PRIVATE LAWS
OF THE
State of North-Carolina,
passed by the
GENERAL ASSEMBLY,
at its
Session of 1854-'55.

Raleigh:
HOLDEN & WILSON, PRINTERS TO THE STATE.
1855.
AN ACT TO INCORPORATE THE HOLSTON CONFERENCE FEMALE COLLEGE, IN THE TOWN OF ASHEVILLE.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Reynolds, R. B. Vance, Joshua Roberts, B. J. Smith, Montraville Patton, James W. Patton, N. W. Woodfin, James Britain, J. S. Weaver, J. S. Burnet, Joseph Cathey, J. R. Siler, W. D. Rankin, P. W. Roberts, J. W. Woodfin, the president of the institution, ex officio, and their successors in office, be and they are hereby created and constituted a body politic and corporate, by the name and style of "the Trustees of Holston Conference Female College," a seminary of learning for females, situated in the town of Asheville, in the county of Buncombe.

Sec. 2. Be it further enacted, That the said trustees shall, by their corporate name and style aforesaid, have perpetual succession of officers and members, and shall be capable and liable, in law and equity, to sue and be sued, plead and be implored in any court of law or equity, before any magistrate or other tribunal in this State; to use a common seal, and the same to change at will; and to make such by-laws and rules for the regulation and government of themselves and the said college, as they may deem necessary: Provided, such by-laws, rules and regulations be not repugnant to the constitution and laws of this State, or of the United States.

Sec. 3. Be it further enacted, That the said board of trustees shall be and are authorized to appoint such officers as they may think proper for the organization and government of their own body, and also all the officers, professors, tutors and instructors of and in said college, and to remove the same at pleasure, and to exercise such general control
and supervision over the officers, instructors, affairs and
government of said college as they may deem advisable.

Sec. 4. Be it further enacted, That the said trustees and
their successors shall have and hold all the estate, property
and funds now belonging to the said college, and all pro-
erty, real and personal, funds, moneys, donations, legacies
and devises which may hereafter be granted, conveyed, be-
queathed and devised or given to said college in trust,
nevertheless for the use and benefit of said college.

Sec. 5. Be it further enacted. That the said board of trust-
ees, in order to raise a competent endowment therefor,
shall have power and authority to sell and dispose of scholar-
ships and steward’s tickets in said college for such time and
upon such terms as they may deem proper, and to issue cer-
tificates for the same, under their corporate seal, and that
all the scholarships and stewards tickets hereforesold and
bonds taken therefor shall inure to the benefit of and vest
in the corporation hereby created, and all certificates issued
and obligors [obligations] incurred by the former board
shall devolve upon this corporation.

Sec. 6. Be it further enacted. That the said board of trust-
ees shall be and are authorized to confer and award all such
distinctions, honors, licences and degrees as are usually con-
firmed and awarded in the female colleges of the United
States.

Sec. 7. Be it further enacted, That the said trustees shall
hold two regular meetings in each year, at such times as
they may appoint, at which meetings five members shall
constitute a quorum, for the transaction of business; and
also that the said trustees shall have power to appoint an
executive committee for the transaction of such necessary
business as may arise in the interval of the regular meetings
of the board, and that said committee shall have power to
call the board together at such times as they may think the
interest of the institution demands.

Sec. 8. Be it further enacted. That any failure to hold a
meeting as specified in the foregoing section shall not work
a forfeiture of this charter.

Sec. 9. Be it further enacted. That all vacancies occurr-
ing in the board of trustees and the faculty of said college
by resignation, removal, death or otherwise, shall be filled
by the board, subject, however, to the approval of the Hul-
ston Conference of the Methodist Episcopal Church South,
according to the articles of agreement between said confer-
ence and the citizens of the town of Asheville.

Sec. 10. Be it further enacted. That this act shall be
deemed and taken to be a public act, and shall take effect
from and after its ratification. [Ratified the 16th day of
February, 1855.]
AN ACT TO INCORPORATE THE TRUSTEES OF THE FRANKLINTON

MALE AND FEMALE INSTITUTES IN THE TOWN OF FRANKLINTON,

IN FRANKLIN COUNTY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Allen C. Perry, Dr. Edward A. Crudup, Dr. L. A. Jeffreys, C. C. Blacknall, W. H. Joyner, W. B. Dunn, J. M. Stone, Col. Isaac Winston, J. H. Whitfield, T. J. Whitfield, Henry T. Clawson, W. O. Green, A. D. Ellis, Joseph Kearney, Weldon E. Person and James S Yarbrough shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of "the Trustees of the Franklinton Male and Female Institutes," and by that name shall have succession, and so continue for the term of fifty years; may have and use a common seal with power to alter and renew the same at their pleasure; and that the said trustees and their successors by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive, and possess all moneys, goods and chattels and choses in action that shall be given them for the use of the said institutes, and by gift, purchase and devise, to take, have, hold, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements and hereditaments of what kind, nature, or quality soever in special trust and confidence, that the same and the profits thereof shall be applied to and for the use and benefit of said institutes; and that the said trustees shall have and enjoy such other rights and powers as are usually incident to corporate bodies of a like nature.

SEC. 2. Be it further enacted, That the said trustees or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain and sell, grant, devise, alien, convey and assure to the purchaser or purchasers, any such lands, rents, tenements and hereditaments aforesaid; and, further, that the said trustees or a majority of them and their successors for the time aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in all courts whatsoever, either in law or in equity, of record or otherwise.

SEC. 3. Be it further enacted, That there shall not be less than ten nor more than twenty trustees in number at any one time for the said institutes, and that on the death, resignation, removal out of the State or refusal of to act of any of the trustees for the time being, or the removal of any one from office by the concurrence of two-thirds present, for the neglect of duty or other cause, the vacancy or vacancies so happening shall be filled by the appointment of others, which

To last fifty years.

Trustees, their powers.

No of trustees.

Charter granted.
appointment shall be made by a majority of the remaining trustees, and the trustees so appointed shall have the same right and powers as the trustees had for whom they were appointed.

Sec. 4. Be it further enacted, That the said trustees and their successors, or a majority of them, shall have the power of appointing a president, vice-president, secretary and treasurer, and such other officers as may be necessary for their own government, and also to appoint such professors and tutors as to them shall appear necessary and proper for the said institutes, whom they may remove for misbehavior, inability or neglect of duty, and may from time to time make such by-laws and regulations for their government and that of the said institutes and the preservation of order and good morals therein as to them may appear expedient: Provided, the same are not inconsistent with the constitution and laws of this State; and provided further, if a majority of the said trustees shall not convene for the purposes aforesaid, it shall and may be lawful for seven of said trustees and their successors to form a quorum to do business, and may from time to time make necessary by-laws and regulations. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE GLEN ANNA FEMALE SEMINARY IN THE COUNTY OF DAVIDSON.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Charles F. Decum, Joseph B. Shelton, William Closs, Burwell B. Roberts, H. T. Hudson, and all others who are or may hereafter become stockholders, be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of “Glen Anna Female Seminary,” and by that name shall have perpetual succession and a common seal, and shall be vested with power and authority, and be capable to sue and be sued, plead and be impleaded, either in law or in equity, and to acquire, hold, possess, enjoy and sell both real and personal estate, and shall have all other privileges and powers to which corporations of the kind are entitled.

Sec. 2. Be it further enacted, That said seminary shall be under the management of a president and board of trustees, and that said board of trustees shall be constituted of all the stockholders or their assigns.

Sec. 3. Be it further enacted, That those holding a majority in interest of the stock shall constitute a quorum for the transaction of business, each share being entitled to one vote, and that the stockholders, their successors and assigns,
shall have power and authority to fix their annual and other meetings, to appoint and elect all such officers, professors and teachers as to them shall seem necessary, and to make all such by-laws, rules and regulations for the government of said seminary, for the preservation of good order, and for the sale and transfer of the stock, as to them may seem expedient and necessary, not inconsistent with the constitution and laws of this State, and of the United States.

Sec. 4. Be it further enacted, That the stockholders, a majority of the stock being represented, shall elect a president, who shall hold his office for such time as shall be previously provided by the by-laws of the corporation, and said president and all other officers shall continue in office until their successor or successors shall be duly appointed.

Sec. 5. Be it further enacted, That the capital stock of said corporation shall not exceed the sum of twenty-five thousand dollars, in shares of twenty-five dollars each; that the land on which the building of said corporation shall be erected, not exceeding one hundred acres in quantity, and the improvements thereon, shall be exempt from taxation.

Sec. 6. Be it further enacted, That the president and the faculty, with a majority in stock of the trustees, shall have power to confer degrees or testimonials of merit on such as by their literary acquirements may deserve the honors of their institution.

Sec. 7. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 10th day of February, 1855.]

AN ACT TO INCORPORATE THE ANSON INSTITUTE.

Whereas, the persons hereinafter named have formed themselves into an association for the purpose of establishing a male high school in the county of Anson, in the vicinity of Wadesboro', to be called the "Anson Institute," and have each agreed to contribute certain sums of money to that object by a subscription taken for that purpose; therefore,

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the following persons above referred to, namely, Alexander Little, Walter R. Leak, Hampton B. Hammond, Thomas S. Ashe, Walter G. Jones, Johnson R. Hargrave, Purdie Richardson, George W. Little, W. C. Ramsey, Leamuel B. Bennet, Nathan Beverly, Hollum Sturdivant, Carey Bennet, Townley Redfearne, John Roscoe, Thomas S. Little, James Plunket, Wm. P. Kendall, Martin Sigman, Alfred Buncomb, Patrick J. Coppedge,
Duncan McGreggor, Thomas J. Polk, Thomas Robinson, James Baggan, S. S. Arnold, Earle Cooley, John Grady, Edmond Hutcherson, Albert Myers, Joseph P. Smith, Edmond F. Lilly, A. E. Bennet, Jesse Edwards, James C. Caraway, William C. Flake, Joseph J. Cox, John Boylan, A. C. Moore, Alex. McRae, Lucas R. Legrand, James A. Leak, E. L. McLendon, Malcolm Shaw, John Stacey, W. Huntly, Wm. H. Glass, B. L. Henry, M. L. Austin, Joseph Sullivant, David Tilman, James T. Streater, Joel Gaddy, John Pratt, Tihman A. Bristol and John M. Mason, and such subscribers as are hereinafter provided for, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the Anson Institute, and by that name shall have succession, and so continue for the term of thirty years, and have a common seal, and plead and be impleaded, acquire, hold and transfer property, real and personal, for the use of said institute.

Sec. 2. Be it further enacted, That the capital stock subscribed as aforesaid shall be divided into shares of twenty-five dollars each, and in default of any of the stockholders to pay the amount subscribed by them as aforesaid, or any part thereof, the trustees of the institute, in the corporate name of said institute, may recover the same by an action of debt or case against any such person before any court having jurisdiction of the same.

Sec. 3. Be it further enacted, That at any time after the ratification of this act, any five of said stockholders may call a general meeting of the stockholders at such a time and place in the county of Anson as they may think proper, and at such meeting, if it shall appear that a majority of the stock is represented, either in person or by proxy, an election shall forthwith be held for seven trustees of the institute; and in said election each share of stock shall be entitled to one vote, and the trustees so elected and their successors shall be invested with all the executive powers of said corporation, and in the corporate name of the institute maintain and defend suits, give releases and acquittances, fill all vacancies in their board from among the stockholders, employ one or more teachers, elect a president of their board, appoint a treasurer, who shall give a bond with good security, to be approved of by the trustees, or a majority of them, payable to the Anson Institute, in the penal sum of three thousand dollars, upon condition that he will safely keep the funds of the said institute, and disburse the same agreeable to the orders or directions of the board of trustees, establish such by-laws, rules and regulations for the government of the corporation as they may deem proper, provided the same are not inconsistent with the consti-
1854-55.—Chap. 60—61.

Tution and laws of this State, or of the United States, and all other acts and things incident to bodies corporate of a like nature.

Sec. 4. Be it further enacted, That the trustees elected in pursuance of the preceding section shall hold their office for and during the term of one year, or until their successors shall be elected; that for the purpose of electing trustees, a general meeting of the stockholders may be held annually within one year after the time for holding the last preceding annual meeting, and in order to constitute a quorum to do business, a majority of the stock subscribed shall be represented at every such annual meeting, either in person or by proxy.

Sec. 5. Be it further enacted, That Purdie Richardson, Hallum Sturdivant, Thomas Roberson, Walter R. Leak, Edmund F. Lilly, Townly Redfearn, and Thomas S. Ashe, shall constitute the board of trustees, and shall have all the powers vested in the trustees authorized by this act to be appointed until the election of trustees, at the first general meeting of the stockholders, and may open books for the increase of the stock, and admit as stockholders all such persons who shall have heretofore subscribed for stock whose names may be admitted in this act.

Sec. 6. Be it further enacted, That no person within three miles of the "Anson Institute" shall either sell, give or deliver to any student of the said institute any spirituous liquors, or any liquid of which spirituous liquor is a chief ingredient, unless the same be prescribed as medicine by a physician, under the penalty of twenty-five dollars for each and every such offence, to be recovered by any person in the name of the State for the use of said institute, and all persons so offending shall also be deemed guilty of a misdemeanor, and liable to indictment therefor, and if a licensed retailer of spirituous liquors, upon conviction, shall forfeit his license. [Ratified the 15th day of February, 1855.]

AN ACT TO INCORPORATE UNION ACADEMY IN THE COUNTY OF NEW HANOVER, AND FOR OTHER PURPOSES.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Lewis Highsmith, John M. Fennell, John W. Taylor, Nicholas C. Fennell, Eldridge G. Ward and Owen Fennell, be and hereby constituted and declared a body corporate and politic, to be known and distinguished by the name and style of the Trustees of Union Academy in the County of New Hanover, within three hundred yards of Harold's Store, and by that name and style may sue and
be sued, plead and be impleaded, shall have perpetual succession and common seal, may acquire by purchase, gift or otherwise, to them and their successors estate, personal and real, for the use of the academy, and shall make all such by-laws, rules and regulations as are necessary for the good government of said institution, not inconsistent with the constitution and laws of this State, or of the United States; and in case of vacancy by death, resignation or otherwise, the remainder, or a majority of them, may appoint successors, who shall have the same power and authority as are conferred on the trustees created by this act.

Sec. 2. *Be it further enacted*, That it shall not be lawful for any person to sell any spirituous or intoxicating liquors within two miles of the above named institution.

Sec. 3. *Be it further enacted*, That any person or persons violating the second section of this act shall be guilty of a misdemeanor, and liable to indictment, and on conviction thereof shall be subject to the same forfeitures and penalties as are now imposed by law upon those who retail without license. [*Ratified the 9th day of January, 1855.*]

### Chap. 62.

**AN ACT TO AUTHORIZE THE TRUSTEES OF THE LOUISBURG FEMALE ACADEMY TO CONVEY TO THE LOUISBURG FEMALE COLLEGE COMPANY CERTAIN INTERESTS IN THE FEMALE ACADEMY GROUNDS.**

**Trustees, their powers.**

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Trustees of the Louisburg Female Academy and their successors, or a majority of them, be and they are hereby authorized and empowered to convey or lease to the Louisburg Female College Company the right and privilege of locating and erecting female college buildings, and all necessary college buildings, and of continuing the same upon the female academy grounds in or near the town of Louisburg for such a term of years as may be agreed upon by the said trustees and the said Female College Company, upon the following terms and conditions, to wit: The said Female College Company shall pay said trustees an annuity of forty dollars, remove the present female academy buildings to some part of the said academy grounds, and put the same in good repair, enclose the said grounds and keep the enclosure in good repair, and upon the further condition that the said Female College Company, its successors or assigns, shall never use the said college or buildings so erected for any other purposes than those of female education.
AN ACT TO INCORPORATE THE TRUSTEES OF GRANVILLE INSTITUTE IN GRANVILLE COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William A. Eaton, Donaldson P. Paschall, Thomas L. Williams, John S. Burwell, James W. Braime, James M. Howell, Robert J. Boyd, Kenchnu Harrison and Pleasant P. Peace, and their successors, be and they are hereby incorporated and made a body politic, with the usual rights, powers, privileges of such corporations.

Sec. 2. Be it further enacted, That this act shall be in force from its ratification. [Ratified this 14th day of February, 1855.]

AN ACT TO INCORPORATE CAPE FEAR ACADEMY IN THE COUNTY OF BLaden.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas J. Robeson, John T. Council, Bartram Robeson, James Robeson, John C. Baker, Joseph Lyon, James S. Durham, John S. Willis and Duncan McFadyen be and are hereby constituted and declared a body corporate and politic, to be known and distinguished by the name and style of the “Trustees of Cape Fear Academy,” in the county of Bladen, and by that name and style may sue and be sued, plead and be impleaded, shall have succession and a common seal, may acquire by purchase, gift or otherwise, to them and their successors, estate, both real and personal, for the use of the academy, and shall make all such by-laws, rules and regulations, as are necessary for the good government of said institution, not inconsistent with the constitution and laws of this State, or of the United States; and in case of vacancy by death, resignation or otherwise, the remainder, or a majority of them, may appoint successors, who shall have the same power and authorities as are conferred on the trustees created by this act.

Sec. 2. Be it further enacted, That it shall not be lawful for any person to sell any spirituous or intoxicating liquors within three miles of the above named institution.
Sec. 3. Be it further enacted, That any person or persons violating the second section of this act shall be deemed guilty of a misdemeanor and liable to indictment, and on conviction thereof shall be subject to the same forfeitures and penalties as are now imposed by law upon those who retail without license. [Ratified the 16th day of February, 1855.]

Chap. 85. AN ACT TO INCORPORATE THE TWO ACADEMIES IN THE TOWN OF ASHEBORO.

