE TOWN OF BREVARD, IN THE COUNTY OF TRANSYLVANIA.

SECTION 1. Be it enacted by the General Assembly of the State of North Carolina, That the town of Brevard in the County of Transylvania, be, and the same is hereby incorporated by the name and style of the "Town of Brevard," and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code.

SEC. 2. Be it further enacted, That the corporate limits of said town shall be one half mile in every direction from the Court House. The Court House to be the center of the chartered limits of said corporation.

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

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

AN ACT ENTITLED AN ACT CONCERNING INSPECTORS FOR THE CITY OF WILMINGTON.

SECTION 1. The General Assembly of the State of North Carolina do enact, That the Governor shall appoint seven Inspectors for the City of Wilmington, who shall severally hold office at the pleasure of the Governor, as Inspector of Naval Stores, Inspector of Forage and Provisions, Inspector of Shingles and Wood, and four Inspectors of Timber, Lumber and Staves, who, with their deputies, shall have exclusive power to inspect Naval Stores, Provisions and Forage, Timber, Lumber, Shingles and Wood, in said City of Wilmington, according to existing laws.

SEC. 2. Be it further enacted, That the Inspectors, after they shall have been duly qualified as hereinafter provided, may appoint one or more Deputy Inspectors to aid them in
the discharge of their respective duties, who shall be compensated by the Inspectors so appointing such Deputy or Deputies. The Inspectors shall severally be responsible for the official acts or misconduct in office of said deputies, and the said Inspectors shall, before entering upon the duties of their respective offices, severally give bonds in a penalty not less than five thousand dollars, except the Inspectors of Shingles and Wood, whose bond shall be in the sum of five hundred dollars, with surety, to be approved by the Board of Commissioners of the County of New Hanover, payable to the State of North Carolina, conditioned for the faithful discharge of the duties of his office, by himself and deputies, said bonds to be recorded by the Register of Deeds for the County of New Hanover, in the book known as the Registry of official bonds, and the original of said bonds to be filed with the Clerk of the Superior Court for the County of New Hanover. Deputy Inspectors appointed by virtue of this act, shall file with the said Clerk of the Superior Court, an oath faithfully to discharge the duties of their respective offices.

Sec. 3. Be it further enacted, That the said Board of Commissioners shall, from time to time, regulate the fees to be paid to the Inspectors, but the Governor may at any time increase or diminish said fees.

Sec. 4. Be it further enacted, That if any person shall sell any article required by law to be inspected, or shall ship, or export, or attempt to ship or export the same, until the same shall have been duly inspected, weighed or gauged, (as the case may be,) he or they shall forfeit and pay two hundred dollars for each offence, and shall be deemed guilty of a misdemeanor.

Sec. 5. Be it further enacted, That if any person who is not a legal Inspector according to the provisions of this act, or a duly appointed deputy, presumes to act as such, he shall forfeit and pay two hundred dollars for each offence, and shall be deemed guilty of a misdemeanor.

Sec. 6. Be it further enacted, That the several penalties and forfeitures by this act inflicted, shall be applied, one half
to the use of the informer, and the remainder to the County of New Hanover, and the penalties may be recovered before any Justice of the Peace of said County.

SEC. 7. Be it further enacted, That all laws and clauses of laws that may conflict with the provisions of this act, are hereby repealed.

SEC. 8. Be it further enacted, That any person disqualified from holding office by the Fourteenth Article of the Constitution of the United States, shall not be eligible to act as Inspector or Deputy Inspector, unless such disability shall have been removed by Congress.

SEC. 9. Be it further enacted, That this act shall be in force from and after its ratification.

Ratified the 27th day of July, A. D., 1868.

AN ACT TO EXTEND THE CHATHAM RAIL ROAD.

Section 1. The General Assembly of North Carolina do enact, That the Chatham Rail Road Company is hereby authorized to extend their Road from the graded termination at or near Haw River, to the South Carolina State line, near Cheraw, the most approved route to be determined by the President and Directors of said Road; Provided, That this privilege shall not be construed to relieve said Company from the obligation to build their Road to the Gulph in Chatham County.

Sec. 2. The Chatham Rail Road Company shall not expend any money on that portion of the line South of the intersection with the Western Rail Road, except for the survey and location of the same until that portion of its line between its junction with the North Carolina Rail Road and its intersection with the Western Rail Road is completed and in operation with sufficient rolling stock and suitable Depot, Freight and Engine buildings and Machine shops, nor until the obli-
When act to take effect.

1868—Chapter 8.

AN ACT TO AUTHORIZE "THE AIR LINE RAIL ROAD COMPANY IN SOUTH CAROLINA" TO CONSTRUCT AND OPERATE ITS ROAD WITHIN THE LIMITS OF THIS STATE.

Section 1. The General Assembly of North Carolina do enact, That the Air Line Rail Road Company in South Carolina, a Company chartered by an act of incorporation, passed by the General Assembly of the State of South Carolina, on the 20th day of December, 1856, be, and the same is hereby authorized to extend, construct, equip and operate its Road within the limits of this State, from any point on the South Carolina line, to such point on the Charlotte and South Carolina Rail Road, or the North Carolina Rail Road, at the town of Charlotte, as shall be found most practicable; and for this purpose, the said Air Line Rail Road Company is hereby invested, as a corporation, with all the rights, powers, and privileges within this State, conferred on the Charlotte and South Carolina Rail Road Company, by an act entitled an act to incorporate a Company to construct a Rail Road from some point on the South Carolina Rail Road to the town of Charlotte in Mecklenburg County, to be called the Charlotte and South Carolina Rail Road Company, ratified the 2d day of January, 1847, and subject to the same conditions and restrictions except so far as may be inconsi-
tent with the provisions of this act, or otherwise inapplicable to the work hereby authorized; Provided, That the property of said Air Line Rail Road Company, shall not be exempt from like taxation as other property in this State.

SEC. 2. To enable the said Air Line Rail Road Company to construct, equip and put in operation its work herein authorized as aforesaid, with as little delay, and as much benefit to the people of this State in its vicinity as possible, the said Company is hereby authorized to secure subscription to its capital stock, payable in lands or labor, as may be agreed between said Company and such subscribers, and may also for such purpose, receive by grant, purchase, lease, or otherwise, any estate whatsoever, and the same hold, use, sell, convey and dispose of, as the interests of said Company may require.

SEC. 3. Be it further enacted, That to facilitate the construction of said Air Line Rail Road within this State, and the operation of the same with convenience and profit, to the people of this State to be accommodated thereby, authority is hereby granted to the said Air Line Rail Road Company to make such agreements, and adopt and maintain such business and property relations with any Rail Road Company incorporated by this State, as shall be judged by said Rail Road Companies respectively, as best calculated to advance and secure said objects, to which end full authority is hereby granted said Companies, or either of them so agreeing.

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

Ratified the 3rd day of August, A. D., 1868.
Chapter 9. AN ACT RATIFYING AND CONFIRMING THE CHARTER OF THE NORTH WESTERN NORTH CAROLINA RAIL ROAD COMPANY.

Section 1. The General Assembly of North Carolina do enact, That an ordinance entitled “An ordinance to incorporate the North Western North Carolina Rail Road Company,” ratified the 9th day of March, A. D., 1868, be, and the same is hereby re-enacted, ratified and confirmed, and all acts and things heretofore done under the provisions of the said ordinance are hereby ratified and confirmed.

Sec. 2. That all the rights, powers and authorities conferred or purporting to be conferred by said ordinance incorporating the North Western North Carolina Rail Road Company, on the Justices of the Peace of Forsyth County, or of the County Court of said County, be, and the same are hereby conferred on the Commissioners of said County.