Whereas it is found that the care and management of the two academies in the town of Asheboro', county of Randolph, viz., the male and female academies, under two different and distinct boards of trustees, is inconvenient, and attended with difficulty; therefore,

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That from and after the passing of this act, the care and management of these two academies shall be under one and the same board of trustees, to consist of twelve in number, in whom shall be vested all the powers and privileges granted to the trustees of the female and male academies by the original act of incorporation, and who shall take the place of such trustees as were named in the original act, or may have since been chosen to fill vacancies, and that Jonathan Worth, Alfred H. Marsh, A. J. Hale, J. M. A. Drake, Reuben H. Brown, J. M. Worth, Francis Cooper, John A. Craven, B. F. Hoover, Wm. B. Lane, Hugh M. Cain and Hardy Brown, constitute the board, any five of whom shall be quorum for transacting business, with power to fill any vacancies that may happen by death, resignation or removal from the county.

Sec. 2. Be it further enacted, That these trustees shall receive all the property belonging to the two academies, and that the former trustees convey and deliver over all the said property to this new board, and that they shall have all the rights and privileges that were granted to the former trustees, and be liable in manner and form as there described.

Sec. 3. Be it further enacted, That the former acts referred to be and are hereby repealed, except so far as the conditions are transferred to the new board as herein referred to.

Sec. 4. Be it further enacted, Reuben H. Brown is authorized to call and preside at the first meeting, until the proper officers are chosen.
AN ACT TO INCORPORATE THE YADKIN INSTITUTE, IN THE COUNTY OF DAVIDSON.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Henry Walser, Thomas C. Crump, Alexander Robbins, J. J. Gamble, Allison Gray, David L. Michael, Jourdan Rominger, David Weasner, and John A. Davis be, and they are hereby constituted a body corporate [and] politic, by the name and style of the Yadkin Institute; and by that name may sue, and be sued, plead and be impugned, shall have succession and a common seal, and, in general, shall have, exercise, and enjoy all such rights, powers and privileges as are usually exercised and enjoyed by trustees of any incorporated academy within this State.

Sec. 2. Be it further enacted, That any five of the trustees may constitute a quorum for the transaction of business, and that, on the refusal of any of the trustees to act, or in case of death or removal out of the State, any of the trustees of the institute aforesaid, the remaining trustees, shall have power to fill such vacancy. [Ratified the 3d day of February, 1855.]

AN ACT TO INCORPORATE MORNING SUN ACADEMY, IN THE COUNTY OF WAKE.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Peleg Rogers, Mark A. Tate, Wm. D. Holloway, Robert Halliburton, Dr. Thomas Hogan, Wilie Fletcher and Calvin J. Rogers be, and they are hereby appointed trustees and incorporated under the name and style of "the Trustees of Morning Sun Academy," and by that name shall be able and capable in law to sue and be sued, plead and be impugned, to acquire by purchase, gift or otherwise, to them and their successors, estate real and personal, for the use of the academy; and to enjoy all other power, privileges and immunities incident to bodies corporate of like nature.

Sec. 2. Be it further enacted, That in case of vacancy occurring by death, resignation, or otherwise of said trustees, the remainder, or a majority of them, may appoint successors to the same. [Ratified the 14th day of February, 1855.]
Chap. 68. AN ACT TO INCORPORATE CYPRESS CREEK ACADEMY, IN THE COUNTY OF JONES.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Calvin Koonce, John H. Dillohunt, Joseph Kincey, Lewis Williams and William A. Cox, and their successors and associates, be and they are hereby constituted a body politic and corporate, to be known and designated by the name and style of the trustees of the Cypress Creek Academy, and by that name shall have a succession and a common seal, and shall sue and be sued, plead and be impleaded, in any court of law and equity in this State, and shall be capable in law of holding lands, tenements and chattels, sufficient for all purposes of said academy.

Sec. 2. Be it further enacted, That the corporation shall have power and authority to make all by-laws, rules and regulations that shall be necessary for the good government of said academy, and the management of the property and finances of the same; also, to fill vacancies among the trustees from time to time, occasioned by death, resignation or otherwise, and also to appoint such officers as they may think proper.

Sec. 3. Be it further enacted, That said trustees shall have power to appoint all teachers in said academy; to fix the rates of tuition, and to do and perform all such acts as are incidental to, and usually exercised by bodies politic and corporate, not inconsistent with the constitution and laws of the State, for the accomplishment of the objects contemplated.

Sec. 4. Be it further enacted, That, a majority of said trustees shall constitute a quorum for the transaction of any business connected with the said academy.

Sec. 5. Be it further enacted, That this act shall be in operation from and after its ratification. [Ratified the 16th day of February, 1855.

Chap. 69. AN ACT TO INCORPORATE THE TRUSTEES OF THE NEW INSTITUTE IN IREDELL COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That J. C. Turner, Wilfred Turner, J. L. Nesbit, J. W. Halmon, W. W. Allen, J. M. Love, W. D. Smith, L. G. Ramsay and J. Tomlin, be, and are hereby ordained and constituted a body corporate, forever to be known by the name of “the Trustees of the New Institute,” and by that name shall have perpetual succession, and they
and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to sue and be sued, plead and be impleaded, and shall take, demand and receive any property, real or personal, any moneys or other things which shall be given for the use of said institute, and the same to apply accordingly; and by gift, purchase or devise, to take, have and possess, receive, enjoy and retain to them and their successors forever, any lands, rents or tenements of whatever nature or kind soever, to be applied for the benefit of said institute.

Sec. 2. Be it further enacted, That the said trustees or a majority of them, shall have power to appoint such teachers as to them shall appear necessary; also a treasurer and secretary, upon such conditions and with such restrictions as they may deem proper; and the said trustees or a majority of them, shall have power to make all such laws and regulations for the government of said institute, and for the preservation of order and good morals therein, as they may deem necessary.

Sec. 3. Be it further enacted, That upon the death, removal, inability or refusal to act, or resignation of any of the trustees, it shall be lawful for the remaining trustees or a majority of them, to elect other trustee or trustees in the room of such as die, resign, remove or refuse to act; and the trustee or trustees so elected, shall have equal power and authority with the trustees hereby appointed.

Sec. 4. Be it further enacted, That said trustees or a majority of them, shall have power to make such regulations and by-laws as are usual in such seminaries.

Sec. 5. Be it further enacted, That no person or persons shall sell or barter any spirituous liquors; except to be used for mechanical, medical or chemical purposes, within two miles of the said New Institute; and any person who shall violate this prohibition, shall be deemed guilty of a misdemeanor and be indictable therefor, and on conviction, shall be imprisoned or fined, not less than ten dollars. [Ratified the 14th day of February, 1855.]

AN ACT TO INCORPORATE THE NEW-HOPE ACADEMY, IN THE COUNTY OF CHATHAM.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That E. P. Fearington, Joseph Stone, Joseph Jenkins, John Castleberry, M. D. Williams, Simms Upchurch, Kimbro' Council, Henry Williams, G. J. Williams, George Winn and their successors, be, and the same are
hereby incorporated by the name and style of "the New-Hope Academy."

Sec. 2. Be it further enacted, That the officers and students of the said academy, are hereby exempt from military duty, and working upon the public roads.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

Chap. 71. AN ACT TO INCORPORATE THE TRUSTEES OF THE FAYETTEVILLE FEMALE HIGH SCHOOL, AT FAYETTEVILLE, IN THE COUNTY OF CUMBERLAND.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That E. J. Lilly, E. J. Hale, D. S. Williams, J. G. Shepherd, J. H. Cooke, H. L. Myrover, P. Taylor, S. J. Hinsdale, J. W. Powell, J. W. Pearse, A. A. McKethan, G. S. Hodges, Wm. Cade, Wm. McLaurin, T. R. Underwood, T. J. Johnson, A. E. Hale, B. W. Robinson, W. Winslow, J. M. Beasley, N. A. Steadman, A. W. Steele, S. W. Tillinghast, J. D. Williams and J. C. Dobbin, and their associates, successors and assigns, be, and the same are hereby constituted a body politic and corporate, to be known and distinguished by the name and style of the "Trustees of the Fayetteville Female High School," and by that name shall have succession and a common seal, and shall be able and capable, in law, of holding lands and tenements, and chattles sufficient for the purposes of the school; and of suing and being sued, pleading and being impleaded in their corporate name.

Sec. 2. Be it further enacted, That the said corporation shall have power to make all rules, regulations and by-laws, that shall be necessary and proper for the good government of said school, and the management of the property and finances of the same, and also to fill all vacancies amongst the trustees from time to time, occasioned by death, resignation or other causes, and also to appoint such other officers as they may think proper.

Sec. 3. Be it further enacted, That nine of the trustees shall constitute a quorum, for the transaction of any business connected with the school.

Sec. 4. Be it further enacted, That a majority of the trustees shall have power at any time hereafter, to increase the number of trustees of the school, should its success require it.

Sec. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of February, 1855.]
AN ACT TO INCORPORATE THE SPRINGFIELD INSTITUTE, IN THE COUNTY OF WAKE.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That George Farebault, John B. Johns, J. J. Ferrell, P. H. Sturdivant, Wm. L. Fort, David Lewis, Hardy Pool and Wm. J. Busbee be, and they are hereby incorporated by the name and style of "the Springfield Institute," and by that name shall have succession and a common seal, sue and be sued, plead and be impleaded, acquire by purchase, gift, or otherwise to them and their successors, estate real and personal, for the use of the said institute; and shall make all such by-laws, rules, and regulations as are necessary for the good government of said institute, not inconsistent with the constitution and laws of the State; and in case of vacancy, resignation, or otherwise of said trustees, the remainder, or a majority of them, shall have power to appoint successors to the same, who shall have the same authority as the trustees constituted by the provisions of this act.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of February, 1855.]

AN ACT TO INCORPORATE THE UNITED BAPTIST INSTITUTE IN THE TOWN OF FAYETTEVILLE.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Reuben Watts, J. J. Watts, Alfred Caison, Cannon Caison, Hugh Stokes, Isaac Oxford, John G. Bryant, A. M. Bogle, Calvin Jones, Thomas Isbell, John B. Green, Ezekiel McClelland, Benjamin Martin and William Pool, and their successors in office, be and the same are hereby constituted a body politic and corporate, to be known and distinguished by the name and style of the trustees of the United Baptist Institute, and by that name shall have succession and a common seal, and shall be able and capable in law of holding lands, tenements and chattels, sufficient for the purposes and design of the institute, and of suing and being sued, and of pleading and being impleaded, with full power to make all needful rules and by-laws for the government of the said institute, not inconsistent with the constitution of this State and of the United States; and they are hereby vested with all other powers and rights necessary or usually appertaining to municipal corporations.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of February, 1855.]
Chap. 74. AN ACT TO INCORPORATE THE TRUSTEES OF WOODBURN FEMALE SEMINARY IN THE COUNTY OF GUILFORD.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Rev. Neill McKay, Joseph B. Cherry, George D. Pool, Thomas Sparrow, John A. Maultsby, K. Rayner, John H. Haughton, A. C. Lindsay, Ralph Gorrell, C. H. Wiley, H. B. Elliott, W. S. Harris, Victor Barringer, James Owen, John A. Gilmer and J. S. Erwin, be, and they are hereby declared a body corporate and politic, to be known and distinguished by the name and style of the "trustees of Woodburn Female Normal Seminary," and by that name and style shall have a perpetual succession, and a common seal, and be able and capable in law of holding lands, tenements and chattels, for the uses and purposes of said seminary, and of suing and being sued, and of pleading and being impleaded.

Sec. 2. And be it further enacted, That the trustees shall have power to fix the time of their annual meetings and other meetings, of appointing an executive committee of five, of their own number, with power to supervise the internal regulations of said seminary, to fix on the salaries of teachers, and to do all other things necessary to, and for an institution of learning, not inconsistent with the laws and constitution of this State, and of the United States.

Sec. 3. Be it further enacted, That the trustees at large shall have the appointment of president in said seminary, but they may empower the executive committee to select teachers.

Sec. 4. Be it further enacted, That the faculty and five trustees, may confer such degrees as are conferred in other female colleges and seminaries, and grant such other marks of merit and distinction as are common to other schools of the kind.

Sec. 5. Be it further enacted, That all acts and clauses coming within and opposed to the meaning of this act, be, and they are hereby repealed.

Sec. 6. Be it further enacted, That the trustees of said seminary, may in their discretion sell not more than thirty scholarships at such prices, and on such terms as they may deem best.

Sec. 7. Be it further enacted, That a majority of the trustees shall have power to select their successors, and the whole number shall not exceed sixteen at any time.

Sec. 8. Be it further enacted, That this act shall be in force from and after February 25th, 1855. [Ratified the 16th day of February, 1855.]
AND OF THE STOCK, 1855, APRIL, EACH, AND THAT FOR THE PURPOSE OF RECEIVING SUBSCRIPTIONS FOR SAID STOCK, BOOKS SHALL BE OPENED ON THE FIRST MONDAY IN APRIL, 1855, AND REMAIN OPEN FOR THE SPACE OF THIRTY DAYS AT FAYETTEVILLE, UNDER THE SUPERINTENDENCE OF JOHN W. SANFORD, HENRY LILLY, JOHN ECCLES, JAMES G. COOKE, THOMAS S. LUTTERLOH, JAMES BANKS, WM. McLaurin, SAMUEL W. TILLINGHAST AND B. W. ROBINSON, AND AT SUCH OTHER PLACES, AND UNDER THE SUPERINTENDENCE OF SUCH OTHER PERSONS AS SAID COMMISSIONERS MAY DIRECT.

SEC. 2. BE IT FURTHER ENACTED, THAT ONE TENTH OF SUCH SHARES SHALL BE PAID IN GOLD AND SILVER TO THE COMMISSIONERS ABOVE NAMED, AT THE TIME OF SUBSCRIBING; THAT ANOTHER TENTH SHALL BE PAID WITHIN SIXTY DAYS; THAT ANOTHER TENTH SHALL BE PAID WITHIN NINETY DAYS; THAT ANOTHER TENTH SHALL BE PAID WITHIN ONE HUNDRED AND TWENTY DAYS; AND THAT THE REMAINDER SHALL BE PAID AS THE PRESIDENT AND DIRECTORS HEREAFTER PROVIDED TO BE ELECTED MAY DIRECT; AND IF ANY SUBSCRIBER SHALL FAIL TO PAY ANY INSTALLMENT AT THE TIME STIPULATED, HE SHALL PAY THE INTEREST THEREON, AT THE RATE OF SIX PER CENT. PER ANNUM, AND HIS STOCK SHALL BE FORFEIT AND MAY BE SOLD BY THE BANK, AND THE PROCEEDS APPLIED TO THE PAYMENT OF THE AFORESAID DEFICIT INSTALLMENT, AND HE SHALL BE HELD RESPONSIBLE FOR THE SAME AT THE OPTION OF THE BANK, AND THE BALANCE, IF ANY, TO BE PAID OVER TO THE SAID SUBSCRIBER: PROVIDED, THAT NO DIVIDEND SHALL BE DECLARED UNTIL THE WHOLE AMOUNT OF STOCK SUBSCRIBED SHALL BE PAID IN GOLD OR SILVER.

SEC. 3. BE IT FURTHER ENACTED, THAT WHEN ONE THOUSAND SHARES ARE SUBSCRIBED, AND THE SUM OF TWO HUNDRED THOUSAND DOLLARS ACTUALLY PAID TO THE COMMISSIONERS, THE SUBSCRIBERS TO THE SAID BANK, THEIR SUCCESSORS AND Assignees SHALL BE, AND ARE HEREBY CREATED A BODY POLITIC IN LAW AND IN FACT, BY THE NAME AND STYLE OF "THE BANK OF CLARENDON, AT FAYETTEVILLE," AND SHALL SO CONTINUE UNTIL THE FIRST DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE, AND BY THE NAME AND STYLE AFORESAID, THEY SHALL BE AND ARE HEREBY MADE ABLE AND CAPABLE IN LAW TO HAVE, PURCHASE, RECEIVE, POSSESS, ENJOY AND RETAIN TO THEMSELVES AND SUCCESSORS LAND, TENEMENTS, RENTS, HEREDITAMENTS, GOODS, CHATTELS AND EFFECTS, AND THE SAME TO GRANT, ALIEN, AND DISPOSE OF, TO SUE AND TO BE SUED,
implead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatsoever; and, also to make, have and use a common seal, and the same to break, alter, or renew at pleasure; and also to ordain, establish, and put in execution such by laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation, and for making whereof general meetings of the stockholders may be called in the manner hereinafter specified; and generally to do and execute all matters, acts and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereinafter prescribed and declared.

SEC. 4. Be it further enacted, That as soon as four thousand shares shall be taken in the stock of said bank, and two hundred thousand dollars paid to the commissioners who keep the books, notice shall be given in the newspapers published in the town of Fayetteville; a meeting of the subscribers shall be called to be held at least thirty days after the date of the notice; if at this meeting those or their agent who have a majority of votes according to the rates hereafter described be present, [if not, another meeting shall be called,] they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation; said directors shall remain in office until the first Monday in March, 1856, or until their successors shall be appointed; and on the first Monday in March in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Fayetteville for the purpose of electing directors, inquiring into the affairs of the institution, and making such other regulations as may be deemed fit and necessary.