Sec. 3. The Commissioners of the County of Forsyth are hereby invested with full powers and authority to levy from time to time such tax as may be sufficient to pay the subscription made by said County to the capital stock of the North Western North Carolina Rail Road Company, and any interest due thereon, or to liquidate any debt created by said County in borrowing money to pay such subscription stock.

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

Chapter 10. AN ACT FOR THE RELIEF OF WILLIS S. GRANDY.

Section 1. The General Assembly of North Carolina do enact, That all fines, forfeitures and penalties incurred by the said Willis S. Grandy, in or by reason of the premises, are revoked and remitted.
SEC. 2. Whenever the said Grandy shall comply with section sixty-eight of the Revenue laws, and shall upon the payment of twenty-three dollars and forty cents, and the payment of necessary cost accrued, a deed of re-conveyance and release shall and may be executed by the Secretary of State to Willis S. Grandy upon his paying the taxes stated and all expenses caused by the default.

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

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

AN ACT TO INCORPORATE THE NORTH CAROLINA LIFE ASSURANCE, ANNUITY AND TRUST COMPANY.

Section 1. The General Assembly of North Carolina do enact, That Wm. H. Jones, Willie J. Palmer, W. R. S. Burbank, Willie D. Jones, R. W. Best, James A. Moore, Quent Busbee, R. K. Ferrell, their associates, successors and assigns, shall be and they are hereby constituted and declared to be a body politic and corporate by the name and style of "The North Carolina Life Assurance, Annuity and Trust Company," to be located in the City of Raleigh, and by that name they and their associates and successors should and may have continual succession and a common seal, which they may alter and change at their pleasure from time to time, and shall be capable of suing and being sued, of pleading and being imploaded, of answering and being answered unto, of defending and being defended in all and every manner of actions, suits, complaints, matters and causes whatsoever; and by the corporate name aforesaid, shall and may be capable of purchasing, holding and conveying any and every estate, real and personal, necessary to a safe and profitable investment of its funds and the proper transaction of its business.
Sec. 2. That all and every person who shall at any time hereafter, insure in or with the corporation created by this act, shall while they continue so insured, be deemed and taken to be members of said corporation; and the property, business and affairs of said corporation shall be managed by a Board of Directors and by such officers and agents as said Board may from time to time appoint, which said Board of Directors shall consist of not less than five nor more than fifteen members, five of whom shall at any and at all times be a quorum and authorized to transact the business of the corporation. The persons incorporated by this act, or a majority of them, shall elect the first Board of Directors, who shall continue in office for one year, and until their successors are chosen and installed. After which, said Board of Directors shall be annually elected by the members of said corporation present at such election, or a majority of them, in such manner and upon such notice as may be provided for. The Board of Directors for the time being, shall elect one of their own number President, and in the event of the happening of any vacancy in such Board by death, removal or otherwise, such vacancy may be filled by a quorum of the remaining Directors, or in such other manner as the by-laws of the corporation may prescribe. Said Board of Directors shall have power to prescribe and make all such by-laws, rules and regulations for their own government, and the government of the officers, agents and servants by them appointed, as to them shall appear needful and proper for the security, investment and disposition of the funds, property, estate, and effects of said corporation and for the management of all and every matter necessary to execute the powers, or any of them granted in this charter, and in any way appertaining to the business thereof. Said Board of Directors shall have power to appoint all such officers and agents as they shall deem necessary to properly conduct the business and affairs of the corporation, to fix their compensation and term of service, and in their discretion to remove them, to take such bond or bonds from any of such of-
ficers, agents and servants as they may think necessary, and as said Board may from time to time prescribe: Provided, That such rules, regulations and by-laws shall not be repugnant to the Constitution and laws of the United States and of this State.

Sec. 3. That the members of said corporation in their corporate name may assure their respective lives upon such terms and conditions for such amounts as may be prescribed by the Board of Directors, and may make any and all assurances appertaining to or connected with life risk of whatsoever nature or kind, and may grant annuities and endowments. Said corporation may insure the life of any married person for the sole and separate use and benefit of the surviving wife or husband, or for the benefit of any child or children, and may insure the life of any child or children, for the use and benefit of the parents of such child or children, or either of them as the case may be. And any person whatsoever having an interest in the life of any other person or persons may assure the life of such person or persons under such rules, regulations and restrictions as the Board of Directors may prescribe; in all of which cases the amount assured shall upon the death of the person assured be paid to those for whose benefit such assurance was effected or their legal representatives.

Sec. 4. That said corporation shall be capable, and it is hereby authorized to receive from any and all persons and bodies corporate any and all deposits of money, and if so requested, shall issue certificates of deposit therefor, and pay interest thereon, at such rate and upon such terms and conditions, and in such manner as the Board of Directors may prescribe, and may invest the money so received, and all other funds and property belonging to or which may be in the hands of the corporation in the stocks of the United States or of this or any other State, or in the bonds and stocks of municipal or other corporations or in negotiable papers and other securities, or in promissory notes secured by mortgage of real or personal estate or by individual secu-
May deal in coin, &c.

When act to be in force.

Chapter 12. AN ACT IN RELATION TO THE BONDS OF COUNTY OFFICERS IN THE COUNTY OF CUMBERLAND.

SECTION 1. The General Assembly of North Carolina do enact, That the time of filing of bonds of the Clerk of the Superior Court and Sheriff of the County of Cumberland, be, and the same hereby is extended until the 15th of September, A. D., 1868.

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

Ratified the 14th day of August, A. D., 1868.

Chapter 13. AN ACT TO EXTEND THE CHARTER OF THE HIGH SHOALS MANUFACTURING COMPANY.

SECTION 1. The General Assembly of North Carolina do enact, That the High Shoals Manufacturing Company, a corporation chartered on the third day of January, one thousand eight hundred and thirty-nine, may continue to have, use, exercise and enjoy all the corporate rights, privileges
and franchise, which have heretofore been granted to and conferred upon it, by its charter, or by any general law of the State, until the year one thousand and nine hundred.

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

Ratified the 15th day of August, A. D., 1868.

_When act to be in force._

AN ACT TO AMEND THE CHARTER OF THE CHATHAM RAIL ROAD COMPANY.

_Section 1._ The General Assembly of North Carolina do enact, That to enable the Chatham Rail Road Company to finish their Road, the Public Treasurer is hereby authorized and directed to deliver to the President of the said Rail Road Company, the coupon bonds of the State, of one thousand dollars ($1000) each, to an amount not exceeding two million dollars ($2,000,000) signed by the Governor, countersigned by the Public Treasurer, and sealed with Great Seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons of interest, payable semi-annually in such form as the Public Treasurer may direct, principal and interest payable at such time and place as he may prescribe.

Sec. 2. Before the Public Treasurer shall deliver any of said bonds hereby authorized, the President of said Chatham Rail Road Company shall deposit with the Public Treasurer the coupon bonds of the Company, signed by him and sealed with the Company’s seal for the same amount, and bearing the same interest and date. The principal and coupons payable at the same time and place as those of the State hereinbefore directed, to be issued and paid over to the said Company, and to secure the principal and interest of said bonds, issued by the Company, the State of North Carolina shall have, by this act, a lien upon all the estate of the same, real

_Public Treasurer authorized to deliver to President of Chatham Rail Road Company two millions of coupon bonds of the State, bearing six per cent. interest, payable in thirty years._

_President of Company to deposit like amount of bonds of Company with Public Treasurer._

State to have lien on property on part of Rail Road._
or personal, which they may now have, or may hereafter acquire, between the point of intersection with Western Rail Road, and the South Carolina State line, including that at both points, together with all the rights, franchises and powers thereunto belonging, or that may hereafter belong to said Company, in respect of that portion of their line, which lien shall be more effectually secured by a first mortgage duly executed by said Company to the State, and registered in the Register’s office in the County of Wake and in the office of the Secretary of State, and in case of the failure of said Company, to pay the semi-annual interest on their bonds for twenty-four months after such interest shall become due, or to pay the principal of said bonds for twelve months after their maturity, the Board of Internal Improvements, for, and in behalf of the State, may enter upon, and take possession of all the property hereinbefore specified and dispose of the same by sale, so as to protect the State.

Sec. 3. The Chatham Rail Road Company may at any time before maturity, discharge the bonds of said Company deposited with the Public Treasurer by substituting in lieu thereof coupon bonds of the State, or other indebtedness of the State, or payment in national currency.

Sec. 4. That any Rail Road Company within this State shall be at liberty to take or purchase stock in, or lend money to, or purchase bonds of this or any other Rail Road Company in this or any adjoining State.

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

Ratified the 15th day of August, A. D., 1868.
AN ACT TO AMEND THE CHARTER OF THE WILLIAMSTON AND TAR- 
BORO' RAIL ROAD COMPANY.

Chapter 15.

SECTION 1. The General Assembly of North Carolina do enact, To enable the Williamston and Tarboro' Rail Road Company to complete their Road, the Public Treasurer is hereby authorized and directed to deliver to the President and Directors of the said Rail Road Company, the coupon bonds of the State, not exceeding three hundred thousand dollars, in denominations of one thousand dollars each, signed by the Governor, countersigned by the Public Treasurer, and sealed with the great seal of the State, bearing six per cent. interest; the principal payable at the end of thirty years from the date thereof, and the coupons of interest payable semi-annually, in such form as the Public Treasurer may direct, to be made payable at such time and place in the City of New York, as may be agreed on by the Public Treasurer.

Sec. 2. Before the Public Treasurer shall deliver any of said bonds, hereby authorized, the said Williamston and Tarboro' Rail Road Company shall deposit with the Public Treasurer the coupon bonds of the Company for the same amount, and bearing the same rate of interest and date; the principal and coupons payable at the same time and place as those of the State, hereinafter directed to be issued; and to secure principal and interest of said Company's bonds, the State shall by this act have a lien on all the estate of the Company, both real and personal, which they may now have, or may hereafter acquire between Williamston and Tarboro', including that at both points, together with all rights, franchises and powers therunto belonging, or which may hereafter belong to said Company between said points, which lien shall be further secured by a first mortgage, duly executed by said Company to the State, and duly registered in the Register's office, in the counties of Edgecombe and Martin, and in case of failure of said Company to pay the semi-annual interest on its bonds for twenty-four months after such interest shall become due, the State may sell the same.
Chapter 16.

Company failing to pay interest, State may take possession of property.

Company may take up its bonds by substituting indebtedness of the State or currency.

Treasurer not to issue bonds until gradation of Road is under contract.

Governor or to take possession of Road if not in running order twenty-four months from January next.

When act to take effect.

due, or to pay the principal of said bonds, for twelve months after their maturity, the Governor and his Council for, and in behalf of the State, may enter upon, and take possession of all the property hereinbefore specified, and dispose of the same by sale, so as to protect the State.

Sec. 3. The said Williamston and Tarboro' Rail Road Company may, at any time before maturity, take up the bonds of the Company deposited as aforesaid, by instituting in lieu thereof coupon bonds or other indebtedness of the State at par, or by payment in national currency.

Sec. 4. Provided, That the Public Treasurer shall issue no bonds to said Williamston and Tarboro' Rail Road Company, until the President of said Rail Road shall certify that the gradation of said Rail Road has been placed under contract, to responsible parties.

Sec. 5. That should the President and Directors fail to complete the said Williamston and Tarboro' Rail Road in complete running order, in the space of twenty-four months from the 1st of January next, that the Governor of the State be authorized to take possession, in the name of the State, of all the property and franchises of said Rail Road.

Sec. 6. This act shall take effect from and after its ratification.

Ratified the 17th day of August, A. D. 1868.

AN ACT TO LEGALIZE AND CONFIRM A DECREE MADE BY THE COURT OF EQUITY AT FALL TERM, A. D., EIGHTEEN HUNDRED AND SIXTY-SEVEN, IN THE COUNTY OF BUNCOMBE, IN FAVOR OF THE HEIRS AT LAW OF G. W. CANDLER, DECEASED.

Section 1. The General Assembly of North Carolina do enact, That whereas, by a decree of the Court of Equity for the County of Buncombe, made at the Fall Term, 1867, W. G. Candler, V. J. Lusk, T. J. Candler, and James M. Candler,
were appointed commissioners to survey and sell the lands belonging to the heirs at law of G. W. Candler, deceased; and whereas, doubts may arise as to the legality of said decree; therefore, to remove all doubts as to the authority of the Court to make said decree,

SEC. 2. Be it further enacted, That the above decree, together with all the acts heretofore done, or which may hereafter be done in pursuance of said decree, shall be in all respects legal.

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

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

AN ACT TO INCORPORATE THE SALISBURY CEMETERY ASSOCIATION.

Company may purchase land to establish Cemetery.

May sell burial lots.

How money of corporation to be applied.

Real estate of Company and burial lots exempt from taxation.

Not liable to be sold under execution.

Penalty for injuring grave stones and other structures.

Sociate themselves with them for the purpose hereinafter mentioned, be, and they are hereby made a body politic and corporate, under the name and style of "The Salisbury Cemetery Association," and by that name may sue and be sued, plead and be impleaded, in all the Courts of this State, contract and be contracted with and may have a common seal.

Sec. 2. That said corporation may purchase and hold as much land as may be necessary for the purpose of establishing a Cemetery near the town of Salisbury in the County of Rowan, and may sell or otherwise dispose of said land in suitable burial lots, to be used exclusively as a place for the burial of the dead, and all monies received for, or on account of the sale of burial lots in said Cemetery, shall be first applied to the payment of the purchase money of the said land acquired by said corporation, or to the payment of any other debt said corporation may owe; and any surplus of money remaining in the treasury of said corporation shall be applied to the improvement and embellishment of the grounds of said Cemetery, and to any other useful purposes deemed expedient by said corporation.

Sec. 3. That the real estate of said corporation, and the burial lots and plots, conveyed by said corporation to individual proprietors, shall be exempt from assessment and taxation, and shall not be liable to be sold on execution, nor to be applied to the payment of debts by voluntary assignment or by any forced assignment under the operation of any insolvent law.

Sec. 4. That any person, who shall wilfully destroy, mutilate, deface, injure, or remove, any tomb, urn, monument or grave-stone, or other structure, placed in the said Cemetery, or any fence railing, or other work for the protection or ornament of said cemetery, or of any burial lot therein, or who shall wilfully destroy, cut, break, or injure any tree, shrub, plant or vine within the limits of said Cemetery, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined and imprisoned, either or both, at the discretion of the Court; and such offender shall also be liable for the trespass in an action to be brought by said corporation against
him in any Court of competent jurisdiction; and in such suit, any member of the said corporation shall be a competent witness.

Sec. 5. That the land which said corporation is hereby permitted to purchase shall remain forever dedicated to the purpose of a cemetery; any lot or lots therein which said corporation shall convey to individual proprietors, shall be so conveyed as to reserve to said corporation the right to limit the number of interments to be made therein, and to restrict interments in any such lot to such person or persons, or class of persons as may be designated in the conveyance under which such lot or lots may be originally taken or held.