SEC. 5. Be it further enacted, That the following rules, regulations and provisions, shall form and be the fundamental articles of the constitution of the corporation: A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of the majority of votes which may be present; every stockholder, holding one share, and not more than two shares, shall be entitled to one vote; for every two shares above two and not exceeding ten, one vote; for every three shares above ten and not exceeding one hundred, one vote; and for every four shares above one hundred, one vote. After the first meeting, no share or shares shall confer a right of voting, which shall not have been held for three calender months previous to the day of voting. Stockholders may vote at the general meetings and elections by proxy, the proxy himself being a stock-
holder. No president, cashier, director, agent or clerk of the bank, shall be permitted to vote as proxy for another. None but a stockholder who is a citizen of the State, shall be eligible as a director. The directors, when appointed, shall choose one of their number, (which shall always be seven,) to be president of the bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but compensation to the president and directors shall be granted at the pleasure of the stockholders. Not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by writing, nominate any other director to supply his place. A number of stockholders not less than ten, who, together shall be the owner of two thousand shares or upwards, shall have power at any time to call a general meeting of the stockholders, for the purposes relating to the institution, giving at least twenty days notice in a public newspaper, published in the town of Fayetteville, and specifying the object or objects of such meeting. The directors shall annually elect such officers as may be deemed necessary to perform the business of the bank, and may remove them or either of them at pleasure. These officers shall be required to give bond with two or more securities, in sums not less than ten thousand dollars, with condition for good behavior and faithful performance of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the date and day of each meeting, and shall record the yeas and nays on any question when asked for by a director. This book shall be evidence in courts of justice. On entering on discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of the clerk of the county court of Cumberland, viz: I, A. B. do solemnly swear, (or affirm as the case may be,) to keep a just and true record, without alteration or erasure, of the transactions of the board of directors of the bank of Clarendon, in a book to be kept by me for that purpose. The said corporation shall purchase and hold such lands, tenements, rents and hereditaments, as shall be required for the transaction of its business, or shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in course of its dealings, or purchase at sales upon judgments which shall have been obtained upon such debts. The said corporation shall neither directly nor indirectly trade in anything except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and
not redeemed in due time, or in goods which shall be the
produce of its lands, mint certificates, and the public debts
of this State: Provided, The investments in such stock shall
not exceed one half of the capital stock of the bank; neither
shall said corporation take more than the rate of six per
centum per annum, for or upon its loans or discounts, which
interest may be taken in advance at the time of discount.
The total amount of debts which said corporation shall at
one time owe, shall not exceed twice the amount of stock
actually paid in. If a vacancy in the directory shall occur,
by death, resignation or otherwise, the remaining directors
shall fill such vacancy until the succeeding annual meeting
of the stockholders. The stock of said corporation shall be
assignable and transferable, according to the rules which
shall be instituted in that behalf, by the by-laws and ordi-
nances of the same. The officer at the head of the treasury
department of the State, shall be furnished once in six
months, with a statement of the amount of capital stock of
said corporation, and debts due the same, and the money
deposited therein, of the notes in circulation, and of the cash
in hand; and shall have a right to inspect such general ac-
counts in the books of the bank, as shall relate to statement:
Provided, That this shall not be construed to a right of in-
specting the account of any private individual with the bank,
except the directors. The bills, obligatory and of credit,
under seal of said corporation, which shall be made to any
person or persons, shall be assignable by endorsement there-
on, under the hand or hands of such person or persons, and
of his or her assignee or assignees, and so as absolutely
to transfer and vest the property therein, and each and every
assignee or assignees successively, and to enable such assignee
or assignees to bring and maintain an action thereupon, in his,
hers or their name or names; and bills or notes which may
be issued by order of such corporation, signed by the presi-
dent, and countersigned by the cashier, promising the pay-
ment of money to any person or persons, his, her or their
order, or to bearer, though not under the seal of said corpo-
ration, shall be binding and obligatory on the same in like
manner, and with the like force and effect, as upon any pri-
ivate person or persons; that is to say, those which shall be
payable to any person or persons, his, her or their order, shall
be assignable by endorsement in like manner, and with like
effect as foreign bills of exchange now are; and those which
are payable to bearer, shall be negotiable by delivery only.

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

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

Sec. 8. Be it further enacted, That the directors shall be required to keep open the subscription book until the whole of the stock shall be taken.

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

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

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

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

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

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

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

Sec. 16. Be it further enacted, That no bill, promissory note, check or certificate of deposite, shall be issued or reissued by the corporation for a less amount than five dollars; nor shall said bank pay out the bills or notes of other banks of a less denomination than five dollars, unless it be in settlement with such banks.

Sec. 17. Be it further enacted, That no loan shall be made to any subscriber for stock in said bank, until one half of the capital stock has been actually paid in.

Sec. 18. Be it further enacted, That no officer or director of said bank shall at any time receive any gift, gratuity or
reward from any person or persons, obtaining any discount or other accommodation at said bank, on account of or by reason of said accommodation; and no officer or director of said bank shall at any time purchase any note, bill or other evidence of debt with his own funds, and afterwards place the same in said bank as the property of the same or to the use of the same; and all persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined and imprisoned at the discretion of the court trying the same: Provided, That the said offender shall be cognizable in the superior courts only.

Sec. 19. Be it further enacted, That no director or other officer of the said bank, shall directly or indirectly receive any compensation for any agency in negotiating any business with the bank or its agencies, in procuring discounts, renewing notes, or receiving moneys for individuals, or notes discounted; and any such director or other officer thus receiving compensation, shall be removed from office, and be disqualified from thereafter holding any office in said bank, or any of its agencies. [Ratified the 16th day of February, 1855.]

AN ACT TO AMEND THE SEVENTH SECTION OF AN ACT ENTITLED AN ACT TO INCORPORATE A BANK IN THE TOWN OF WASHINGTON, IN THE COUNTY OF BEAUFORT.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said corporation shall be able and capable in law to purchase and hold, in addition to the land whereon their banking house and necessary out houses are situated, so much real estate as is and shall be necessary and convenient for a residence of the cashier of said bank, not exceeding one acre: Provided, That the president, directors and officers of the bank be and they are hereby prohibited from representing, as proxies, other stock than they may severally own.

Sec. 2. And be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 5th day of February, 1855.]

AN ACT TO RECHARTER THE BANK OF CAPE FEAR.

Sec. 1. Be it enacted by the General Assembly of the State Acts continued of North-Carolina, and it is hereby enacted by the authority of the same, That the act passed in the year 1833 and '34, entitled an act to recharter the bank of Cape Fear, and all
other acts subsequently passed relating to the management, direction and affairs of said bank, be and the same are hereby continued in force until the first day of January, one thousand eight hundred and eighty, except so far as the same are hereby altered, amended and repealed.

Sec. 2. Be it further enacted, That there shall be added to the capital stock of said bank, five thousand shares of one hundred dollars each, and it shall be the duty of the president and directors forthwith to cause books to be opened to receive subscription for such additional shares, under such rules and regulations as the president and directors shall prescribe.

Sec. 3. Be it further enacted, That if, upon the opening of such books as aforesaid, a greater number than five thousand of such shares shall be subscribed, the president and directors of said bank shall reduce such subscriptions according to a scale to be by them established for that purpose; but, in making such reduction, such subscribers as are not now stockholders in said bank shall, in all cases, be preferred, and be entitled to retain the shares respectively subscribed by them, before any of the present stockholders in said bank shall be permitted to retain any share or shares subscribed for by him or her.

Sec. 4. Be it further enacted, That the said books shall be opened for the purposes aforesaid, and shall be kept open for sixty days, under the direction of one or more commissioners appointed by the president and directors of said bank, in the following places, viz: in the city of Raleigh, and in the towns of Wilmington, Fayetteville, Newbern, Edenton, Hillsboro', Greensboro', Salisbury, Salem, Lexington, Concord, Charlotte, Asheville, Lincolnton, Rutherfordton, Morganton, Wilkesboro', Ashboro', Milton, Pittsboro', Caribage, Wadesboro', Rockingham, Goldsboro', Tarboro', Elizabeth City, Windsor, Washington, Plymouth, Murfreesboro', Halifax, Warrenton and Oxford; and should such five thousand shares not be subscribed for within the said sixty days, then it shall be lawful for the said president and directors from time to time to re-open such books of subscription, at the said places, for the residue.

Sec. 5. Be it further enacted, That the State of North Carolina shall be entitled to subscribe for one-third or any less number of the said five thousand shares, should the General Assembly, during its present session, so direct and provide for; and any such subscription on the part of the State shall not be sealed or reduced.

Sec. 6. Be it further enacted, That the number of directors in said bank which the State shall appoint, shall always bear the same relative ratio to the number of directors which the other stockholders shall appoint as the stock held by the
State bears to the stock held by other stockholders, and in ascertaining such relative number, should there be fractions of stock, the State or the other stockholders, whichever may have the largest fraction, shall be entitled to the director, and if the fraction be equal, the State shall appoint the director; and in the meetings of the stockholders, the votes of the State shall be in the same ratio, compared with the whole of the votes of the other stockholders present or represented at such meeting, as is the stock held by the State, compared with the stock held by such other stockholders.

Sec. 7. Be it further enacted, That all property and estate held by the stockholders in the present bank over and beyond the amount of their shares, reckoning one hundred dollars to each share, shall be for their sole use and benefit in the ratio of the number of their respective shares, and such excess may be withdrawn from the corporation, and divided among them in that ratio; but if such excess over and beyond the shares of the present stockholders in said bank, be retained in whole or in part by said bank after its capital stock shall have been increased as is before provided for, the holders of such increased capital stock shall contribute to said bank pro rata according to the number of such shares held by them respectively, such sums of money as may be ascertained [as is hereinafter provided for] to be a fair and proper equivalent for their interest in such excess.

Sec. 8. Be it further enacted, That the value of the property and estate held by the stockholders in the present bank over and beyond the amount of their shares, shall be ascertained by a committee of three persons, who shall then be stockholders of said bank, one of whom shall be appointed by the Governor of the State, one by the stockholders of the present bank, and the remaining one, by the holders of the stock constituting said increased capital in said bank; or the same may be ascertained in such other manner as may be agreed upon by a majority of the present stockholders of said bank, and by a majority of the holders of such increased capital stock, who may respectively be present or represented at any meeting of the stockholders called for that purpose.

Sec. 9. Be it further enacted, That the lands, tenements and hereditaments which the corporation may acquire and hold, shall be only such as shall be required for its accommodation, for the transaction of its business, and for the accommodation of its officers, agents, or servants, and such as have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales upon judgments, or decrees rendered in favor of the bank.
SEC. 10. Be it further enacted, That the total amount of notes in circulation, which the said corporation shall at any time owe, shall not exceed the amount of its capital stock actually paid in.

Tax on shares.

SEC. 11. Be it further enacted, That each share owned by individuals shall be subject to an annual tax of thirty cents, which shall be reserved out of the profits of individual stock as they accrue by the cashier of the principal bank, and paid to the public treasurer on or before the first day of October in each and every year; which tax may be increased at any time not exceeding one dollar for each and every share, as the Legislature may direct, and the exigency of the State requires in equalizing taxation: Provided, That the tax in this case shall not be greater than that imposed on shares in such other banks as may be chartered at this or some other succeeding General Assembly: And provided further, That nothing herein contained shall be so construed as to restrain any future General Assembly from taxing dividends belonging to individuals or corporations; said tax not to exceed that which may be imposed on interest receiveth for money loaned.

Dividends.

SEC. 12. Be it further enacted, That no dividend of profits on the additional stock by this act authorized, shall be declared until the time of declaring the first dividend which may be declared next after the last payment on such additional stock, and then only on such shares as shall have been wholly paid in.

SEC. 13. Be it further enacted, That nothing in this act contained or in any of the acts in reference to said bank, shall be so construed as to exempt the real estate belonging to said bank from taxation.

SEC. 14. Be it further enacted, That in case of the insolvency of the said bank, the stockholders shall be liable to creditors according to the shares of stock then held by them in double the amount of their respective shares of stock in said bank.

Frauds.

SEC. 15. Be it further enacted, That if any officer, agent, or servant of said bank, with intent to defraud said bank, or with intent to defraud any person whatever, shall make any false entry upon the books of said bank, or upon any bill, bond, note, or other security for the payment of money belonging to said bank, or in the custody of said bank, such persons so offending shall be deemed guilty of felony, and upon conviction thereof in the superior court of law, shall be punished by a fine and imprisonment and putting in the pillory, all or either of them at the discretion of the Court.

Annual meeting.

SEC. 16. Be it further enacted, That there shall be annual meetings of the stockholders of said bank held in the town
of Wilmington, at such time as said stockholders shall from
time to time designate.

Sec. 17. Be it further enacted, That whenever the said bank hath any demands upon any person or corporation, it shall be lawful for said person or corporation to pay and discharge such demands in the notes of said bank without regard to the place where the same may be payable and demandable, and the tender of such notes in payment or discharge of any such demand or any part thereof, shall be good and available in law.

Sec. 18. Be it further enacted, That no bill, certificate of deposit, or promissory note shall be issued or re-issued by the corporation for a less sum than five dollars; nor shall said bank pay out the notes or bills of any other bank of a less denomination than five dollars, unless it be in settlement with such bank.

Sec. 19. Be it further enacted, That it shall be the duty of the president of the bank, on or before the first day of May, and the first day of November, in each and every year, to transmit to the public treasurer a full and correct statement of the condition of the bank, showing the amount of capital, notes in circulation, and from what places issued, debts due to other banks, and what banks, and all other particulars necessary to show the debit side of the account; also the amount of specie on hand, debts due from other banks and what banks, real estate, the amount of notes or bonds discounted, and of bills of exchange, showing in one item the amount due from directors, and in another the amount due from the stockholders, but in no case designating the names of the debtors, and all other particulars necessary to show the true condition of the credit side of the account; which statement, together with a statement of the dividends which shall accrue from time to time upon the stock of the bank, the public treasurer shall lay before the General Assembly.

Sec. 20. Be it further enacted, That any committee appointed by the legislature for that purpose, may at any time inspect the books and examine into and report the proceedings of the corporation.

Sec. 21. Be it further enacted, That the president of said bank shall give notice to the Governor of this State of the acceptance by the stockholders of this charter as amended, at such time before the first day of June next as the stockholders may prescribe.

Sec. 22. Be it further enacted, That the president and directors and other officers of the bank be and they are hereby prohibited from representing as proxies any other stock than they may severally own.

Sec. 23. Be it further enacted, That the additional sub-
scriptions authorized by this charter, shall be paid in gold
and silver, or notes of specie paying banks of other States.

Sec. 24. Be it further enacted, That no director or other
officer of the said bank shall directly or indirectly receive
any compensation for any agency in negotiating any busi-
ness with the bank or its agencies, in procuring discounts,
renewing notes or receiving monies for individuals or notes
discounted; and any such director or other officer thus re-
ceiving compensation, shall be removed from office and be
disqualified from thereafter holding any office in said bank
or any of its agencies.

Sec. 25. Be it further enacted, That no officer or director
of said bank or any of its branches, shall at any time receive
any gift, gratuities or reward from any person or persons
obtaining any discount or other accommodation from said
bank or any of its branches, on account of said discount or
accommodation; and no officer or director of said bank or
any of its branches, shall at any time purchase any bill or
note with his own private funds and afterwards place the
same in bank, as the property of or to the use of said bank;
and all persons so offending shall be guilty of a misdeame-
or, and upon conviction shall be fined and imprisoned at
the discretion of the court trying the same, provided that
said offence shall be cognizable and triable only in the su-
perior courts of law of this State. [Ratified 16th day of
February, 1855.]

Chap. 78.

An Act to Increase the Capital Stock of the Commercial
Bank of Wilmington.

Sec. 1. Be it enacted by the General Assembly of the State
of North-Carolina, and it is hereby enacted by the authority
of the same, That the act, entitled "an act to establish the
Commercial Bank of Wilmington," passed by the General
Assembly at the session of 1846-'47, and amended by the
act of 1850-'51, be, and the same is so amended as to in-
crase the capital stock of said bank four thousand and five
hundred shares of one hundred dollars each, so as to make
the entire amount thereof, eight hundred thousand dollars.

Sec. 2. Be it further enacted, That the president and di-
rectors of the Commercial Bank of Wilmington, shall be,
and they are hereby authorized to add to the capital stock
of the said bank four thousand and five hundred shares of
one hundred dollars each, whenever the stockholders, con-
voked in general meeting, shall express their acceptance
and approval of said addition.

Sec. 3. Be it further enacted, That if the stockholders
shall assent to the increase of the capital stock of said bank,
the president and directors shall open books of subscription, under the direction of two or more commissioners to be by them designated, and at such times and places, and for such amount, not exceeding four hundred and fifty thousand dollars, in shares of one hundred dollars, as they, the said president and directors, may deem proper and expedient; the books to be kept open for such subscription for at least ten days; and if it shall happen, when the books shall be opened as aforesaid, that more than four thousand and five hundred shares shall be subscribed for, it shall be competent for the president and directors to reduce the shares so subscribed, by a scale by them to be adopted, so as to make the number forty-five hundred: Provided, That if the whole number of four thousand and five hundred shares shall not be subscribed within the time allowed for that purpose, the president and directors may and shall have power, and are hereby required from time to time to re-open books, at such times and places, and under such commissioners as they shall appoint, to receive additional subscriptions of stock, until the whole amount is subscribed: Provided, nevertheless, that the president and directors may so scale the subscription made at any one time, as to reduce the same to the number of shares for which the books may have been opened: Provided further, That such subscriptions for additional shares be paid in gold and silver.

Sec. 4. Be it further enacted, That the president of said bank shall give notice to the Governor of the acceptance by the stockholders of the amended charter, within thirty days after the decision of the meeting of the stockholders.

Sec. 5. Be it further enacted, That the president or cashier shall, on the first day of May and November, in each and every year, transmit to the public treasurer a full statement of the condition of the bank, exhibiting the amount of capital, notes in circulation, debts due to other banks, and to what banks, deposits, and all other particulars necessary to explain the debit side of the account; also the specie on hand, notes of other banks, and what banks, bills of exchange, debts or bonds, and notes discounted, specifying in one item the amount due from directors, not, however, using any person's name in either case, and the real estate.

Sec. 6. Be it further enacted, That it shall not be lawful hereafter for the said bank to issue or re-issue any note, bill or certificate of deposit for a sum less than five dollars, nor pay out such notes issued by other banks, unless in settlement with the bank or banks issuing the same.