Sec. 6. That said corporation may prescribe the form of conveyance for the burial lots in said cemetery, and how and by whom the same shall be executed, and may make all such by-laws, rules and regulations, consistent with the laws of the Union and of this State, for their own government, and for the proper conduct of their affairs and the management of their property, and of the said Cemetery, as they may deem necessary or expedient.

Sec. 7. That this act shall take effect from and after the date of its ratification.

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

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE GREENVILLE AND FRENCH BROAD RAIL ROAD COMPANY," RATIFIED THE THIRTEENTH DAY OF FEBRUARY, A. D., EIGHTEEN HUNDRED AND FIFTY-FIVE.

SECTION 1. The General Assembly of North Carolina do enact, That the ninth section of an act entitled "An act to incorporate the Greenville and French Broad Rail Road Company," passed by the General Assembly at the session
of A. D., 1854 and 1855, and ratified the thirteenth day of February, A. D., 1855, be, and the same is hereby repealed.

Sec. 2. That the said act of incorporation is hereby continued, and shall remain in full force and effect, except so far as the same is modified and repealed by this act.

Sec. 3. That the said Greenville and French Broad Rail Road Company may, in their discretion, make the northern terminus of their Road at Asheville, in the County of Buncombe.

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

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

Chapter 19. AN ACT TO INCORPORATE THE ENTERPRISE MANUFACTURING COMPANY.

Corporators.

Section 1. The General Assembly of North Carolina do enact, That Henry G. Lisenning, Nottingham Murphy, Franklin S. Wilson, Andrew J. Sloan, Edmund Allen, Stephen Greene, Wm. H. Scott, and their associates, or any five of them, be, and they are hereby created a body politic for ninety-nine years, by the name, style and title of “The Enterprise Manufacturing Company,” and by such name and title shall have continual succession for the aforesaid term of years, and shall be capable of suing and being sued, impleading and being impleaded, and of granting and receiving in its corporate name, property, real and personal, and mixed, and of using and applying such property for manufacturing extracts from bark, quireiron bark, pearl-ashe, pot-ashe, spokes, shooks, lumber, and for other purposes.

Sec. 2. That the said Company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure: Provided,
That such by-laws shall not be contrary to the Constitution of the State of North Carolina, or the provisions of this act; and to adopt a common seal, and the same to alter at pleasure; and to issue certificates of stock in such form, and subject to such regulations as they may, from time to time, by their by-laws, prescribe; and to regulate and prescribe in what manner their contracts and obligations shall be enacted.

Sec. 3. That the capital of said Company be fixed at two hundred and fifty thousand dollars, with power to increase the same from time to time when approved by a majority of the Stockholders in writing; that the principal office of said Company shall be in the City of Philadelphia, Pennsylvania.

Sec. 4. That the corporators named in this act shall elect persons to serve as Directors, and a majority of whom shall constitute a quorum for the transaction of business, and shall hold their offices until their successors shall have been elected in accordance with the by-laws.

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

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

Section 1. The General Assembly of North Carolina do enact, That the Atlantic, Tennessee and Ohio Rail Road Company is authorized and empowered to sell, lease, convey or consolidate all of its roads, property, rights, privileges and franchises to and with the North Carolina Rail Road Company, Charlotte and South Carolina Rail Road Company, Wilmington, Charlotte and Rutherford Rail Road Company, or with either of them, upon such terms and conditions as may be agreed upon between the respective parties to said lease, sale, or consolidation, and all the rights and privileges, conferred by the charters of said Companies, and all the rights and privileges, conferred by the charters of said Companies,
are hereby transferred to the purchaser or lessee or Company formed by such consolidation.

Sec. 2. The Atlantic, Tennessee and Ohio Rail Road Company is hereby invested with full authority to levy on the stockholders thereof, such assessment not to exceed fifty per cent, upon the par value of the respective shares. The proceeds of which are to be applied to the construction of the said Rail Road.

Ratified the 19th day of August, A. D., 1868.

Chapter 21.

AN ACT TO INCORPORATE THE NORTH STATE SWAMP LAND NAVAL STORE AND LUMBER COMPANY.

Section 1. The General Assembly of North Carolina do enact, That Julius R. Rogers, J. D. Cavalry, Sion H. Rogers and their associates and successors, shall be, and they are hereby created and constituted a body corporate by the name and style of "The North State Swamp Land Naval Store and Lumber Company," for the purpose of carrying on, and with full power and authority to carry on the business of draining and cultivating swamp lands, getting staves, shingles and lumber of all kinds, and manufacturing all articles and implements of wood, in the State of North Carolina, and of transporting and vending the products of their business aforesaid, and shall have the power to issue and to endorse bonds, and to acquire, sell and mortgage any estate, real, personal or mixed, in the conduct of said business.

Sec. 2. That the capital stock of said Company shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each.

Sec. 3. That the affairs of the said Company shall be managed by a Board of Directors, one-third at least of whom shall be citizens of this State, and until the first election of
Directors by the Stockholders, the persons hereinbefore named shall be deemed the Board of Directors of said Company.

**Sec. 4.** That the corporation hereby created shall continue for ninety years, and have all the powers and privileges as provided by the Revised Code, chapter twenty-six, entitled "Corporations."

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

Ratified the 19th day of August, A. D., 1868.

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**AN ACT TO INCORPORATE THE RESPASS GUANO COMPANY.**

**Chapter 22.**

**Section 1.** The General Assembly of North Carolina do enact, That Isaiah Respass, of the town of Washington, D. J. Rich, F. G. Martindale, and such other persons as may now be, or hereafter be associated with them, for the purpose hereinafter specified, be, and are hereby constituted a body politic and corporate, under the name and style of the "Respass Guano Company," with full powers to sue and be sued, contract and be contracted with, plead and be impleaded in all courts, purchase, acquire and hold property, either real or personal, make by-laws, and elect officers for said corporation, make all such regulations for their own government, and do all such other acts as may be necessary and proper for the purpose of obtaining guano from an island in the Atlantic Ocean discovered by said Respass, and for manufacturing and vending the same; and said corporation shall possess all corporate rights and franchises, necessary for the purposes aforesaid not inconsistent with the provisions of Federal or State law.

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

Ratified 19th day of August, A. D., 1868.
Chapter 23. AN ACT TO AUTHORIZE THE NORFOLK AND GREAT WESTERN RAIL ROAD COMPANY TO CONSTRUCT ITS ROAD THROUGH THE COUNTIES OF GRANVILLE, PERSON AND CASWELL IN THIS STATE.

Section 1. The General Assembly of North Carolina do enact, That the Norfolk and Great Western Rail Road Company be, and they are hereby authorized to extend, contract, equip and operate Road within the limits of this State, from any point on the Virginia line, through the Counties of Granville, Person and Caswell to the said Virginia line at or near Danville, Virginia, as shall be found most practicable; and for this purpose the said Norfolk and Great Western Rail Road Company is hereby invested as a corporation with all the rights, powers and privileges within this State, conferred on the Charlotte and South Carolina Rail Road Company, by an act entitled "An act to incorporate a Company to construct a Rail Road from some point on the South Carolina Rail Road to the town of Charlotte in Mecklenburg County, to be called the Charlotte and South Carolina Rail Road Company," ratified the second day of January, eighteen hundred and forty-seven, and subject to the same conditions and restrictions, except so far as may be inconsistent with the provisions of this act, or otherwise inapplicable to the work hereby authorized: Provided, That the property of said Norfolk and Great Western Rail Road Company shall not be exempt from like taxation as other property in this State.

Sec. 2. To enable the said Norfolk and Great Western Rail Road Company to construct, equip and put in operation, with as little delay, and as much benefit to the people of this State in the vicinity as possible, the said Company is hereby authorized to secure subscription to its capital stock, payable in land or labor, as may be agreed between said Rail Road Company and such subscribers, and may also for such purpose receive by grant, purchase, lease or otherwise,
any estate whatever, and the same hold, use, sell, convey and dispose of, as the interest of said Company may require.

Sec. 3. That to facilitate the construction of said Norfolk and Great Western Rail Road within this State, and the operation of the same with convenience and profit, to the people of this State to be accommodated thereby, authority is hereby granted to the said Norfolk and Great Western Rail Road Company to make such agreement, and adopt and maintain such business and property relations with any Rail Road Company incorporated by this State, as shall be judged by said Rail Road Company respectively, as best calculated to advance and secure said objects, to which end full authority is hereby granted said Company, or either of them so agreeing.

Sec. 4. That an act entitled "An act to charter the Oxford Branch of the Raleigh and Gaston Rail Road," ratified 28th February, 1867, be amended by increasing the Capital Stock three millions of dollars, and by allowing said Company to start at any point on the Raleigh and Gaston Rail Road, or at any point on the Roanoke Valley Rail Road and to run to or near Oxford, to or near Roxboro' and to or near Madison to the Virginia line, at or near Mount Airy; that all clauses in said Charter inconsistent with these are hereby repealed.

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

Ratified the 19th day of August, A. D., 1868.

AN ACT TO AMEND THE CHARTER OF THE WESTERN NORTH CAROLINA RAIL ROAD COMPANY.

Section 1. The General Assembly of North Carolina do enact, That the Western North Carolina Rail Road shall consist of two separate and distinct Divisions: one called
the Eastern Division, and shall embrace the said Road from Salisbury to French Broad River, near Asheville, and the other called the Western Division, which shall embrace the said Road from the French Broad River to Ducktown and Paint Rock on the Tennessee line.

Sec. 2. The property, appropriations and subscription of stocks heretofore made by the State, and private stockholders for the Eastern Division of said Road, as provided in section one of this act, shall be used only for the purpose of the completion and operation of said Eastern Division of said Road, and shall be managed, controlled, and directed by a Board of Directors, as now provided by law.

Sec. 3. The Western Division of said Road, as provided in section one of this act, shall be managed, constructed and controlled by a Board of Directors, separate and distinct from the Board of Directors of the Eastern Division, which Board of Directors shall consist of twelve, eight on the part of the State, to be appointed by the Governor, and four on the part of private Stockholders, to be elected under the same rules and regulations as now provided by law: Provided, that the Directors on the part of the private Stockholders shall be elected by the Stockholders of their Divisions respectively.

Sec. 4. The Board of Directors of each Division shall have the selection of its own officers and agents, a distinct Treasurer, and otherwise independent of the other.

Sec. 5. For the purpose of securing the completion of the Western Division, the capital stock of the Western North Carolina Rail Road Company is hereby increased to a sum sufficient to attain that object, not to exceed twelve millions of dollars, and the Public Treasurer is hereby authorized and required to make subscriptions from time to time, for two-thirds of the stock, and make payment as heretofore provided by law.

Sec. 6. Upon the completion of the two Divisions as provided for in section one of this act, the whole Road and property may be consolidated on such terms as are agreed between the Stockholders of the respective Divisions.
SEC. 7. The provisions of the above act to be in full force and operation upon condition that the Western Division of said Road shall be put under contract before the State shall be called upon for its subscription to said Road.

SEC. 8. The said Western Division of the Western North Carolina Rail Road shall be completed within four years from the time that the said Road shall be put under contract.

Ratified the 19th day of August, A. D. 1868.

AN ACT TO AMEND THE CHARTER OF THE SOUTHERN AIR LINE RAIL ROAD COMPANY.

SECTION 1. The General Assembly of North Carolina do enact, That an Act entitled "An act to incorporate the Southern Air Line Rail Road Company," ratified the 3d day of February 1857, be so amended as to extend the time allowed for receiving subscriptions and commencing the construction of said Road to the first day of January, 1880, and to add to the list of Corporators, George W. Brooks, of Pasquotank; Gen. Byron Laddin, of Pitt; Elihu A. White, of Perquimons; William A. Moore, of Chowan; A. W. Mebane, of Bertie; and F. G. Martindale, of Martin; and the said act so amended is hereby revived and re-enacted.

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

Ratified the 21st day of August, A. D., 1868.
AN ACT ENTITLED AN ACT TO AMEND AN ORDINANCE OF THE
CONVENTION ENTITLED "AN ORDINANCE TO INCORPORATE
THE NORTH WESTERN NORTH CAROLINA RAIL ROAD COM-
PANY."

CHAPTER 26. The General Assembly of North Carolina do enact, That for the purpose of aiding in the construction of
the North Western North Carolina Rail Road from Salem,
in Forsyth County, to Mount Airy, in Surry County, whenever the President and Chief Engineer of the Company shall
certify to the Governor of the State that five miles of this
Division of the Road from Salem to Mount Airy shall be
graded and ready for the superstructure, and that when one
hundred thousand dollars solvent additional security shall
have been taken, and five per cent. of the same shall have
been paid to the Treasurer of the Company, the Governor
shall direct the Public Treasurer of the State to loan to the
Company the sum of ten thousand dollars per mile in con-
pon bonds, principal payable at the end of thirty years, and
in like manner the Governor shall direct the Public Treas-
urer to loan the sum of ten thousand dollars per mile to said
Company for each and every section of five miles, when the
President and Chief Engineer shall certify to be graded and
ready for the superstructure.

SEC. 2. That no part of said loan or bonds shall be deliv-
ered to said Company until the said Company shall have
executed and delivered to the Governor of the State a first
mortgage of the entire Road with all its property and fran-
chises, so conditional that if the said Company shall fail to
pay the interest on said debt semi-annually, or shall fail to
set apart annually for a sinking fund to pay the principal of
said debt, all the receipts of the Road, over and above its
annual expenses, after the time when the principal shall have
been paid out of the sinking fund already provided for in
said ordinance to secure payment of a loan therein directed
to be made, then, and in default of either of these conditions,
the State may foreclose the mortgage and enter upon and
make possession of the Road and all its property, and sell the
same for the payment of said debt and interest.

Sec. 3. That portion of the North Western North Carolina Rail Road extending from Salem to Mount Airy shall be known as the second division of the North Western North Carolina Rail Road.

Sec. 4. This act shall be in force from and after its rati-
fication.

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

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE NEWBERN GAS LIGHT COMPANY."

Section 1. The General Assembly of North Carolina do enact, That the stockholders of the NewBern Gas Light Com-
pany may increase their capital stock to a sum not exceed-
ing forty thousand dollars, ($40,000.)

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

AN ACT TO AMEND THE CHARTER OF THE WESTERN RAIL ROAD COMPANY.

Section 1. The General Assembly of North Carolina do enact, The affairs of the Western Rail Road Company shall in future be managed by a Board of nine Directors, of whom the State by the Governor shall appoint seven, and Stock-
holders other than the State shall appoint two. The Board of Directors shall, out of their number, choose a President, and they shall have the power and authority now held and exercised by the present President and Directors. In all

Mortgage may be foreclosed.

Name of Road

from Salem to

Mt. Airy, to be

"Second Division

of the North-

Western North

Carolina Rail

Road."