Sec. 7. Be it further enacted, That the said bank shall be bound and obliged to make a loan or loans to the State of North Carolina, of any sum or sums of money, not exceeding one-tenth of its capital at any one time, and at a rate of

Notice.

Statements.

Sec. 6. Be it further enacted, That it shall not be lawful hereafter for the said bank to issue or re-issue any note, bill or certificate of deposit for a sum less than $5.

Sec. 7. Be it further enacted, That the said bank shall be bound and obliged to make a loan or loans to the State of North Carolina, of any sum or sums of money, not exceeding one-tenth of its capital at any one time, and at a rate of

Loans to the State.
interest not exceeding six per cent. per annum, to be paid half yearly: Provided, it shall be the duty of the public treasurer to make application in writing for such loan or loans at least three months previous to the time they may be required.

**Tax on shares.**

**Sec. 8.** Be it further enacted, That the president or cashier of said bank shall annually, or before the first day of October, in each and every year, instead of twenty-five cents, as provided for in the original charter of this bank, section twelve, pay into the public treasury thirty cents tax on each and every share of capital stock which may have been subscribed and paid for in said bank, which tax may hereafter be increased by the legislature to an amount not exceeding one dollar on each and every share, as the exigency of the State may require, in equalizing taxation: Provided, That the tax in this case shall not be greater than that imposed on shares in such other banks as may be chartered at this or some other succeeding General Assembly: And provided further, That nothing herein contained shall be so construed as to restrain any future General Assembly from taxing dividends belonging to individuals or corporations: said tax not to exceed that which may be imposed on interest received from money loaned.

**Sec. 9.** Be it further enacted, That no director, or other officer of the said bank, shall directly or indirectly receive any compensation for any agency for negotiating any business with the bank or its agencies, in procuring discounts, renewing notes, or receiving monies for individuals, or notes discounted; and any such director or other officer, thus receiving compensation, shall be removed from office, and be disqualified from thereafter holding any office in said bank or any of its agencies.

**Sec. 10.** Be it further enacted, That, unless this amendment of their charter shall be accepted by the stockholders of said bank, within six months after the rise of this General Assembly, this act shall be null and void. [Ratified the 16th day of February, 1855.]

---

**Chap. 79.**

An Act to Incorporate the Wilmington Savings Bank.

son, N. N. Nixon, W. Roston, A. Martin, W. W. Pierce, and their successors, are hereby constituted and created a body politic and corporate, by the name of "the Wilmington Savings Bank," to be located in the town of Wilmington, and in and by the said name, they may sue and be sued, and shall have perpetual succession, and a common seal.

Sec. 2. Be it further enacted, That the officers of the said corporation shall consist of a president, two vice presidents, and a treasurer, who together with twenty trustees, shall constitute a board of managers, five of whom, if the president and one of the vice presidents be present, shall constitute a legal meeting of such board.

Sec. 3. Be it further enacted, That the several persons named in the first section of this act, shall be the first managers of the said corporation, and shall elect the president and two vice presidents from their own body; and all vacancies by death, resignation or otherwise, shall be filled by the board of managers, by ballot, at their first regular meeting after such vacancies shall occur; the person having a majority of the whole number present and voting, shall be considered as duly elected, and not otherwise.

Sec. 4. Be it further enacted, That the trustees or managers of the said corporation, shall not directly or indirectly receive any pay or emolument for their services.

Sec. 5. Be it further enacted, That the said corporation shall receive as deposits, all sums of money that may be offered for that purpose, in such sums and on such terms as may be allowed under the rules to be adopted by the board of managers.

Sec. 6. Be it further enacted, That the said corporation is hereby authorized to invest the monies so deposited, in any securities or public stock, created under and by virtue of any law of the United States or of this State; and to loan money on bonds and mortgages secured by improved real estate of double the value of the amount loaned; and in case three-fourths of the board of managers shall determine in favor thereof, the said money may be invested in the public stocks of other States of the Union; and the said corporation may also make temporary deposits in any of the incorporated bonds in the town of Wilmington, and receive interest at such rates, not exceeding that allowed by law, as may be agreed on; and such deposits shall be repaid to each deposit when required, at such times, with such interest and under such regulations as the board of managers shall from time to time prescribe; which regulation shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted, and any regulations made shall not be altered so as
to affect any one who may have been a depositor previous to such alteration.

Sec. 7. Be it further enacted, That no part of the monies so deposited, shall be invested in the manner in the next preceding section, and no president, vice president, trustee, manager or other officer of the said corporation, shall directly or indirectly borrow or use the funds of the corporation, except to pay the necessary current expenses, and all certificates or evidences of deposits made by the proper officer, shall be as effectual to bind the corporation as if they were under the common seal thereof.

Sec. 8. Be it further enacted, That it shall be the duty of the board of managers to regulate the rules of interest to be allowed to be deposited from the profits of the said institution, after deducting all necessary expenses hereby authorized to be incurred.

Sec. 9. Be it further enacted, That the board of managers of said corporation, shall require from the subordinate officers and agents, security for their fidelity and good conduct, and said board shall fix the salaries of such officers and agents.

Sec. 10. Be it further enacted, That the board of managers shall be authorized from time to time, to make and alter rules and by-laws for the better management of the business of the said corporation, in accordance with the spirit of this act, and not inconsistent with the laws of the State.

Sec. 11. Be it further enacted, That any of the said corporation, in any deed, gift or other instrument, contract or conveyance, shall not violate the same if the corporation be sufficiently described therein, to ascertain the intention of the parties.

Sec. 12. Be it further enacted, That when any deposit shall be made by any person being a minor, the said corporation may at their discretion, pay to such minor, such sums as may be due him, although no question [guardian] may have been appointed for him, and the receipt or acquittance of such minor, shall to all intents be valued [valid] in law to discharge the said corporation.

Sec. 13. Be it further enacted, That the said corporation may hold so much real estate as may be necessary for its own purposes in the transaction of business, not exceeding the clear amount value of ten thousand dollars, and shall also have the right to purchase real estate under foreclosure of any mortgage, which the said corporation may hold by virtue of the sixth section of this act: Provided, That no purchaser can at the time be found, who will pay for the property so foreclosed, the amount of the lien which said corporation may have upon it, and the said corporation may hold the real estate so purchased, until a purchaser shall be
found, who will pay for the same its fair market value, provided it be a sufficient sum to indemnify the said corporation for the amount of money loaned upon the said real estate, together with the interest and expenses due them.

Sec. 14. Be it further enacted, That nothing in this act shall be so construed as to authorize said institution to issue any note, bill, certificate of deposit for circulation, or any other in the nature of a bank note.

Sec. 15. Be it further enacted, That this act shall go into effect from and after its ratification. [Ratified the 14th day of February, 1855.]

AN ACT TO RE-CHARTER THE BANK OF THE STATE OF NORTH-CAROLINA.

Whereas, By an act of the General Assembly, held in the year eighteen hundred and thirty-three, entitled an act to establish a bank in the State of North-Carolina, the subscribers of the stock of said bank were incorporated under the name and style of "the Bank of the State of North-Carolina," with the right to exercise their corporate privileges until the first day of January, one thousand eight hundred and sixty; and whereas, it is deemed expedient now to continue the said corporation for a further term, and to increase its capital;

Sec. 1. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the stockholders in said bank, their associates, successors and assigns shall be and continue a body corporate, under the same name and style, with a capital of stock not exceeding two millions of dollars, divided into shares of one hundred dollars each, until the first day of January, one thousand eight hundred and eighty-five, and by that name and style are hereby made able and capable in law to have, purchase, receive, possess, enjoy, and retain to themselves, their successors and assigns, real and personal estate to an amount not exceeding in the whole six millions of dollars, including the capital stock aforesaid; and the same to sell or dispose of, to sue and be sued, implead and be impleaded, in any court or other place whatever; and also to have and use a common seal, and the same to alter and remove at pleasure; and also to ordain, establish and execute such by-laws and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the provisions of this act, or the law of the land, and generally to do and execute all acts, matters and things which a body politic or corporate may or can
lawfully do or execute, subject to the rules, regulations, and restrictions hereinafter prescribed.

Sec. 2. Be it further enacted, That for the purpose of raising the sum of five hundred thousand dollars hereby authorized to be added to the capital stock of said bank, the president and directors thereof shall after notice given to the Governor in the manner hereinafter prescribed of the acceptance of this amended charter by the stockholders, open books for receiving subscriptions to the said stock at such times as they may appoint at the following places, to wit: Raleigh, Fayetteville, Wilmington, Newbern, Tarborough, Windsor, Edenton, Elizabeth City, Plymouth, Washington, Goldsboro', Hillsboro', Greensboro', Salisbury, Milton, Charlotte, Morganton, and at such other places as they may think proper, under the direction of such person or persons as they may designate; and the said books shall keep open for the space of sixty days at least, and longer if necessary, until the whole of the additional stock of five hundred thousand dollars shall have been subscribed.

Sec. 3. Be it further enacted, That the State of North-Carolina shall be entitled to subscribe for one third or any less number of the said five thousand shares, should the General Assembly during its present session so direct and provide for, and any such subscription on the part of the State shall not be scaled or reduced.

Sec. 4. Be it further enacted, That if a greater sum than five hundred thousand dollars shall be subscribed by individuals or bodies corporate, the president and directors of the bank shall reduce such subscriptions according to a scale by them to be established for that purpose, to the aforesaid sum of five hundred thousand dollars: Provided, That the subscription by the State shall not be scaled at all; and all other subscriptions of two shares or less shall not be scaled until all larger subscriptions shall have been first reduced to two shares; and in making such reduction, such subscriber [the State excepted] as are not now stockholders in the bank shall be preferred and be entitled to retain the shares respectively subscribed by them, before any of the present stockholders shall be permitted to retain any share subscribed by them.

Sec. 5. Be it further enacted, That all payments on share subscribed by the State or others shall be in gold or silver coins of the United States or Spanish milled dollars or their notes of specie paying banks of other States, and shall be made as follows, to wit: twenty-five dollars on each share at the time of subscribing and twenty-five dollars every nineteen days thereafter, until the whole shall be paid.

Sec. 6. Be it further enacted, That any subscriber may pay the whole amount of his subscription or any great
part than is herein required before the time limited for the same; and any subscriber so paying in advance shall have a discount at the rate of six per centum per annum on such advance computing the same from the time when payment is made to the time when it is required to be made.

Sec. 7. Be it further enacted, That the bank shall be managed by ten directors, and the number which the State shall have, (the public treasurer in office being always one of them,) shall bear the same proportion to the number which the other stockholders may appoint, as the stock then held by the State shall bear to that held by other stockholders; and in ascertaining such relative number, if there shall be fractions of stock, the State or individual stockholders, whichever may have the largest fraction, shall be entitled to the director, and if there be a tie, the State shall appoint the director.

Sec. 8. Be it further enacted, That every director of the bank except the treasurer, shall be the proprietor of at least five shares of stock.

Sec. 9. Be it further enacted, That the president shall be chosen out of the board of directors and by a majority of that body, and he shall have such annual salary as shall be allowed by the stockholders in general meeting.

Sec. 10. Be it further enacted, That other branches or agencies besides those now in operation, shall be established at such times and places as the stockholders in general meeting may designate, with such amount of capital as the directors of the bank may assign, and all branches or agencies of the bank may be removable at the pleasure of the said directors after one year's notice of such intended removal.

Sec. 11. Be it further enacted, That the president and directors, may appoint, removable at their pleasure, five directors for each branch bank and such officers, agents, clerks and servants under themselves, as well as at the several branches and agencies, as shall be necessary for executing the business of the corporation, and may allow them such compensation for their services respectively as may be reasonable.

Sec. 12. Be it further enacted, That the president and directors of the bank shall be capable of exercising all such powers and authority as may be necessary for the well ordering and governing the affairs of the corporation, the same being consistent with the by-laws, rules and regulations established by the stockholders and with the provisions of this act and the laws of the land.

Sec. 13. Be it further enacted, That the dividends of the profits of the bank shall be made semi-annually, provided that no dividend of profits on the additional stock shall be declared until the time of declaring the first dividend, which
may be declared next after the last payment of the stock subscribed, and then only on such shares as shall have been wholly paid in.

Sec. 14. Be it further enacted, That it shall be the duty of the president of the bank on or before the fifteenth day of June or December of every year, to transmit to the public treasurer a full and correct statement of the condition of the bank, showing the amount of capital, notes in circulation, and from what places issued, debits due to other banks, and what banks, and all other particulars necessary to show the debit side of the account, also the amount of specie on hand, debts due from other banks and what banks, real estate, the amount of notes or bonds discounted, and of bills of exchange, showing in one item the amount due from directors, and in another the amount due from stockholders, but in no case designating the names of the debtors, and all other particulars necessary to show the true condition of the credit side of the account, which statement, together with a statement of the dividends, which shall accrue from time to time upon the stock of the bank, the public treasurer shall lay before the General Assembly.

Sec. 15. Be it further enacted, That each share owned by individuals shall be subject to an annual tax of thirty cents, which shall be reserved out of the profits of individual stock as they accrue, by the cashier of the principal bank, and paid to the public treasurer on or before the 1st day of October in each and every year, which tax may be increased at any time to a sum not exceeding one dollar per annum for each and every share as the legislature may direct, and the exigency of the State may require in equalizing taxation: Provided that the tax imposed in this case shall not be greater than that imposed on the shares of stock owned in other banks created by this or subsequent legislatures; and, provided further, it shall be lawful for the General Assembly to impose a tax upon dividends belonging to individuals and corporations, said tax not to be greater than that upon the interest of money loaned.

Sec. 16. Be it further enacted, That there shall be an annual meeting of the stockholders at such time and place as they shall appoint, and such other meetings as may be called in the manner hereinafter provided.

Sec. 17. Be it further enacted, That, in all meetings of the stockholders, the stock of the State shall be represented by the treasurer, or by such other person as the governor may appoint.

Sec. 18. Be it further enacted, That all stockholders, being citizens of the United States, may vote either in person or by proxy at the meetings of the stockholders: Provided, That no president, director or other officer of the bank shall
represent by proxy any shares of stock other than they may severally own.

Sec. 19. Be it further enacted, That the vote to which each stockholder shall be entitled, except the State, shall be according to the number of shares he may hold, in the following proportions, that is to say: for one share, and not over two, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares over thirty, and not exceeding sixty, one vote; for every eight shares over sixty, and not exceeding one hundred, one vote; for every ten shares over one hundred, and not exceeding two hundred, one vote; and for every twenty shares over two hundred, one vote: and the vote of the State shall be in the same ratio compared with the whole number of the votes of other stockholders present, as is the stock of the State compared with the stock held by other stockholders.

Sec. 20. Be it further enacted, That none but a stockholder, being a citizen of and resident in the State, shall be eligible as a director; nor shall any person, the treasurer excepted, be a director, who is at the same time a director of another bank.

Sec. 21. Be it further enacted, That none shall be entitled to any emoluments, unless the same shall have been allowed by the stockholders, or by the board of directors of the principal bank.

Sec. 22. Be it further enacted, That a majority of the directors of the principal bank, or any three of the directors at the branches, shall constitute a board for the transaction of business of whom their respective presidents shall always be one, except in cases of sickness or necessary absence, when his place may be supplied by any other director whom he, by writing, may nominate for the purpose; and in case no such nomination be made, the board present may elect a president for the time.

Sec. 23. Be it further enacted, That the president and directors of the principal bank shall have power to call a meeting of the stockholders at any time they may think proper; and any number of the stockholders, holding together one-tenth of the stock, may call a special meeting on giving at least forty days' notice, subscribed by each of them, or by some one duly authorized, in two or more gazettes published in the place where the principal bank is kept, in which notice shall be specified the several purposes and objects of the proposed meeting.

Sec. 24. Be it further enacted, That every cashier, before entering on the duties of his office, shall give bond, with security, in the sum of not less than twenty-five thousand dol-
lars, conditioned for his good behavior, and faithful discharge of the duties of his office.

Sec. 25. Be it further enacted, That if any cashier or other officer, servant or agent of the corporation shall embezzle, or fraudulently convert to his own use, or shall fraudulently take or secrete, with intent to convert to his own use, any effects or property belonging to, or in possession of the corporation, or belonging to any person and deposited in the bank, or any of its branches or agencies, or shall make or cause or permit to be made, any false entry upon the books which contain any of the proceedings or transactions of the corporation, with intent to defraud the corporation, or any person whatsoever, such officer, agent or servant, so offending, shall be held and deemed guilty of felony, and upon conviction thereof in the superior court of law, shall be punished by fine, imprisonment not exceeding five years, and putting in the pillory, all or any of them at the discretion of the court.

Sec. 26. Be it further enacted, That if any president or other officer, or any servant of the bank, shall knowingly and willingly make, cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, its branches or agencies, to the public treasurer, the General Assembly, the board of directors of the principal bank, or any of its branches or agencies, or to the stockholders, or to any person authorized by the Legislature or by the stockholders to receive the same, the person so offending, his aiders and abettors, shall be deemed guilty of a misdemeanor, and on conviction in the superior court, shall be punished by fine, and imprisonment not longer than one year.

Sec. 27. Be it further enacted, That the cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the day and date of each meeting, and shall record the yeas and nays on any question, when asked for by any director. This book shall be evidence in courts of justice, and on entering on the discharge of his duties, the cashier shall take and subscribe to the following oath, before some justice of the peace, by whom it shall be returned to the office of the clerk of the county court of the county where the bank or branch of which he is cashier may be situated: "I, A. B., do solemnly swear to keep a just and true record, without alterations or erasures of the transactions of the board of directors of the bank of the State of North-Carolina, (or of the branch of the bank of the State of North-Carolina, as the case may be,) in a book to be kept by me for that purpose."

Sec. 28. Be it further enacted, That the governor, secretary of State and comptroller shall appoint such directors as
the State may be authorized to appoint, who shall represent the stock belonging to the State at the meetings of the board of directors.

Sec. 29. Be it further enacted, That the lands, tenements and hereditaments which the corporation may acquire shall be only such as shall be requisite for its immediate accommodation, for the transaction of its business, and for the accommodation of its officers, agents or servants, and such as have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales upon judgments or decrees rendered in favor of the bank.

Sec. 30. Be it further enacted, That the corporation shall not deal except in gold or silver coin, or bullion, bills of exchange, mint certificates, bonds, or promissory notes, expressing on the face of them to be negotiable and payable at the bank, or at some of its branches or agencies, in the public debts of the United States, or of this State: Provided, That investments in such public debts and securities, shall not exceed at any one time one half of the capital stock of the bank.

Sec. 31. Be it further enacted, That the bills or notes which may be issued by order of the corporation, signed by the president and countersigned by the cashier of the principal bank, promising the payment of money to any person or his order, or to the bearer, though not under the seal of the corporation, shall be binding and obligatory on the same, in the like manner and with the like force and effect, as upon any private person if issued by him in his natural or private capacity, and shall be assignable by endorsement, and those which are payable to bearer, shall be negotiable and payable by delivery only.

Sec. 32. Be it further enacted, That no note, check, order, draft, or promise to pay money shall be issued, drawn, or made by the bank for a less sum than five dollars; and no certificate of deposit or other acknowledgement of indebtedness shall be issued, drawn, or made by any cashier, teller, or officer of the bank for a less sum than twenty dollars; and the bank shall not pay out any note or bill of any other bank of a less sum than five dollars, unless in settlement with the bank issuing such bills.

Sec. 33. Be it further enacted, That the bank shall at no time have in circulation more than twice the amount of its capital actually paid in.

Sec. 34. Be it further enacted, That the bank shall not take more than at the rate of six per centum per annum for or on account of its loans or discounts, which may be received in advance at the time of discount.

Real estate to be acquired.

In what to deal.

No notes, &c., less than $5 to be issued.

Rate of discount.

Notes binding without a seal.
Penalty for not paying notes.

Sec. 35. *Be it further enacted*, That if the holder of any note issued by the bank shall demand payment thereof at the place where such note is payable, and the same shall not be promptly paid, such note shall draw interest at the rate of twelve per centum per annum from the time of demand, until it shall have been paid; and if any note shall be payable at a branch or agency, which before the same is presented for payment shall have been discontinued, the said note shall be deemed to be due and payable at the principal bank.

Sec. 36. *Be it further enacted*, That the said bank shall at all times, when required, receive in deposit at their principal bank or any of its branches or agencies, to the credit of the treasurer of the State, as much of the public money as he may offer to deposit: *Provided*, The same shall be in such funds as the bank at the time is receiving from individual depositors.

Sec. 37. *Be it further enacted*, That the corporation shall be answerable at all times for any violation of its corporate privileges and duties, and shall be prosecuted in the manner provided by law, whenever the Legislature shall so direct.

Sec. 38. *Be it further enacted*, That any committee appointed by the Legislature for that purpose, may at any time inspect the books, and examine into and report the proceedings of the corporation.

Sec. 39. *Be it further enacted*, That the president and directors of the principal bank shall, after giving forty days public notice in two or more public gazettes, printed in Raleigh, convene the stockholders of the bank, at Raleigh, on such day as they may appoint, for the purpose of ascertaining whether they will accept a renewal of the charter and an increase of the capital stock of the bank, as is hereinbefore provided; and if a majority of said stockholders, representing two-thirds of the stock, shall agree to accept the same, then it shall be the duty of the president of the bank to give notice to the Governor, under the seal of the corporation, of the acceptance of this charter by the stockholders thereof, at such time as they may prescribe within thirty days after such meeting.

Sec. 40. *Be it further enacted*, That this act shall take effect and be in force immediately after the stockholders, in general meeting, agree thereto, and signify their assent to its provisions, in writing, to the Governor, as hereinbefore provided.

Sec. 41. *Be it further enacted*, That whenever this act shall be accepted by the present corporation, so much of the present charter of the bank as is inconsistent with the provisions of this act, is hereby repealed: *Provided, neverthe-
That by such repeal, no right, estate, duty or obligation, proposed by, or due to the present corporation, from any corporation or person whatever, shall be lost, affected or impaired; but the same shall remain in full force, and be possessed, enforced and enjoyed, in the name, and for the use of the corporation, by this act continued and renewed; and no right, duty, obligation or liability whatever, accrued or owing to the State, or to any corporation or person, by or from the present corporation, shall, by such repeal, be lost, affected or impaired, but the same shall remain in full force, and may be possessed, enforced and enjoyed by the State, and such corporation or person, against the corporation by this act continued and revived.

Sec. 42. Be it further enacted, That all the property and estate held by the stockholders in the present bank, over and beyond the amount of their shares, reckoning one hundred dollars to each share, shall be for their sole use and benefit, in the ratio of their stock, and may be withdrawn from the corporation and divided among them in that ratio.

Sec. 43. Be it further enacted, That when the principal bank or any of its branches, shall make any demand upon any other bank, it shall be lawful for such bank, upon which such demand is made, to pay and satisfy said demand, or any part thereof, with the notes or bills of the bank making the demand, no matter where payable and demandable.

Sec. 44. Be it further enacted, That in case of any insolvency of the bank hereby created, or ultimate inability on the part of this corporation to pay, the individual stockholders shall be liable to creditors, in sums double the amount of stock by them respectively held in the said corporation.

Sec. 45. Be it further enacted, That the president and directors of said bank shall at all times, from and after the ratification of this act and during the continuance of the same, be bound to make a loan or loans to the State of any sum or sums of money if required and authorized by law, not exceeding at any one time in the whole the one-tenth part of the actual capital stock of said bank and at a rate of interest not exceeding six per cent. per year, payable half yearly; provided, that it shall be the duty of the public treasurer to make application in writing for such loan or loans at least three months previous to the time when they may be required.

Sec. 46. Be it further enacted, That nothing in this act contained or in any of the acts in reference to said bank, shall be so construed as to exempt the real estate belonging to said bank from taxation.

Sec. 47. Be it further enacted, That no director or other officer or clerk of the said bank shall directly or indirectly receive any compensation for any agency for negotiating
any business with the bank or its branches in procuring discounts, renewing notes, or receiving money for individuals on notes discounted; and any such director or other officer, or clerk thus receiving compensation, shall be removed from office and disqualified from thereafter holding any office in said bank or its branches.

Sec. 48. Be it further enacted, That if any officer or director of said bank or any of its branches, shall receive any gift, gratuity or reward from any person or persons obtaining any loan or bank accommodation by reason or on account of the same, or if any officer or director of said bank or any of its branches shall discount or purchase any note or bill with his own private funds, and shall afterwards place the same in bank as the property of said bank, all persons so offending shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined and imprisoned at the discretion of the court trying said case, provided that the Superior court of law in this State shall have sole jurisdiction of said offence.

Sec. 49. Be it further enacted, That this act shall be null and of no effect, unless the same is accepted in six months next after the rise of this General Assembly.

[Rated the 16th day of February, 1855.]

Chap. S1.

AN ACT TO INCORPORATE THE BANK OF WILMINGTON, NORTH-CAROLINA.

Sec. 1, Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a bank shall be established in the town of Wilmington, the capital stock of which, shall not exceed eight hundred thousand dollars, divided into shares of one hundred dollars each, and that for the purpose of receiving subscriptions to said stock, books shall be opened at Wilmington on the first day of April, one thousand eight hundred and fifty-five, and remain open for the space of sixty days, under the superintendence of the following commissioners: Jos. R. Blossom, S. P. Polly, Gilbert Potter, Jno. C. Latta, Jno. D. Bellamy, J. H. Flanner, H. P. Russell, Jas. H. Dickson, S. D. Wallace, Jas. L. Hathaway, Geo. Davis, A. McLean, H. B. Eilers, Jno. A. Taylor, C. D. Ellis, T. C. Worth, O. P. Meares, W. H. McKay, Jno. McRae, F. J. Hill, P. M. Walker, A. Martin, Daniel DuPre and W. C. Bettencourt, or any five of them, and at such other places as the above named commissioners may direct, and under the superintendence of such persons as the commissioners may appoint.
SEC. 2. Be it further enacted, That the whole of such subscriptions shall be paid in gold or silver as follows: to the commissioners, one eighth at the time of subscribing, another eighth within thirty days thereafter; the remainder shall be paid to the president and directors, hereinafter provided to be elected, at such times and in such installments as they shall direct, after the bank is in operation; and if any subscriber shall fail to pay any installment at the time stipulated, he or she shall pay interest thereon, at the rate of six per cent. per annum, and his or her stock shall be forfeited, and may be sold by the bank, and the proceeds applied to the payment of the said deficient installment, and he or she shall be held responsible for the same at the option of the bank; and the balance, if any of such sale, to be paid over to the said subscriber: Provided, That no dividend shall be declared, until the whole amount of stock subscribed, shall be paid in gold or silver, and that any subscriber paying his or her installments after the bank is in operation, before the time stipulated for such payment, shall be allowed a discount on the same, at the rate of six per cent. per annum, from the time of payment to the date such payment may be due.

SEC. 3. Be it further enacted, That when two thousand shares are subscribed, and the sum of fifty thousand dollars is actually paid to the commissioners, the subscribers to the said bank, their successors and assigns shall be, and are hereby created and made a body politic in law and in fact, by the name and style of "the Bank of Wilmington, North-Carolina," and shall so continue until the first day of January, one thousand eight hundred and seventy-five, and by the name aforesaid, they shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain, to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, demise, alien and dispose of; to sue and be sued, to plead and be impleaded, to answer and be answered; to defend and be defended in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation, and for the making, whereof general meetings of the stockholders may be called in the manner hereinafter specified, and generally to do and execute all acts, matters and things, which a corporation and body politic in law, may or can lawfully execute or do, subject to the rules and regulations, restrictions and provisions, hereinafter prescribed and declared.
Sec. 4. Be it further enacted, That as soon as two thousand shares shall be subscribed to the stock of said bank, and the required installments paid to the commissioners who keep the books, notice thereof shall be given in the gazettes published in Wilmington, and a meeting of the subscribers shall be called, to be held at least ten days subsequent to date of said notice; if at this meeting, those who have a majority of votes, according to the rules hereinafter prescribed, or their agents be present, (if not a subsequent meeting shall be called,) they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation; the said directors shall remain in office until their successors shall be elected on the first Monday of November, in each year, or at any time thereafter; meetings of the stockholders shall be held in the town of Wilmington, for the purpose of electing directors, enquiring into the affairs of the bank, and making such regulations as they may deem fit and necessary.

Sec. 5. Be it further enacted, That the bank may go into operation whenever two hundred thousand dollars have been paid in.

Sec. 6. Be it further enacted, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation: A meeting of the stockholders cannot be held unless those who have a majority of the whole number of votes, or their agents, be present, and every act shall require the sanction of a majority of the votes which may be present: every stockholder holding one share, and not more than three shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten, and not exceeding one hundred, one vote; for every four shares above one hundred, and not exceeding two hundred, one vote; and for every ten shares above two hundred, one vote. After the first meeting, no share or shares shall confer a right of voting, unless the same shall have been holden three calendar months previous to the day of voting; stockholders may vote at elections and general meetings by proxy, the proxy being a stockholder; but no officer or director can act as proxy for any stockholder or stockholders; none but a stockholder, who is a citizen of the State, shall be eligible as a director; and the directors, when appointed, shall choose one of their number (which shall always be seven,) to be president of said bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders: not less than four directors, of whom the president shall always be one, shall constitute a board for the
transaction of business, except in case of absence or sickness of the president, when he may, by writing, appoint any other director to supply his place; in case of a vacancy occurring in the directory, by death, resignation or otherwise, the remaining directors shall elect a stockholder to fill said vacancy, until the succeeding annual meeting of the stockholders: a number of stockholders, not less than ten, who together shall be owners of three hundred shares or more, shall have power at any time to call a general meeting of the stockholders, for purposes in relation to the bank, giving at least twenty days' notice in a public gazette, and specifying the object of said meeting: the directors shall annually elect a cashier, and such other officers as may be necessary to perform the business of the bank, and can remove them at pleasure: these officers shall be required to give bonds, with two or more securities, in sums not less than ten thousand dollars each, with a condition for good behavior, and a faithful discharge of duty; they shall be allowed such compensation for their services as the directors may deem reasonable, but compensation to the president and directors shall be granted at the pleasure of the stockholders: the cashier shall keep a book to contain the proceedings of the board of directors, the day and date of each meeting, the names of those present, and shall record the yeas and nays on any question, when asked for by a director: this book shall [be] evidence in courts of justice against said bank: on entering on the discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of the clerk of the county court of New Hanover county, viz: "I do solemnly swear (or affirm) to keep a just and true record, without alterations in or erasures of the transactions of the board of directors of the bank of Wilmington;" in all cases, in addition to the usual security, the stock of directors shall be considered as a pledge for the repayment of money which they may be responsible for to the bank, whether as principal or security: the said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall be required for the convenient transaction of its business, or shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained on such debts: the said corporation shall neither directly nor indirectly trade in any thing but bills of exchange, promissory notes, and bonds expressing on the face of them to be negotiable and payable at said bank, gold and silver bullion, or in the sale of goods really and truly pledged for money lent by said bank, and not redeemed in due time, or of
Refusal of payment.

goods which shall be the produce of its lands, mint certificates, the public debts of the United States and of this State: Provided the investment in such stock shall at no time exceed one-half the capital stock of the bank. The said bank shall not take more than the legal rate of interest of this State for or upon its loans and discounts, which interest may be taken in advance at the time of discount, and the said bank shall at no time have in circulation their notes, to a greater amount than twice the amount of the stock actually paid in: the directors knowingly or willingly assenting to any excess of the above limit of circulation, shall be deemed to have committed a misdemeanor, and upon conviction in the superior court, shall be either fined or imprisoned, or both, at the discretion of the court: the capital stock of the bank shall be assignable or transferable according to the rules which shall be instituted in relation thereto by said bank: The officer at the head of the treasury department of this State shall be furnished by the cashier with a semi-annual statement of the amount of the capital stock of said bank, of the debts due the same, of the moneys deposited therein, of the amount of their notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the banks as shall relate to the said statement: Provided, That this shall not be construed into the right of inspecting the accounts of any private individuals with the bank except of the directors: the bills obligatory and of credit under the seal of the corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property therein, in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their name or names, and bills or notes which may be issued by order of said corporation, signed by the president and countersigned by the cashier, promising the payment of any money to any person or persons, his, her or their order or to bearer, though not under seal of the said corporation, shall be binding and obligatory on the same, in the like manner, and with the same force and effect, as upon any private person or persons, that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable in like manner and with the effect as foreign bills of exchange now are, and those which are payable to bearer, shall be negotiable and assignable by delivery only.

Sec. 7. Be it further enacted, That if any person holding any note or notes of said bank, shall present the same for payment, and the payment shall be refused, the said note or
notes shall draw interest at the rate of twelve per cent. per annum, from the time of said demand till time it may be paid; and the said bank shall pay the said interest, any law to the contrary, notwithstanding: And the holders of the notes of said bank, if not paid on demand, may bring an action of assumpsit against one or all of the directors, who may have consented to issue more than twice the amount of the capital stock paid in: Provided, the bank be not able to pay the amount.

Sec. 8. Be it further enacted, That, in case of an insolvency of the bank hereby created, or ultimate inability on the part of this corporation to pay their entire debts, the individual stockholders shall be liable to creditors, in sums double the amount of the stock by them respectively held in said bank.

Sec. 9. Be it further enacted, That the president and directors shall be required to keep the subscription books open until the whole amount of capital stock be subscribed.

Sec. 10. Be it further enacted, That if a director or any other officer, agent or servant of the said bank, shall embezzle any of the funds belonging to the said bank, with intent to defraud said bank or any other person whatsoever, or make false entries on the books of the bank, with intent to defraud said bank, or any other person whatsoever, said officer, agent or servant, shall be held and deemed guilty of felony, and, upon conviction thereof by due course of law, shall be punished by fine, at the discretion of the court, and imprisoned not exceeding five years.

Sec. 11. Be it further enacted, That the president or cashier of said bank shall annually pay into the treasury of the State thirty cents on each share of said capital stock, which may have been subscribed for and paid in; and the first payment of said tax shall be made twelve months after the bank shall have commenced operation, which tax may be increased at any time, not exceeding one dollar for each and every share, as the Legislature may direct, as the exigency of the State requires in equalizing taxation: Provided, That the tax in this case shall not be greater than that imposed on shares in such other banks as may be chartered at this or some other succeeding General Assembly: Provided further, That nothing herein contained shall be so construed as to restrain any future General Assembly from taxing dividends belonging to individuals or corporations; said tax not to exceed that which may be imposed on interest received from money loaned.

Sec. 12. Be it further enacted, That the directors of said bank may declare semi-annual dividends of the profits thereof, and if at any time more than the real profits of the bank be divided, the directors assenting thereto, shall be respon-
sible in their private capacities to creditors who have claims against said institution.

Sec. 13. Be it further enacted, That the president of said bank shall on the first Monday in May and November in each and every year, transmit to the public treasurer a full statement of the condition of the bank, exhibiting the amount of capital, notes in circulation, debts due to other banks, and to what banks, deposits, and all other particulars necessary to explain the debit side of the account; also, specie on hand, notes of other banks, other funds specially enumerated, debts due from other banks and what banks, bills of exchange, debt on bonds and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from directors, and in another the amount due from others not stockholders or directors, [not, however, using any person's name in either case,] and amount of real estate.

Sec. 14. Be it further enacted, That if any president, director, cashier, clerk, or other officer of the aforesaid bank shall knowingly, willingly, and with intent to deceive, make or cause to be made, or connive at making any false return, or statement, or exhibit of the condition of the bank, either to the treasurer of the State, to the legislature, to the board of directors, or to the stockholders, or to any other person or persons that may be authorized by the legislature or by the stockholders to receive the same, such president, cashier, director, clerk, or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted as for a misdemeanor in the superior courts, and upon conviction, shall be fined at the discretion of the court, and imprisoned not exceeding one year.