When act to

be in force.

May increase

capital stock not
to exceed

$40,000.

How affairs of

Road to be here-

after managed.

Nine Directors.

How appointed

Directors to

elect President.
State to be represented in all meetings of stockholders.

Company may extend their Road.

Sec. 2. The said Western Rail Road Company shall have power, from any point on their Road, to extend the same to and cross the North Carolina Rail Road at any point at or between Salisbury and Greensboro', and to the Wilmington, Charlotte and Rutherford Rail Road, at such points thereon as they may select. Provided, That the sums of money heretofore appropriated by the State shall only be used in completing said Road from Egypt to the North Carolina Rail Road.

Sec. 3. The amendments in this act contained shall be submitted to the Stockholders of said Western Rail Road Company, at a meeting to be called within thirty days after the ratification of this act. If accepted by the Stockholders in person or by proxy of a majority of stocks, the Stockholders other than State, shall forthwith appoint two Directors, and they, together with the Directors of the State, appointed as aforesaid, shall immediately enter upon their duties and hold office until the next annual meeting of Stockholders of the Company, and until their successors be qualified. On said acceptance the terms of office of the present President and Directors shall cease.

Sec 4. All provisions of laws inconsistent with the provisions of this act are hereby repealed.

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

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

AN ACT FOR THE RELIEF OF SARAH MANN.

Whereas, An amount of taxes due from the citizens of Pasquotank County for the years 1858-'59 were advanced
and paid into the State and County Treasuries by William
E. Mann, the Sheriff of the said County for the said years;
and whereas, the said William E. Mann has since died in-
solvent, and the commissioners to set apart the year's pro-
vision to his widow, Sarah Mann, did set apart to her the
amount due upon said arrears of taxes, and nothing more,
which proceeding was confirmed by the County Court of
said County. Therefore,

Section 1. The General Assembly of North Carolina do
enact, That Sarah Mann, widow of Wm. E. Mann, deceased,
late Sheriff of the County of Pasquotank, be authorized and
empowered to collect in her own name and to her own use,
all arrears of taxes, due from citizens of said County and un-
paid for the years of 1858-'59, and the said Sarah Mann be
allowed until the 1st day of January, 1870, to make said col-
lection, and that she be empowered to collect the same by
a duly authorized agent or deputy.

Sec. 2. This act shall be in force from and after its rati-
fication.

Ratified the 22d day of August, A. D., 1868.

AN ACT TO INCORPORATE THE DISMAL SWAMP STEAM TRAN-
PORTATION COMPANY.

Section 1. The General Assembly of North Carolina do
enact, That Wm. B. Rogers, John H. Kenyan, C. C. Allen,
Wm. A. Harney, and such other persons as may hereafter be
associated with them, are hereby incorporated into a Com-
pany, to be known as the "Dismal Swamp Steam Transpor-
tation Company," for the purpose of transportation of passen-
gers and freight from the waters of North Carolina to Nor-
folk, Virginia.

Priv. 4.
Chapter 31. AN ACT TO INCORPORATE THE NORTH CAROLINA LAND, MINING AND LUMBER COMPANY.

Powers of Company.

Section 1. The General Assembly of North Carolina do enact, That D. J. Pruyn, C. C. Puffer, R. W. Best, D. J. Rich and their associates, successors and assigns, shall be, and they are hereby created and constituted a body corporate and politic, by the name and style of the "North Carolina Land, Mining and Lumber Company," and by that name, they and their associates and successors shall and may have continual succession, and a common seal, which they may alter and change at their pleasure from time to time, and shall be capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended, in all and every manner of actions, suits, complaints, matters and causes whatsoever, and by the corporate name aforesaid, shall and may be capable of purchasing, holding, conveying and mortgaging any and every estate, real and personal, necessary to a safe and profitable investment of its funds and a proper transaction of its business. That said corporation shall have full power and authority to carry on the business of Mining and Manufacturing ore of all kinds, improving and cultivating lands, and manufacturing all articles and implements of agriculture.

Sec. 2. That the said Company may purchase, own and employ such steam and other boats, wharves, lands and warehouses as they may desire.

Sec. 3. That the Capital Stock of the Company shall not be less than five thousand dollars, nor more than fifty thousand dollars, in shares of one hundred dollars.

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

Ratified the 22d day of August, A. D., 1868.
or otherwise in the State of North Carolina, and of doing any and every act necessary for the transaction of the business aforesaid.

Sec. 2. That the capital stock of said Company shall not exceed one million of dollars, and shall be divided into shares of five hundred dollars each.

Sec. 3. That the affairs of said Company shall be managed by a Board of Directors of not less than three nor more than five members; three of whom shall at any and all times be a quorum and authorized to transact the business of the Corporation. The persons incorporated by this act shall constitute the first Board of Directors, and shall continue in office for one year, and until their successors are chosen and installed, after which said Board of Directors shall be annually elected by the members of said Corporation present at such election, in such manner and upon such notice as may be provided for. The Board of Directors, for the time being, shall elect one of their own number President, and in the event of the happening of any vacancy in said Board, such vacancy may be filled by a quorum of the remaining Directors, or in such other manner as the by-laws of the Corporation may prescribe. Said Board of Directors shall have power to prescribe and make all such by-laws, rules and regulations for their own government, and the government of the officers, agents and servants, by them appointed, as to them shall appear needful and proper for the security, investment and disposition of the funds, property, estate and effects of said Corporation, and for the management of all and every matter necessary to execute the powers or any of them granted in this charter, and in any way appertaining to the business thereof: Provided, That such rules, regulations and by-laws, shall not be in conflict with the constitution and laws of the United States or of this State.

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

Ratified the 22d day of August, A. D., 1868.
Chapter 32.

AN ACT TO INCORPORATE THE RIDGEWAY COMPANY.

Corporators. Section 1. The General Assembly of North Carolina do enact, That for the purpose of developing the resources of this State, the following named persons, viz: Peter R. Davis, A. F. Johnston, J. M. Heck and W. J. Hawkins, their associates, successors and assigns, are hereby constituted a corporation and body politic, under the name and title of the "Ridgeway Company," with a capital stock of two hundred and fifty thousand dollars, (with liberty to increase the same to one million dollars,) to be divided into shares of one hundred dollars each, and to have the privileges and incident belonging to corporations organized under the twenty-sixth section of the Revised Code.

Sec. 2. The said Corporation shall have power to buy and sell, lease, mortgage, or otherwise convey lands, to make advances of money or other things to settlers and others on such terms and on such securities, real or personal, as may be agreed on, to grow and sell fruits and other vegetable products, to engage in any species of agriculture or manufacturing enterprise, and to buy and sell goods, wares and merchandise, and may own and manage steam or other vessels, and take measures for the transportation of persons and property into the State, or for carrying out any other purposes, connected with the business of said Company.

Sec. 3. The business of said Company shall be managed by a Board of five Directors, who shall elect a President, and such other officers as they may see proper, and prescribe their terms of service and compensation.

Sec. 4. The Stockholders of said Company shall make such by-laws for the regulation thereof, as they may deem fit, not inconsistent with the laws of the State or United States.

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

Ratified the 22d day of August, A. D., 1868.
AN ACT TO INCORPORATE THE STATE LOAN AND TRUST COMPANY OF NORTH CAROLINA.