Sec. 15. Be it further enacted, That if it shall happen, when the books shall be opened as aforesaid, that a greater sum than eight hundred thousand dollars shall be subscribed by individuals or bodies corporate, it shall be lawful for the commissioners to reduce such subscriptions, according to a scale to be by them established for that purpose, to the aforesaid sum of eight hundred thousand dollars: Provided, That no subscription of two shares or under shall be scaled, until all larger subscriptions shall first be reduced to an equality with them.

Sec. 16. Be it further enacted, That the bank shall not have the right to issue any note, bill or certificate of deposit under the denomination of five dollars; and if the said bank shall receive in the payment of its dues any such note, bill or certificate of deposit, issued by any other bank, it shall not be lawful for it to re-issue the same, unless in settlement with the bank by which said note, bill or certificate of deposit may have been issued.
Sec. 17. Be it further enacted, That the president and directors of the said bank shall, at all times, from and after the passing of this act, and during the continuance of the same, be bound and obliged to make a loan or loans to the State of North-Carolina if required and authorized by law, of any sum or sums of money, not exceeding in the whole at any time five per cent. on the whole amount of the capital stock actually subscribed, and at a rate of interest not exceeding six per cent. per year, to be paid half yearly: Provided, That it shall be the duty of the public treasurer to make application in writing for such loan or loans at least three months previous to the time they may be required.

Sec. 18. Be it further enacted, That no loan shall be made to any subscriber for stock in said bank until one-half of the capital stock shall be actually paid in.

Sec. 19. Be it further enacted, That no director or other officer of the said bank shall directly or indirectly receive any compensation for any agency, negotiating any business with the bank or its agencies in procuring discounts, renewing notes, or receiving moneys for individuals or notes discounted; and any such director or other officer thus receiving compensation, shall be removed from office and be disqualified from thereafter holding any office in said bank or any of its agencies.

Sec. 20. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 15th day of January, 1855.]

BRIDGES AND FERRIES.

AN ACT TO AUTHORIZE THE NANTAHALA AND TUCKASEGE TURNPIKE COMPANY TO ESTABLISH A TOLL BRIDGE OVER THE TENNESSEE RIVER, IN MACON COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Nantahala and Tuckasege Turnpike Company be, and they are hereby authorized and empowered to erect and keep up a toll bridge across the Tennessee river, where the road of said company may cross said river, in Macon county, and to ask, demand and receive the following tolls, to wit: For every pleasure carriage, twenty-five cents; for every two-horse buggy, twenty cents; for every one-horse buggy, fifteen cents; for every five, or six-horse wagon, fifty cents; for every four-horse wagon, forty cents; for every two-horse wagon, twenty cents; for every one-horse wagon, ten cents; for every cart, ten cents; for man and horse, five cents; for every person on foot, two.
Highway.

Refusing to pay.

Sec. 2. Be it further enacted, That every person who shall cross said bridge, and refuse to pay the toll prescribed by this act, shall forfeit and pay the sum of five dollars, to be recovered before any justice of the peace, by any member, agent or servant of said company.

Sec. 3. Be it further enacted, That from and after said bridge shall be open as a toll bridge, it shall be deemed and held to be a public highway, and the owners thereof shall, on failure to keep the same in good and sufficient repair, so that the public can cross on it with convenience and safety, be subject to indictment, in the same manner that overseers of public highways now are.

Sec. 4. Be it further enacted, That the county court of Macon county, upon the petition of said Nantahala and Tuckasege Turnpike Company, made by the directors of said company, or a majority of them, shall appoint three disinterested freeholders to view the banks on both sides of the said river, where the said bridge is to be located, and lay off to the use of said petitioners, one-half acre of land on either bank, and to assess the value of said land so laid off, and make a report of the same to the county court next succeeding: and upon said petitioners paying to the owner or owners the value of said land so assessed, together with all cost incurred by reason of their said petition, then the said court shall confirm the report of said commissioners, and condemn the aforesaid one-half acre of land, on either bank of said river, to the use of said petitioners: Provided, however, That nothing herein contained, shall prevent the owner or owners of said land from taking an appeal from said judgment, as in other cases of appeal. [Ratified the 9th day of January, 1855.]

Chap. 83:

AN ACT RELATING TO ROADS, BRIDGES, FERRIES, ETC.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county courts for the counties of Cumberland and Sampson be and are hereby empowered, at their discretion, a majority of the justices being present, to elect two or more commissioners for each captain's district in said counties, to be known and styled the commissioners of roads, bridges, ferries, &c.

Sec. 2. Be it further enacted, That it shall be the duty of said commissioners in each district, under a penalty of twenty-five dollars, and after having given ten days' notice
at one or more public places within their respective districts, to proceed, at the usual election precincts in said districts, to let all the roads, bridges or ferries in said district to the lowest bidder for the term of twelve months, and to take his or their bonds, with good security, in double the amount for which said road, bridge or ferry was let, payable to the chairman of the county court, for the faithful performance of said work, which bond they shall file with the clerk of the county court of said county.

Sec. 3. Be it further enacted, That the county court, a tax. majority of the justices being present, may levy such tax or taxes as in their judgment may be necessary for the keep- ing up said roads, bridges, ferries, &c., and for the payment of such commissioners as they may appoint.

Sec. 4. Be it further enacted, That when any person has contracted to keep a road, bridge or ferry in repair, he shall not receive any money for his labor, unless upon pre- sentment to the county treasurer of a certificate of the com- missioner of said road, bridge, &c., and setting forth that he has been contracted with to keep such road or bridge in re- pair for the amount of ______, and that he has done the work according to contract.

Sec. 5. Be it further enacted, That when any person is de- sirous of working the road, in lieu of paying his tax for the keeping up of the same, a certificate of any one of the com- missioners shall be received by the sheriff, as evidence of the fact, and shall be discharged from any further road tax during that year. [Ratified the 16th day of February, 1855.]

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A TOLL BRIDGE ACROSS THE TENNESSEE RIVER, BETWEEN THE COUNTIES OF MACON AND CHEROKEE, AND TO INCORPORATE A COMPANY FOR THAT PURPOSE.

Sec. 1. Be it enacted by the General Assembly of the State Commissioners of North-Carolina, and it is hereby enacted by the authority of the same, That William Davis, Samuel P. Sherrill, Jacob Davis, Abraham Wiggins and Calvin A. Colvard, of Chero- kee county, and Joel Sawyer and Joseph Welch, of Macon county, be and they are hereby appointed commis- sioners for receiving subscriptions to an amount of not less than two thousand dollars, in shares of one hundred dollars each, for the purpose of building a bridge across the Ten- nessee river, at some eligible point to be selected by the company after formed, at or near the Narrows on said river, above the mouth of the Cheoik river; and the said commis- sioners, or a majority of them, shall open books in the Che- oik valley, at the place where the Fort Montgomery post
office is kept, on the first Monday in June next, and they shall be kept open until the first day of July, unless the capital stock be earlier subscribed; at which time, if it shall appear that the sum of two thousand dollars shall have been subscribed as herein provided, then the said subscribers and those who may afterwards become associated with them, shall be and are hereby incorporated into a company by and under the name and style of the Ni yo hee Bridge Company, and as such may sue and be sued, plead and be imploled, and have perpetual succession and a common seal, and take, have and hold all necessary real and personal estate to the accomplishment of the purpose designed by this act; and that the said commissioners shall have the right to appoint a time, at the place appointed for opening books, by giving public notice thereof, for the subscribers to meet; and a majority of the stock in value being represented, in person or by proxy, shall proceed to elect by ballot a president, treasurer, and three directors, and such other officers as may become necessary to the corporation, and ordain and pass all necessary by-laws for the better regulation and management of the corporation; and the said commissioners, or a majority of them, shall have the right to increase their capital stock by opening books, or the sale of shares of stock to an amount sufficient to complete said bridge, with the necessary turnpike road leading to and from it, and such other improvements as may become necessary, not exceeding five thousand dollars.

SEC. 2. Be it further enacted, That the elections may be held in each and every year; but if the election of officers should not take place, the company shall not thereby be dissolved, but the officers shall hold over until new officers are elected.

SEC. 3. Be it further enacted, That it shall be competent for the company, after the bridge is built, to transfer their stock to any one individual of the company, in which case all the right of the company shall vest in the individual, his heirs, executors, administrators or assigns, in the same manner as if the charter had been originally granted to him alone.

SEC. 4. Be it further enacted, That the shares subscribed for shall be paid at such times and places, and in such installments as the president and directors may prescribe; and the said president and directors after giving thirty days notice, in case any of the subscribers shall fail to make payment, shall have the right in the name of the company to sue for and recover by legal process, the sums due upon said subscription before any justice of the peace or court of competent jurisdiction, where the delinquent resides; or they proceed to sell the stock owned by delinquent subscribers in such manner as may be agreed on in the by-laws of the
company, and proceed to collect the residue as aforesaid; and the books of the company shall be good and sufficient evidence of the sale and transfer of the stock of delinquent subscribers.

Sec. 5. Be it further enacted, That the said company, through their president, shall have full power and authority to acquire by purchase, donation or otherwise, a proper site for said bridge; and to commence work on the same, or to enter into contract for the construction of the whole or any part thereof, whenever the capital stock shall have been subscribed; and to make all necessary rules and regulations for the management of the company.

Sec. 6. Be it further enacted, That the company shall have the right to increase the capital stock of the company by the sale of stock, or opening books for subscription to an amount sufficient to complete the bridge, and a road of the description of the Western Turnpike, from the public road on the north side of the river to the Cheoik river, in the direction of Fort Montgomery, to connect with a road located to that place: Provided, however, That the sum shall not exceed ten thousand dollars.

Sec. 7. Be it further enacted, That the company shall have the right to issue to the subscribers certificates of stock to the stockholders, for shares of one hundred dollars each; and such stock shall be transferred by the holders thereof, in such manner as the president and directors may prescribe, and such stock shall be held and deemed as personal estate.

Sec. 8. Be it further enacted, That said company shall have the right to establish a ferry boat on said river, to be used while said road and bridge is being constructed, for which they shall be entitled to receive one half the tolls herein provided.

Sec. 9. Be it further enacted, That as soon as the said bridge be completed, the company shall have the right to put up a gate or gates on said bridge, to be erected as aforesaid, and to ask, demand, and receive not exceeding the following tolls, to wit: For every four wheeled pleasure carriage, seventy-five cents; for every two wheeled pleasure carriage, thirty-seven and a half cents; for every six horse wagon, seventy-five cents; for every five horse wagon, sixty-two and a half cents; for every four horse wagon, fifty cents; for every pedlar's wagon, fifty cents; for every two horse wagon or cart not embraced in the foregoing description, twenty-five cents; on every animal intended for public exhibition, fifty cents; on every horse or mule with a rider, ten cents; without a rider, five cents; on every head of cattle, three cents; on sheep and hogs, two cents each; on foot passengers, five cents each.

Sec. 10. Be it further enacted, That the president of said company shall have the right to lay off a public road of the
description herein provided from some point on the Cheoik river to the place selected for the ferry and bridge, thence to connect with the same road leading down the Tennessee river on the north side.

Lands granted. Sec. 11. Be it further enacted, That along the line of the road thus located, over lands not heretofore granted by the State to the extent of one hundred feet from the centre of the road on either side, the title shall vest in the company as soon as the road is located; and over all lands heretofore granted, if the right of way be refused, the company shall have the right to have the lands condemned in the same manner as provided for condemning lands for the use of the western turnpike by the act of 1848.

Term of grant. Sec. 12. Be it further enacted, That all the rights hereby granted to the company, shall cease and determine at the expiration of ninety-nine years, from and after the expiration of five years allowed for the completion of said road, unless the time should be extended by an act of the General Assembly. [Ratified the 16th day of February, 1855.]

Chap. 85. AN ACT TO AUTHORIZE THE BUILDING OF A TOLL BRIDGE OVER THE ROANOKE RIVER AT THE TOWN OF HALIFAX, AND TO INCORPORATE A COMPANY FOR THAT PURPOSE.

Commissioners. Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That F. S. Marshall, William B. Pope, C. N. Webb, Edward Conigland, Thomas J. Person, William H. Gray and John J. Long, be, and they are hereby appointed commissioners for receiving subscriptions to the amount of fifteen thousand dollars, for the purpose of building a bridge over Roanoke river, at or near the town of Halifax; and the said commissioners or a majority of them, shall prepare books, and cause the same to be opened at such places, and under the direction of themselves, or such persons as they may appoint, on or before the first day of April next, and they shall continue open until the first day of July, unless the capital stock aforesaid shall be earlier subscribed, at which time the said books shall be returned to the commissioners aforesaid, at the said town of Halifax; and there shall be a general meeting of the said subscribers, at the said town of Halifax, on the third day of July next, either personally or by proxy; which meeting may continue from day to day, until the business thereof be finished; and if it shall appear, that five thousand dollars or more of the capital stock have been subscribed, the said subscribers, their heirs, and assigns, from the time of the said first meeting, shall be, and they are hereby declared to be, incorporated
into a company, by and under the name and style of the "Halifax Toll Bridge Company," and may sue and be sued; plead and be impleaded, defend and be defended, and have perpetual succession, and a common seal; and such of the said subscribers as may be present at the said meeting, or a majority of them, are hereby empowered and directed to elect a president and four directors, for conducting the business and concerns of said company for one year, and until the next meeting of the stockholders; every proprietor of stock, by writing under his or her hand, executed before some justice of the peace, may depute any other stockholder to represent him or her at any general meeting, and the votes and acts of such proxy, shall be as effectual to all intents and purposes, as if the proprietor himself were personally present.

Sec. 2. Be it further enacted, That if the aforesaid sum of five thousand dollars shall not be subscribed on or before the third day of July next, the said commissioners, if directed by a majority of the subscribers at their general meeting, shall again open books of subscription, and keep the same open until the first day of December thereafter, or until the aforesaid sum of five thousand dollars shall be subscribed as aforesaid, and if more than the capital stock hereby authorized shall be subscribed, the commissioners shall strike off from the said subscription, until the capital shall be reduced to fifteen thousand dollars, and in striking off subscriptions, they shall begin and strike a share from the largest subscriptions in the first instance, and continue to strike one share from all subscriptions, under the largest and above one share, until the same shall be reduced to the capital aforesaid.

Sec. 3. Be it further enacted, That the capital sum aforesaid, shall be divided into shares of twenty-five dollars each, and any person may subscribe for one or more shares, but not for a part of a share; the shares shall be paid for at such times and places, and by such installments as the president and directors of said company shall direct; they first advertising the sum to be paid on each installment, in the "Roanoke Republican," published in the town of Halifax, for at least twenty days; and if any person or persons holding one share or shares in said company, shall fail to pay for the same, in the manner and at the time prescribed by the president and directors aforesaid, the said president and directors may enforce the collection thereof by legal process, or they may expose to public sale the share or shares which such person may hold in the said company, by giving ten days public notice thereof; and if the said shares shall not sell for a sum sufficient to pay the installment or installments due thereon, the sum deficient may be recovered of the person or persons who own the said stock, and the books of the
said company shall be good evidence of such sale, and of the purchase of said shares.

Sec. 4. Be it further enacted, That the general meeting of the said company after the year one thousand eight hundred and fifty-five, shall be held at the said town of Halifax, on the first Monday of May, in each and every year, or at such other time and place, as the stockholders in general meeting shall prescribe; and the said president and directors shall have full power and authority to commence work on the said bridge, or to enter into contract for building the same, or any part thereof, whenever the said sum of five thousand dollars shall have been subscribed as aforesaid, and to make and establish all such rules and regulations for the proper conduct and management of the affairs and concerns of said company, as they in their discretion may deem expedient.

Sec. 5. Be it further enacted, That the said president and directors shall have full power and authority to build a gate or gates on the said bridge, to be erected as aforesaid, and to ask, demand and receive from persons passing over said bridge, not more than the following toll to wit: for every four wheeled pleasure carriage, fifty cents; for every wagon, fifty cents; for every buggy, twenty-five cents; for every two wheeled pleasure carriage, twenty-five cents; for every cart, twenty-five cents; for every man and horse, ten cents; single horse, five cents; head of horned cattle, three cents; hogs and sheep, two cents each.

Sec. 6. Be it further enacted, That nothing in this act shall be so construed as to allow said company to obstruct the navigation of the Roanoke river; and the corporate powers hereby created shall cease and determine, unless the building of said bridge is commenced within two years, and completed within four years from the passage of this act, and the corporation hereby created, shall not continue more than thirty years, unless by act of the General Assembly hereafter.

Sec. 7. Be it further enacted, That this act shall be in force from and after the ratification thereof. [Ratified the 14th day of February, 1855.]

Chap. 86. AN ACT TO INCORPORATE THE NEWBERRY AND NEUSE RIVER BRIDGE COMPANY, IN THE COUNTY OF CRAVEN.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Alonzo T. Jerkins, William C. Whitford, Henry P. Whitehurst, Charles Kelly, Fred. P. Latham, Bryan Whitford, Charles Taler, Michael Arthur, Dan'l P. Whitford, Samuel Whitehurst, Tillman Guion, Samuel W. Chad-
wick, Wm. S. Delemar, Samuel Jones, Edward R. Stanly, James Miller, sr., David B. Brinson, Stephen Delemar, Seth Muse, F. B. Miller, Samuel Brinson, Samuel R. Street, Jas. A. Ernulf, Allen Gaskins, John Jackson, or a majority of them, their successors and assigns, and those who may hereafter associate themselves with them, be, and the same are hereby constituted a body politic and corporate, under the name and style of the “Newbern and Neuse River Bridge Company,” for the purpose of building a bridge over the Neuse river, between Trim Cypress and the town of Newbern, or at the town of Newbern; and as such, may sue and be sued, plead and be imploed, and have perpetual succession, and a common seal, and to have and to hold necessary real and personal estate, to the accomplishment of the purposes designated by this act; that whenever the amount of ten thousand dollars shall have been subscribed by the corporation aforesaid, or others, the said stockholders or subscribers shall assemble at such time and place as they may deem proper, and organize by electing a president and eight directors, and such other officers as may be necessary to said company, and to ordain and pass all necessary by-laws and ordinances, for the better regulation and management of said corporation: Provided, That said bridge shall have a draw of sufficient width to allow the passage of all vessels and boats navigating said Neuse river.

Sec. 2. Be it further enacted, That the capital stock of said corporation, shall not exceed twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each, and the shares so subscribed, shall be paid for or collected, at such time and places, and in such instaments as the president and directors, from time to time shall prescribe, they having given first, twenty days notice thereof; and if any person or persons, holding one or more shares in said company, shall fail to pay for the same, in the manner and at the time prescribed, the president and directors, in the name of the company, before any justice of the peace or any other courts of competent jurisdiction, may enforce the collection thereof by legal process, or they may expose to public sale the share or shares which such defaulting stockholder may hold in said company, by giving ten days public notice thereof; and if said share or shares shall not sell for a sufficient sum to pay the instament due thereon, the sum deficient may be recovered by suit or otherwise, from the person or persons who own said stock: and the books of said company shall be good evidence of such sale, and of the purchase of said shares.

Sec. 3. Be it further enacted, That the general meetings of said company, shall be held at such time and place as the stockholders may direct, and the president and directors
shall have power and authority to acquire, by purchase, donation or otherwise, a proper site for said bridge, and to commence work on the same, or to enter into contract for the whole or any part thereof, when ten thousand dollars shall have been subscribed to the capital stock of said company, and to make all needful rules and regulations for the management of the affairs of the said company.

Sec. 4. Be it further enacted, That the election of directors shall be by ballot, each stockholder having as many votes as he has shares in stock in said company, and the person having a majority of all the votes polled, shall be considered as duly elected.

Sec. 5. Be it further enacted, That when the capital stock shall have been paid for, certificates for the same shall be issued to the several stockholders therefor, and said stock shall be transferable by the holders thereof, in such manner as the president and directors shall prescribe: and the stock shall be deemed and held as personal estate.

Sec. 6. Be it further enacted, That said company have power and authority to erect and keep up a gate or gates on said bridge, and to ask, demand, take and receive, not more than the following tolls, to wit: For any four-wheeled carriage, seventy-five cents; every two-wheeled carriage, forty cents; for every wagon with six horses, eighty cents; every cart or carryall, twenty-five cents; for man and horse or mule, ten cents; single horse or mule, six cents; each head of horned cattle, four cents; hogs and sheep, two cents each.

Sec. 7. Be it further enacted, That unless said company shall commence the building of said bridge, and complete the same within seven years from the passage of this act, the corporate power hereby granted shall cease and determine, and that the corporation hereby enacted [created] shall not continue longer than ninety-nine years, unless the same shall be extended by an act of the General Assembly.

Sec. 8. Be it further enacted, That in all elections, and upon all votes taken in any general meeting of the stockholders, upon any by-law or any of the affairs of the company, each share of stock be entitled to one vote; and that any stockholder in said company may vote by proxy, and proxies may be verified in such manner as the by-laws may prescribe.

Sec. 9. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 15th day of February, 1855.]
AN ACT TO ESTABLISH A TOLL BRIDGE ACROSS NEUSE RIVER.  

Chap. 87.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for John Davis and James M. Davis, their heirs and assigns forever, and they are hereby invested with authority for the same, to establish and erect a toll bridge across Neuse river, at the town of White Hall, in Wayne county, with all the powers and liabilities and privileges incident to such grants; and the said John and James M. Davis shall be authorized to receive toll for passing the same at such rates as the court of pleas and quarter sessions for the county of Wayne shall or may prescribe, and no more, and upon the payment of the same, all persons shall be permitted to pass said bridge without hindrance.

Sec. 2. Be it further enacted, That it shall be the duty of the said John and James M. Davis, their heirs and assigns, to keep in good repair said bridge and appurtenances therunto belonging, and on failure thereof, may be indicted in any court having jurisdiction of the same, and liable furthermore to all the damages that may be sustained by reason of said neglect.

Sec. 3. Be it further enacted, That the said John Davis and James M. Davis, shall in no way obstruct the navigation of Neuse river, but shall construct a draw in said bridge sufficiently large to admit the passage of all boats and steamers used in navigating the same.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

AN ACT TO ESTABLISH A FERRY ACROSS BLACK RIVER, IN NEW HANOVER COUNTY.  

Chap. 88.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for Charles Henry, of New Hanover county, and he is hereby invested with full authority to build and establish a ferry across Black river, opposite a distillery and store house, now owned and occupied by said Charles Henry, for the use and benefit of the public, subject to such tolls as are hereinafter provided, as a compensation for erecting the same.

Sec. 2. Be it further enacted, That the said Charles Henry, as a compensation for the expense so incurred in erecting the same, and his heirs and assigns, shall be authorized to demand and receive the following tolls, to wit: for each
wheel crossing the same, five cents; horse and rider, ten cents; loose cattle two cents each; and for each grown person on foot or otherwise, five cents; and the said Charles Henry, his heirs and assigns, shall receive no more tolls for crossing said ferry than are herein allowed to be charged; and the said Charles Henry, his heirs and assigns, are hereby invested with full power to refuse any persons passage on said ferry, who may neglect or refuse to pay said tolls in this act allowed.

Sec. 3. Be it further enacted, That the owner of said ferry shall be liable to indictment in the superior court of said county, for not keeping said ferry, bridge or road attached thereto in good repair, and shall moreover be responsible for such damages as persons may sustain resulting from said neglect.

Highway.

Sec. 4. Be it further enacted, That said ferry, made in pursuance of this act, shall be deemed and taken as a public highway, free for the passage of all persons, carriages, cattle, &c. on the payment of tolls imposed by this act.

Sec. 5. Be it further enacted, That no person shall hereafter establish a ferry for the public use on said river, within five miles of the ferry now established by this act.

Sec. 6. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of February, 1855.]

Chap. 89. AN ACT TO AUTHORIZE ROBERT L. STEELE TO ESTABLISH A PUBLIC FERRY ON THE PEDEE RIVER, IN THE COUNTIES OF ANSON AND RICHMOND.

Ferry.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Robert L. Steele, his heirs and assigns, are hereby authorized to establish and keep up a public ferry on the Pedee river, at or near his mill on said river, the said river being the boundary between Anson and Richmond counties.

Right vested.

Sec. 2. Be it further enacted, That the right to keep up said ferry, shall be and is hereby vested in the said Robert L. Steele, his heirs and assigns, for and during the full end and term of fifty years.

Tolls.

Sec. 3. Be it further enacted, That it shall be lawful for the said Robert L. Steele, his heirs and assigns, to receive such tolls at the said ferry as shall be prescribed and regulated by the county court of Anson.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]
AN ACT TO AUTHORIZE THE COUNTY COURT OF PITT COUNTY TO REGU- CHAP. 90—91.
ULATE TOLLS UPON THE BRIDGE ACROSS TAR RIVER, AT GREEN-
VILLE, IN SAID COUNTY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Pitt county [a majority of the acting justices being present] may impose and regulate tolls on persons, horses, carriages, and other things on passing over the bridge across Tar river, at the town of Greenville, in said county, in such manner as to them may seem best: Provided, That no toll shall be imposed upon a horse and buggy exceeding twenty-five cents, and the other tolls shall be in proportion thereto; and no toll shall be imposed upon a citizen of Pitt county; and the said court may adopt all necessary regulations for the collection and appropriation of said tolls.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A TOLL BRIDGE ACROSS THE YADKIN RIVER, NEAR JONESVILLE.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Richard Gwynn, and such persons as he may see proper to associate with him, and their heirs and assigns, be and they are hereby authorized and empowered to erect and keep up a toll bridge across the Yadkin river, at or near the ford upon the same, near the town of Jonesville, in Yadkin county.

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

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

SEC. 4. Be it further enacted, That in case of the failure, on the part of the owner or owners of said bridge, to keep the same in good repair, so that the public may cross in safety, the said owner or owners shall be subject to indictment in the county or superior courts of Yadkin county.
SEC. 5. Be it further enacted, That this grant shall continue for the space of fifty years; and this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

CANALS.

Chap. 92. AN ACT TO INCORPORATE THE CAPE FEAR AND WACCAMAW CANAL AND LUMBER COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of opening a communication between the waters of the Cape Fear river, near Smithville, and the Lockwoods and Folly river, and also to improving the inland water communication, thence to Little river, near the State line, and further to open a communication from some point on this route by canal, by railroad, or by plankroad to the waters of Waccamaw river, all in the county of Brunswick, the formation of a corporate company with a capital of one hundred thousand dollars, in shares of one hundred dollars each, is hereby authorized, to be called the Cape Fear and Waccamaw Canal and Lumber Company, and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic.

SEC. 2. Be it further enacted, That for the purpose of creating the capital stock of said company, it shall be lawful to open books for subscription thereto, in the county of Brunswick, under the direction of S. L. Fremont, John L. Hewett, John C. Swain, and George Wortham, at Smithville; R. W. Rutland, John Mercer, Thomas Galloway and George Swain, at Lockwoods Folly; George Hooper, W. G. Hooper, H. H. Waters and Lorenzo Frisk, at Shallotte, and E. Boyman and John T. Phelps, at Waccamaw, commissioners, or any number of them in each precinct, whose duty it shall be to superintend the opening of books for the subscription of stock at such times and places as shall be agreed upon by a majority of the commissioners above named, who shall be present at a meeting convened for that purpose at Smithville, as soon after the passage of this act as may be. Notice of this meeting to be published for the space of ten days by S. L. Fremont, John C. Swain and George Wortham, in such manner as they may deem best.

SEC. 3. Be it further enacted, That the times and places for receiving subscriptions shall be duly notified for three weeks, and the books shall remain open for the space of twenty-five days or more.
Sec. 4. Be it further enacted, That when fifty shares of
said capital stock shall have been subscribed for in manner
aforesaid, the subscribers, their executors, administrators and
assigns, shall be, and they are hereby declared to be a body
corporate, by the name and style of the "Cape Fear and
Wacamaw Canal and Lumber Company," and by that
name shall be capable in law of purchasing and holding,
selling, leasing and conveying estates, real, personal and
mixed, so far as shall be necessary, for the purposes herein-
mentioned, and no further, and shall have a perpetual
succession; and by said corporate name, may sue and be
sued, may have and use a common seal, and shall have and
enjoy, and may exercise all the rights, powers and privileges
of body corporate for the purposes of this act, and may make
and adopt all rules, regulations and by-laws for the govern-
ment of the affairs of said company, not inconsistent with
the laws of this State or of the United States.

Sec. 5. Be it further enacted, That upon any subscription
of stock aforesaid, there shall be paid at the time of subscrib-
ing the sum of one dollar on every share subscribed for to
said commissioners, or some one of them appointed for the
purpose, and the residue of said subscription shall be paid
in such instalments and at such times as may be required
by the president and directors of said company. The said
commissioners shall forthwith, after the first election of pre-
sident and directors, pay over to the said president and di-
rectors all moneys received by them, and on failure thereof,
the said president and directors may recover the amount
due by them or from any one of them, by motion, on ten
days previous notice in the court of pleas and quarter ses-
sions, or the superior court of law in any county where such
commissioner or commissioners, their executors or adminis-
trators may reside, or by warrant before a justice of the
peace for said county.

Sec. 6. Be it further enacted, That when fifty shares or
more of said stock shall have been subscribed for, public no-
tice of that fact shall be given by the commissioners, with a
call for a meeting of the stockholders, to be held in the
court house at Smithville, at such time as they may design-
ate; that a majority of the number of shares subscribed
for, represented in person or by proxy, shall constitute said
meeting; and the meeting may adjourn from day to day,
until a majority shall be present.

Sec. 7. Be it further enacted, That the subscribers, at
their general meeting before directed, and the proprietors
of stock at every annual meeting thereafter, shall elect a pre-
sident and five directors; and the said president and direc-
tors shall continue in office until the next annual meeting
after their election, and until their successors shall be elect-
ed: the president, with any two or more directors, or in the event of absence or disability of the president, any three or more of the directors, who may appoint one of their number president pro tempore, shall constitute a body for the trans- action of business; in case of vacancy in the office of president or director, happening from any cause, such vacancy may be filled by the appointment of the board from among the stockholders, until the next annual meeting of the stock- holders.

Sec. 8. Be it further enacted, That the president and di- rectors of the company shall be and they are hereby invest- ed with all the rights and powers necessary and expedient to cut a canal from [the] waters of Cape Fear river to Lock- wood's Folly river; to construct locks, dredge shoals, build a railroad or plankroad, or cut a canal to connect the waters of Wacamaw river or Gum swamp with the canal or in- land water communication aforementioned, and conduct a lumber business on said routes, or any portion of them, at Smithville, Brunswick county, or elsewhere in said county, that a majority of the stockholders may authorize at any an- nual or duly called meeting.

Sec. 9. Be it further enacted, That the said president and di- rectors shall have power to contract with any person or persons for constructing said work, or any portion of them, or for car- rying on any part of said business, and for repairing the works at such times as they shall judge necessary and pro- per, and to demand from the subscribers, from time to time, such advances of money, on their respective shares, as the wants of the company may require, until said subscriptions are paid in full, and at any time they may deem necessary to call a general meeting of the subscribers, by giving one month's previous notice thereof in one of the newspapers printed in Brunswick or New Hanover counties; to appoint a treasurer, not a member of said board but a member of the corporation, an engineer, a clerk, and such other officers and agents as they may require, who may be members of the board; to transact the business of the company during the intervals of the meetings of the stockholders, and to fix the compensation of all their employees.

Sec. 10. Be it further enacted, That it shall be lawful for the said corporation to organize and commence cutting the said canal between the Cape Fear and Lockwood Folly Ri- vers, when five thousand dollars or more of the capital stock aforesaid shall have been subscribed and one fourth paid in, or secured to the satisfaction of the president and directors; and it shall further be lawful for the president and directors of said corporation, to re-open their stock books for subscrip- tion to increase the capital stock to any amount not exceed- ing in all one hundred thousand dollars, at any time author-
ized by a majority of the stockholders, at any annual meet-
ing, or at a special meeting called in conformity with the provisions of the ninth section of this act.

Sec. 11. Be it further enacted, That if any stockholder shall fail to pay the instalments or instalments required of him by the president and directors in section ninth, it shall and may be lawful for the president and directors, or a majority of them, to sell at public auction, on a previous notice of twenty days for cash, all the stock subscribed for in said company by said stockholders, and convey the same to the purchaser at said sale; and if said sale of stock do not produce enough to pay off the expenses of the sale, and the entire amount due by the stockholder to said company for such subscription of stock, then the president and directors may recover the balance of the original proprietor, or his assignee, or the executor, or administrator of either of them, by suit in any court of record having jurisdiction thereof, or by a warrant before a justice of the peace of the county of which he is resident; and any purchaser of the stock of the company, under a sale by the president and directors, shall be subject to the same rules and regulations as the original subscribers.

Sec. 12. Be it further enacted, That the said president and directors, their officers, agents, and servants shall have full power and authority to enter upon all lands through or on which they may desire to conduct their works, and to lay out the same according to their pleasure, so that the mill-house, yard, and other buildings of any person be not invaded without his consent; and they shall have power to enter on and lay out such contiguous land as they may desire to occupy as sites for depots, store-houses, wood-houses, toll-houses, and other buildings for the necessary accommodation of their officers, agents and servants, and for the protection of the property of the company: Provided, That the land so laid out for the latter purposes shall not exceed two acres in any one parcel. If the president and directors cannot agree with the owner or owners of the land so entered upon and laid out by them, as to the terms of purchase, they may apply to the county court of the county of Brunswick, and upon such application, the court shall appoint five impartial freeholders to assess the damages arising from the condemnation of the land for the purposes aforesaid; that ten days notice of said application shall be given to the owner of the land, and its said owner being an infant or non compos mentis, then to his guardian, if such guardian is to be found in the county, or if he cannot be found, notice of said application shall be published at least one month in a public newspaper in Brunswick or New Hanover county; before such appointment shall be made,
the order appointing said freeholders shall designate a day for their meeting, and they may adjourn from day to day until their business is accomplished: of the five freeholders so appointed, any three or more of them may act, being first duly sworn or solemnly affirmed before some justice of the peace, that they will impartially and justly ascertain and assess the damages which will be sustained from the condemnation of the land by the proprietor thereof, for the use of said company; and they will truly certify their proceedings thereof to the county court of said county: that with the report of said freeholders, shall be returned and appended thereto a certificate of the magistrate before whom they were qualified, of such qualification; when the said report shall be returned, unless good cause be shown at that time, the same shall be confirmed and spread upon the records; but if said report should be disaffirmed, or if the said freeholders being unable to agree should report their disagreement, or from any other cause they shall fail to report within a reasonable time, the court may supercede them, and appoint others in their stead; the said court of pleas and quarter sessions may upon the confirmation of the report of said freeholders, award a judgment and execution against said company for the amount of damages so assessed; the report of said freeholders to contain a description of said land by metes and bounds, shall be vested in the company in the same manner as if the proprietor had sold and conveyed it to them; and the said court shall then order the report of the freeholders to be registered in the office of the county register for said county, and the same shall be read in evidence as in cases of registered deeds for the conveyance of lands.