SECTION 1. The General Assembly of North Carolina do enact, From the time this act shall commence and take effect, George C. Alden, Milton S. Littlefield, Charles C. Puffer, Calvin Littlefield, J. W. Osborne, R. W. Lassiter, F. G. Martindale, D. J. Rich, J. W. Holden, Tod R. Caldwell, D. J. Pruyn, C. S. Winstead, E. J. Smith, O. S. Hayes, G. W. Swepson, J. H. Boner and James Sinclair, and all such persons as shall hereafter become Stockholders in the Company hereby incorporated, shall be a body politic and corporate by the name of the "State Loan and Trust Company of North Carolina."

SEC. 2. The Corporation hereby created shall have the powers and privileges granted by the general law of corporation, or which may be hereafter so granted, and in addition thereto shall have power:

1st. To receive monies in trust and to accumulate at such rate of interest as may be obtained or agreed on, or to allow such interest thereon as may be agreed not exceeding the legal rate established.

2d. To accept and execute all such trusts of every description as may be committed to them by any person or persons whatever, or by any corporation, or may be committed or transferred to them by order of the Supreme Court or by a Surrogate, or by any of the Courts of record.

3d. To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on trusts, created in accordance with the laws of this State, or on conditions, legally agreed upon, and execute such legal trust or condition, in regard to the same on such terms as may be declared, established or agreed upon in regard thereto.

4th. The said Company are authorized to receive upon deposit for safe keeping, stocks, bonds, and other securities,
and to act as agent for the purpose of issuing, registering or
countersigning the certificates of stock or other evidences of
debt of any corporation, association or municipality, State
or public authority, and for the collection of interest or
dividends, or payment of interest on dividends from funds
deposited with said Company, for such purposes, on the
same, upon such terms as may be agreed upon, said Compa-
ny may also receive upon deposit for safe keeping only,
plate, jewelry and other valuable property.

5th. To accept from and execute trust for married women
in respect to their separate property, whether real or per-
sonal, and act as agent for them in the management of such
property.

6th. To draw bills of exchange, or buy the same, or other
evidences of debt, receive deposits and make loans upon such
terms, as may be legally agreed upon, not prohibited by this
charter.

Sec. 3. Any Court of this State or any public officer hav-
ing jurisdiction for the appointment of a guardian to any in-
fant, shall have power to appoint the said Company as guar-
dian of the estate of such infant, and every Court into which
monies may be paid by parties, or be brought by order or
judgment, may by order direct the same, to be deposited
with the said Company.

Sec. 4. The State Treasurer shall have the power at any
time to borrow (upon a pledge of the bonds of the State) of
the said Company, an amount not exceeding fifty percentum
of the capital stock of said Company actually paid in, nor
for a longer period than one year, at the rate of five per
centum per annum, and may deposit with the said Company
the current balances of the public monies in his hands, upon
a like pledge by the Company of the bonds of this State.

Sec. 5. On any sum of money not less than one hundred
dollars, which shall be collected or received by said Com-
pany, in its capacity of guardian, receiver or depository of
money in Court, an interest shall be allowed by the said
Company, if not less than rate of three per centum annually,
which interest shall continue until the money so received shall be duly expended or distributed.

Sec. 6. No bond or other collateral security, except as specified in this charter, shall be required from the said Company, when appointed guardian, receiver or dispository; but all investments of money received by the said Company, in either of such characters, shall be at the sole risk of said Corporation; and for all losses of such monies the capital stock, property and effects of the said Corporation, shall be absolutely liable, and in case of dissolution the debts from the Company, as guardian, receiver or dispository of monies in Court shall have a preference.

Sec. 7. The capital of said Company shall be one hundred thousand dollars, with the power to increase the same to an amount not exceeding one million dollars, which shall be divided into shares of one hundred dollars each. The capital shall be invested in bonds and mortgage on unencumbered real estate within this State, or in stocks or bonds of the United States, or of this State, or in stocks or bonds of the incorporated cities of this State, authorized to be issued by the Legislature, or in undoubted personal securities, approved by the Board of Trustees, or in loans to the State as provided by this charter.

Sec. 8. The Company shall have the power to commence business when twenty-five per centum of the capital shall have been paid in, and within eighteen months from the time said Company shall commence business, which time shall be advertised in at least three issues of some paper, published in the City of Raleigh, the entire capital shall be paid in.

Sec. 9. After the capital shall have been fully paid in, which fact shall be certified to by a majority of the Board of Trustees and published in some paper, published in the City of Raleigh, the Company may establish within the limits of the State such branch offices as it may deem necessary, not exceeding five in number, but the principal office of said Company shall be in the City of Raleigh.

Sec. 10. All the corporate powers of the said Company shall be exercised by a Board of Trustees, who shall not be les
than five in number, and such officers and agents as they shall appoint, each Trustee shall be a Stockholder to the amount of one thousand dollars at least, and the first Board of Trustees shall consist of the persons whose names are mentioned in the first section of this act, who shall possess the necessary qualifications as above declared. They shall elect a President annually from their own body, and shall have power to declare what number of Trustees shall be a quorum for the transaction of business.

Sec. 11. The Stockholders by a two-third vote shall have the power to decide how often the Board of Trustees shall be elected, but the election shall not occur oftener than once a year, and a notice of such election shall be published at least ten days before in some paper published in the City of Raleigh.

Sec. 12. The certificates of stocks, and of moneys received in trust, shall be assignable on the books of the Company, according to such regulations as the Board of Trustees shall establish, but no alteration shall be made in the regulations so established unless by a vote of two-thirds of the whole number of Trustees.

Sec. 13. The Trustees shall have a discretionary power of investing the monies received by them in trust or on deposit, in public stocks of the United States, of this State, or in the bonds and stock of any incorporated City in this State, authorized by the Legislature, or in such real or personal security as they may deem proper, but the said Company shall not hold stock in any private Company beyond ten thousand dollars.

Sec. 14. The Board of Trustees shall exhibit annually to the Treasurer of this State on the first Monday of July a full statement of their affairs verified by the President and Treasurer of said Company, and the Treasurer, should it be deemed proper, may refer such statement to a referee, with directions to make a full and thorough investigation into the affairs and management of said Company. The expense of in-
vestigation shall be defrayed by the Company in such sum as the Treasurer may certify to be reasonable and just.

Sec. 15. If, after a full investigation of the affairs of the Company, the Treasurer shall discover any evidence of fraud, or loss of capital, he shall make a report to the Supreme Court, and the Supreme Court, upon proper notice, shall give any officer or agent, guilty of such fraud, a hearing, and if he be found guilty, remove him—and if they shall, upon proper evidence, find the capital stock of the Company, or any part of it, to have been lost, they shall require the Stockholders to make good such loss, unless they elect to go into liquidation, or the Supreme Court may make such further order as the condition and circumstances of the Company require.

Sec. 16. Whenever default shall be made in the payment of any debt or liability, contracted by this Corporation, if said default shall continue for thirty days, and, after due and proper notice of such default shall have been served upon said Company, the Supreme Court may compel the dissolution of said Company, but the Stockholders shall only be liable to the extent of their capital stock, or the respective shares owned by each.

Sec. 17. The books of the said Corporation shall, at all times during the hours of business, be open for the inspection of the Treasurer of the State, and such other persons as the Legislature may designate as their agent for such purpose.

Sec. 18. This charter shall continue in force until the Company shall be dissolved by a vote of the Stockholders, or by the Supreme Court or Legislature for fraud, loss of capital, or violation of the provisions of this charter.

Ratified the 22d day of August, A. D., 1868.
Chapter 34. AN ACT IN RELATION TO THE MAYOR AND COMMISSIONERS OF THE TOWN OF NEWPORT.

Section 1. The General Assembly of North Carolina do enact, That the Mayor and Commissioners of the Town of Newport, Carteret County, North Carolina, be, and the same are hereby authorized and empowered to appoint an Inspector of Naval Stores of said Town.

Sec. 2. That the Inspector, provided for in this act, shall receive for his services the usual fees allowed to Inspectors of Naval Stores.

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

Ratified the 24th day of August, A. D., 1868.

Chapter 35. AN ACT TO INCORPORATE THE NORTH CAROLINA IRON AND STEEL RAIL COMPANY.

Section 1. The General Assembly of North Carolina do enact, That a Corporation be authorized under the name of the North Carolina Iron and Steel Rail Company with a capital stock not exceeding ten million of dollars, to be divided into shares of one hundred dollars each, and when formed, as hereinafter provided, to have the powers, specially granted, and all other privileges, immunities, and incident, belonging to like Corporations, under twenty-sixth chapter of the Revised Code, for sixty years.

Sec. 2. The following-named persons, A. J. Hawkins, Wm. A. Smith, S. McD. Tate, John M. Robinson, John D. Whitford, Robert H. Cowan, E. D. Townsend, William S. Downer, Silas Burns, John R. Harrison, B. P. Williamson, are appointed Commissioners at such times and places, and for such periods as they may deem best, to open books of subscription
to the capital stock of said Company, and any three of them shall be a quorum to do any business by this act devolved on them.

Sec. 3. Whenever twenty thousand dollars (§20,000.) shall be subscribed by solvent subscribers, the Commissioners shall, after giving ten days’ public notice, call a general meeting of the Stockholders, each shall have as many votes as he may have shares as owner or proxy for others, and a majority of stock represented by person or proxy shall constitute a quorum for the transaction of business.

Sec. 4. The Stockholders shall have power to make all rules and regulations they may deem fit, for the transaction of their business. They may prescribe the number and powers of their directory and of all officers of the Company, fix salaries and terms of service, and in general make all such by-laws for the government of the Company and conduct of its officers as they may deem best, not inconsistent with the Constitution and laws of this State or the United States.

Sec. 5. Said Corporation shall have power to engage in the manufacture of iron and steel in any of their forms, and of other metals, metallic or other fabrics, in the mining of minerals or metallic ores, in the transportation of persons or things to and from their works by water or otherwise, may make turnpike and transroads not exceeding ten miles in length, and for that purpose shall have power of condemnation of land and other property, and other powers conferred on Rail Road and other Companies in sixty-first chapter of the Revised Code, may purchase, hold, sell and lease, or otherwise convey real estate, not to hold at any one time exceeding fifty thousand acres. May advance money or other things to settlers and others on such terms and securities as may be agreed on, and, as incidental to their business, may buy and sell merchandise.

Sec. 6. All Corporations may take stock in said Company through their President and Directors, or other chief authorities thereof; and such subscription or purchase of stock shall

Meeting of stockholders to be called when §20,000.00 shall have been subscribed.

Stockholders may make rules and regulations.

May fix salaries, terms of office, &c.

Make by laws.

Further powers of Corporation.

May make turnpikes, roads, &c.

Power of condemnation of land and property.

May purchase and sell real estate.

May advance money to settlers.

Corporations may take stock in this Company.
be valid to the same extent, as if this power were specially granted in their charter.

Sec. 7. This act shall be in force from its ratification.
Ratified the 24th day of August, A. D., 1868.

Chapter 36. AN ACT TO AMEND THE CHARTER OF THE MECKLENBURG FEMALE COLLEGE.

Section 1. The General Assembly of North Carolina do enact, That a Committee of five Trustees of said College, to be known as the "Executive Committee of the Trustees of Mecklenburg Female College," to be chosen by said Trustees, shall have all powers and authority, conferred by the charter of said College in the management and general interest of said College.

Sec. 2. Such Executive Committee shall be elected annually, unless otherwise ordered by the Board of Trustees.

Sec. 3. This act shall be in force from and after its ratification.
Ratified the 24th day of August, A. D., 1868.

Chapter 37. AN ACT TO RELIEVE DURHAM AND MONIE, OF THE COUNTY OF JOHNSTON, FROM PAYMENT OF STATE AND COUNTY TAXES FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-EIGHT, ON A STOCK OF GOODS, THAT WAS BURNT.

Section 1. The General Assembly of North Carolina do enact, That Durham and Monie, of the County of Johnston in this State, shall not be required to pay County or State Taxes for the year eighteen hundred and sixty-eight, on their stock of goods, which was consumed by fire on the seventeenth of June last, at Clayton in said County.
Ratified the 24th day of August, A. D., 1868.
1868—Chapter 38.

AN ACT TO INCORPORATE THE HOLDEN HOOK AND LADDER FIRE COMPANY NO. ONE, OF NEWBERN, NORTH CAROLINA.

Chapter 38.

Corporators.

Section 1. The General Assembly of North Carolina do enact, That John S. Manix, Edward J. Guthrie, P. H. O'Brian, John McSorley, W. Hahn, A. Zang, William Kellett, W. J. McMamara, W. H. Walden, John W. Hargett, James Boyle, Louis Zimmermann, and other persons, who shall be associated with them for the object intended, and their successors duly elected and chosen, according to the by-laws of the Company, shall constitute a body politic and corporate, by the name and style of the “Holden Hook and Ladder Fire Company, No. 1,” for the purpose of more united and efficient action in the extinguishment of fires in the City of New Bern, and, by this style and name, shall have power to acquire a Hook and Ladder Truck, and appurtenances thereto, and such real estate as may be needful for their proper care and custody, the value of which shall not exceed the sum of $10,000.

Sec. 2. That said Company shall, by the name and style aforesaid, have succession, sue and be sued, plead and be impleaded, have a common seal and alter the same at pleasure, and make all by-laws and rules, necessary for the proper government of the Company, and the management of its funds not inconsistent with the laws of the State, and in all matters do and perform what is customary and proper for fulfilling the object of the association.

Sec. 3. That the members in actual service of the Company, performing duties when required, shall be exempt, during the continuance of such service, from jury and militia duty.

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

Ratified the 24th day of August, A. D., 1868.
Chapter 39. AN ACT TO INCORPORATE THE ROANOKE BATTEAU TRANSPORTATION COMPANY.

Corporators. Section 1. The General Assembly of North Carolina do enact, The following named, viz: S. W. Taylor, A. B. Andrews, L. R. Exlive and A. Jones are constituted a body politic and corporate, under the name of the Roanoke Batteau Transportation Company, with power to make by-laws, provide for election of officers, Board of Directors, &c., and with all other privileges and incidents belonging to Corporations under chapter twenty-six of the Revised Code.

Powers and Special powers. privileges.

Sec. 2. Said Corporation shall have power to build and run batteaus and other vessels on the Roanoke River and elsewhere, to charge and receive such reasonable freights for the transportation of persons and things as may be prescribed by the Board of Directors, and may make contracts with Rail Road and other Companies in and out of the State for the transportation of freight and passengers.

Capital stock. Sec. 3. The capital stock of said Company shall be twenty thousand dollars in shares of one hundred dollars each, and the Company shall be organized and go into operation as soon as two thousand dollars shall be subscribed to said capital stock.

When Company to organize. When act to take effect. Sec. 4. This act shall take effect from its ratification. Ratified the 24th day of August, A. D., 1868.
STATE OF NORTH CAROLINA.
Office Secretary of State,
Raleigh, November 9, 1868.

I, Henry J. Menninger, Secretary of State, hereby certify that the foregoing are true copies of the original Private Acts on file in this office.

HENRY J. MENNINGER,
Secretary of State.