Sec. 13. Be it further enacted, That the president and directors for the purpose of constructing their works aforesaid, and the works necessarily connected therewith, or of repairing the same, or of enlarging, or otherwise altering the same, shall be at liberty by themselves, officers, agents, or servants at any time to enter upon any adjacent land nearest where such materials may be found, to cut, quarry, dig, take and carry away therefrom any wood, stone, gravel, or earth which they may deem necessary: Provided, however, That they shall not without the consent of the owner, cut down any fruit trees, or any tree preserved in any lot or field for shade or ornament, nor take any timber, gravel or stone constituting a part of any fence or building; and for all such woods, stone, or gravel thus taken, the said president and directors shall apply to the owner or owners thereof a reasonable compensation, to be by them agreed upon; and in case of their failure to agree upon the value of said articles, then the same shall be valued by three freeholders,
appointed by a justice of the peace of said county, upon the application of the owner thereof after a previous notice of ten days to the other party; and in case either party shall be dissatisfied with their determination, an appeal to the county court shall be allowed and sent up by the said justice.

Sec. 14. Be it further enacted, That it shall be lawful for the president and directors of said company to demand and receive on said works at convenient toll stations, a reasonable toll from all persons passing through said locks, or using said improvements; which toll so to be collected, shall be so regulated that the nett profits shall not exceed twenty per cent. in any one year on the amount of capital actually expended by said company in making said improvements: Provided, That the rates of toll shall be uniform, and no discriminations but between citizens of this State.

Sec. 15. Be it further enacted, That the president and directors of said company shall annually report to the stockholders a full account of the receipts and expenditures of said company, and a general condition of its affairs. The president is a member of the board of directors.

Sec. 16. Be it further enacted, That in all general meetings of the stockholders, each share of said capital stock shall be entitled to one vote, which vote may be given by the proprietor, in person or by proxy: and a majority of the shares being represented, shall constitute such general meeting.

Sec. 17. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 10th day of February, 1855.]

AN ACT TO INTEGRATE A COMPANY TO CONSTRUCT A SHIP CANAL TO UNITE THE WATERS OF ALBEMARLE, CURRITUCK AND PAMLICO SOUNDS WITH THE CHESAPEAKE BAY, AND FOR OTHER PURPOSES.

Whereas, The want of a sufficient, direct and safe channel of navigation, between the waters of Albemarle, Currituck and Pamlico Sounds and the ocean, is a serious detriment to the commercial, agricultural, manufacturing and other interests of this State; and whereas the General Assembly of Virginia, by an act passed the second day of March, 1854, did incorporate a company under the name of "the Great Bridge Lumber and Canal Company," for the construction of a canal to connect the Elizabeth and North rivers in that State; and whereas, a canal within this State, uniting the North river with Currituck Sound, together with the afore-said canal, establishes a communication between the said sounds and the ocean, therefore:

Preamble.
SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the stockholders in the said "Great Bridge Lumber and Canal Company," together with such other persons as may hereafter become associated with them, are hereby constituted a body corporate for the construction of a canal to unite North river with Currituck Sound, upon such route as the said company may designate, and for navigation and transportation upon the same; and the waters connected with or tributary thereto, and for making such improvements in said waters as may be necessary or proper for the business of the company; which corporation shall have a common seal, and may sue and be sued, implead and be impleaded, in any court of law and equity in this State.

SEC. 2. Be it further enacted, That the capital stock of the said "Great Bridge Lumber and Canal Company," shall form part of the capital stock of this company, and for the purpose of raising additional capital, it shall be lawful for the said company, after giving thirty days notice, to open books of subscription at Currituck court house, under the direction of B. F. Simmons, E. Morton, E. Simmons or any two of them; at Shiloe in Camden county, under the direction of C. Barco, N. S. Burgess, C. C. Williams, or any two of them; at Elizabeth City, under the direction of J. B. Fearing, John M. Mathew, John Bluk, or any two of them; at Hertford, under the direction of Joseph Cannon, Thomas Wilson, Thomas T. Jones, or any two of them; at Edenton, under the direction of Col. R. T. Payne, Thomas D. Warren, Richard Paxton, or any two of them; at Gatesville, under the direction of Mills Roberts, Samuel Harrell, Henry Willey, or any two of them; at Winston, under the direction of J. A. Anderson, R. A. Shields, W. S. Daniels, or any two of them; at Windsor, under the direction of R. Hambury, William Grey, William Garley; at Jackson, under the direction of H. Faison, W. S. Copeland, Samuel Colvers; at Halifax, under the direction of T. S. Marshall, R. H. Smith, M. Ferrell, or any two of them; at Plymouth, under the direction of Joseph C. Norcom, Samuel Kissam, R. W. Foster, or any two of them; at Williamson, under the direction of D. W. Bayley, C. B. Haslett, A. C. Williams, or any two of them; at Columbia, under the direction of W. W. Walker, B. S. Baswright, J. F. Davenport, or any two of them; at Hyde court house, under the direction of W. W. Spencer, John Mann, Erasmus H. Sanderson, or any two of them; at Tarboro, under the direction of Wm. H. Pepper, Baker Mabry, Nathaniel Matherson, or any two of them; at Newbern, under the direction of A. T. Jerkins, Charles Kelly, George Green, or any two of them; at Washington, under the direction of R. S. Myers, George Brown, B. T. Hawks, or any two of them; and at
such other places and under the direction of such other agents as the said company may appoint for the purpose of receiving subscriptions to an amount not exceeding three hundred thousand dollars, in shares of one hundred dollars each; five dollars on each share to be paid at the time of subscription, and the balance as the same may be called for by the said company; the said books shall remain open at each of the above named places ten days; after which time, they shall be returned to said company, with the moneys received on account of said subscription; if the money which any stockholder has to pay upon his shares, be not paid as required by the said company, such shares may be forfeited to the company, or after notice in a newspaper for one month, of the time and place of sale, may be sold at public auction for ready money, and transferred to the purchaser, or the same with interest thereon, may be recovered by action at law; in case of sale as aforesaid, there shall be paid out of the proceeds all the charges, and the money that ought to have been paid upon such shares with interest, and the surplus if any, shall be paid to the delinquent or his representative; if there be no sale for want of bidders, or if the sale shall not produce enough to pay the charges and the amount due with interest, the company may recover by action against the stockholders, whatever may remain unpaid, with interest.

Sec. 3. Be it further enacted, That this company shall have the same common seal, and the same officers as the "Great Bridge Lumber and Canal Company," provided a majority of the directors shall be resident citizens of North Carolina, and this company shall have the right to take by gift or purchase, and to hold lands not exceeding thirty thousand acres, in the counties upon the sounds or their tributary waters, together with one hundred yards of land on either side of the entire line of said canal; and to hold and employ such machinery, boats and other appliances, as their business may require; and to borrow money upon their bonds, other evidences of debt, and to mortgage or pledge their bonds or other property; and shall possess all the rights and attributes, and be subject to all the duties, regulations and restrictions of the said company, under the act of incorporation by the State of Virginia, except such as are inconsistent with the laws of this State, or with the provisions of this act.

Sec. 4. Be it further enacted, That it shall be lawful for any county to subscribe to the capital stock of said company, to an amount not exceeding fifty thousand dollars; Provided, That before the same is done, the questions shall be submitted to the legally qualified voters of said county, after a notice of thirty days in one or more newspapers, or by posting the same at the door of the court house; three fifths
of the voters voting at the time in favor of such subscription, shall be sufficient to authorize the same.

Sec. 5. Be it further enacted, That the said company may make such by-laws and regulations, not contrary to the laws of this State, as they may deem proper, for the government and management of the stock, property and business of the company; and in consideration of the heavy expense of constructing and keeping in repair the said canal, and improving the rivers connected therewith, they may demand and receive such tolls and compensation for the passage and transportation of vessels and merchandise, and for the use of the property of said company, as they may deem proper.

Sec. 6. Be it further enacted, That in case of disagreement between the company and the owners or occupants of lands required for the construction of the said canal and improvements, in relation to the purchase thereof, or in case any other cause shall prevent said purchase, any two justices of the county in which said land shall lie, on application by the said company, shall issue their warrant, under their hands, to the sheriff of the county, to summon a jury of twelve freeholders of said county, not related to the parties nor in any manner interested, to meet on the land to be valued at a time to be expressed in the warrant, not less than six nor more than twelve days thereafter; and the sheriff, on receiving said warrant, shall forthwith summon said jury, and when met, provided not less than six shall appear, shall administer an oath or affirmation to each of the jurymen appearing, that they will fairly, justly and impartially value the lands required for said canal, together with one hundred yards in width on each side thereof, and all damages the owner shall sustain by cutting said canal through such land, according to the best of his skill and judgment; and the inquisition thereon taken shall be signed by the sheriff and by at least six of said jurymen, and returned to the clerk of his county to be recorded; and the valuation of the jury thereon, made and certified, shall be conclusive on all persons, and shall be paid by the said company to the persons legally authorized to receive the same; in case such persons refuse to receive the amount of said valuation, the same shall be deposited with the clerk of the county court, subject to the order of such persons; and upon such payment or deposit being made, the said company shall be seized in fee of such land as if conveyed to them and their successors by legal conveyance.

Sec. 7. Be it further enacted, That this company may issue bonds, under their corporate seal and the signature of the president of the company, with coupons for interest attached, to an amount not exceeding two hundred and fifty thousand dollars, each payable to ——, or bearer, conditioned for the
payment of the principal in thirty years from date of said bonds, and for the payment of interest thereon at the rate of six per cent. per annum, semiannually, on the first Monday in January and July in each year; and it shall be the duty of the public treasurer, on said bonds being filed with him, to endorse the same as follows: This board [bond] is guaranteed by the State of North Carolina; which endorsement shall be signed by said treasurer in his official capacity, and countersigned by the comptroller, and shall be a pledge of the faith and credit of the State of North Carolina as security, and be a guarantee on the part of the State to the holder, for the prompt, full and entire payment of the interest, and of the principal of said bonds, as the same severally fall due, at the times, places and in the manner required by the conditions of said bonds; and on failure of the said company to pay said interest or principal as the same fall due, the public treasurer shall pay the same out of any money in the treasury at the time. It shall be the duty of the public treasurer, on the mortgage hereafter required being made and delivered to the governor, to deliver the bonds so endorsed to the said company, and they are at liberty to fill up the blank in said bonds with the name of any person or persons, company or corporation, to whom the said bonds may be sold or transferred; and the said endorsements shall be as binding on the State of North Carolina as if the said blank had been filled at the time of making said endorsement: Provided, however, That said bonds shall not be sold for less than their par value.

Sec. 8. Be it further enacted, That the public treasurer shall number and register the bonds endorsed by him pursuant to this act, in a book prepared and kept for that purpose, and the said company from time to time as they sell or transfer said bonds, shall file with the public treasurer a statement of the time of such transfer, the person to whom made, and the number of bonds so transferred, which particulars shall be entered in the book kept for the registration of said bond, as aforesaid.

Sec. 9. Be it further enacted, That before any of the bonds so endorsed shall be delivered to the said company, the said company shall certify to the board of internal improvements of this State under their corporate seal, sworn to and signed by their treasurer and countersigned by their president, that at least one hundred thousand dollars has been paid to said treasurer in cash and in labor performed on said canal, and the said company shall also execute under their corporate seal and deliver to the Governor of this State, for and in behalf of this State, a deed of mortgage whereby shall be conveyed to the said Governor and his successors in office, for the use and benefit of the State, all the estate, real and
personal, belonging to said company, or in any manner pertaining to the same, conditioned for the indemnifying and saving harmless, the State of North-Carolina from the payment of the whole or any part of the bonds hereby authorized to be made and issued by the said company, and endorsed by the public treasurer; the said company shall also make, execute and deliver under their seal to the Governor for the use and benefit of the State, a pledge of so much of the profits of said company as shall be sufficient to pay semi-annually the interest which may accrue on said bonds; upon a compliance with the above provisions, one hundred thousand dollars in amount of the said bonds, and no more shall be delivered to the said company, and upon a like certificate as aforesaid, that an additional one hundred thousand dollars has been paid as aforesaid by the stockholders, or whenever the company shall certify as aforesaid, that such additional sum has been subscribed by solvent persons, then, and only until then, shall the residue of said bonds, amounting to one hundred and fifty thousand dollars be delivered to the company.

Sec. 10. Be it further enacted, That the said company shall pay or cause to be paid to the public treasurer of this State in one year after the said bonds shall be issued, and annually thereafter until the aforesaid bonds are paid, twenty-five hundred dollars, which sums shall be by him invested in State securities, and with the interest annually accruing thereon, shall be reinvested and constitute a sinking fund, which shall be applied to the payment of the principal of the bonds when they severally become due.

Sec. 11. Be it further enacted, That the name of the company shall be the "Great Bridge Lumber and Canal Company," but the same may be changed to the Chesapeake and Albemarle Canal Company, or to any other whenever said company shall be authorized by the legislature of Virginia to make such change.

Sec. 12. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 8th day of February, 1855.]

Chap. 94.

AN ACT TO INCORPORATE THE CAMDEN AND PASQUOTANK NEW CUTF CANAL COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That authority is hereby given to the Dismal Swamp Canal Company, to open books at such places, and under the management of such persons as the directors of said company may appoint for receiving and entering subscriptions to the amount of eighty thousand dollars for the
said undertaking: that the said books shall be opened for receiving subscriptions, on the first day of May next, and continue open until the first day of October next, inclusive, and on the first Monday of the month of November, there shall be a general meeting of the subscribers, at such place as the directors of the said Dismal Swamp Canal Company may appoint, of which meeting notice shall be given by said directors, in the gazettes printed in the State of North-Carolina and Virginia, at least one month next before the said meeting: and said meeting shall and may be continued from day to day, until the business is finished; and that the said capital sum shall be divided into shares of two hundred and fifty dollars each.

Sec. 2. Be it further enacted, That this company shall be known by the name of the "Camden and Pasquotank New Cut Canal Company," and shall have power and authority to increase their capital stock, if required, to the sum of two hundred thousand dollars, and shall in all respects be subject to the same laws, rules, regulations, penalties and exemptions that govern the Dismal Swamp Canal Company, by their charter and amendments, granted to them by the legislature of the State of Virginia and North-Carolina, and shall have right of way in the same manner as granted to that company by their said charter and amendments referred to, and shall be under the direct supervision and direction of the Dismal Swamp Canal Company.

Sec. 3. Be it further enacted, That it shall be lawful for the Dismal Swamp Canal Company, and they are hereby authorized to demand and receive, in lawful money of this State, from all such person or persons as may use the Camden and Pasquotank New Cut Canal, at any point or place most convenient for collecting the same, for all lighters, rafts, boats and vessels of every kind, the following rates of toll, that is to say: all and every open boat or open lighter, fifty cents; all and every decked lighter, or boat, or vessel under twenty-five tons burthen, one dollar and fifty cents; all and every vessel over fifty tons, three dollars; all rafts that can be locked through the Dismal Swamp Canal Company's locks at one locking, shall be considered one raft, and shall pay each for passing through or using this cut, one dollar; all other vessels or things not enumerated or exempted by the true intent and meaning of this act, shall pay pro rata.

Sec. 4. Be it further enacted, That the directors of said company are authorized and empowered to raise the above tolls on vessels, lighters, &c., or to charge toll on their cargoes, if deemed necessary, if the tolls above named be found insufficient to defray the expenses, and to keep the said cut in good and proper condition; but it shall not be lawful to raise the tolls, until the directors of said company shall have
first given repeated notice of their intention so to do, for at least one month, in one or more public newspapers, published in the district of Edenton; which notice to be accompanied with a full and accurate statement of the receipts and expenses of said cut for the six months immediately preceding such publication, and to contain also a full statement of the proposed rates of toll.

**Sec. 5. Be it further enacted,** That the banks of the said cut may be graded and used by said company as a turnpike; and when so graded, the said company shall be allowed to demand and receive a toll of five cents for each and every horse, mule or ox that may pass thereon: all other animals shall be permitted to pass free of toll.

**Sec. 6. Be it further enacted,** That the said company shall put, and keep in good order, a substantial bridge over the said canal, at the point where it intersects the public road near the present bridge.

**Sec. 7. Be it further enacted,** That there shall be allowed the said company six years to complete the said cut, so as to afford a depth of six feet water, or of sufficient depth for vessels to pass through the Dismal Swamp Canal; and they shall have the same power to collect their tolls, and to enforce good order, as is granted to said Dismal Swamp Canal Company, by their charter and amendments referred to already.

**Sec. 8. Be it further enacted,** That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

### COUNTIES.

**Chap. 95.**

**AN ACT FOR THE RELIEF OF THE CITIZENS OF IREDELL COUNTY.**

Whereas, in December last, the court house and clerks' offices for the county of Iredell, and many valuable papers therein, were destroyed by fire, and whereas great injury and inconvenience is likely to accrue to the citizens thereof in consequence of the same; for remedy whereof,

**Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,** That the entries in the appearance dockets, the trial dockets, the minute dockets and execution dockets, and all other books of record in the clerks' offices of the county and superior courts for the county of Iredell, together with the entries in the books of the clerk and master in equity, the entries in the books of the register's office shall be taken and held as prima facie evidence of the existence of all papers of original or leading process of every kind whatsoever;
also, of the existence of all secondary or final process of every kind as well as the returns of all public officers on all of the same; and the entries in said books shall be evidence of the existence of the returns of all executors, administrators, guardians and trustees, and also of their settlements with their respective estates, provided those papers shall be proved to the satisfaction of the court to be lost or destroyed.

Sec. 2. Be it further enacted, that the contents of all the above named papers and returns of public officers, shall be presumed to be in the usual and correct form; and no other evidence than the entries in the above named books, showing to the satisfaction of the court that they were issued and returned by the proper officers shall be required in any case.

Sec. 3. Be it further enacted, That, in all suits that are now pending, where the witnesses have filed their tickets in the clerk’s office but have not been entered upon the execution docket, and have been lost or burned up, that it shall and may be lawful for the witnesses at the next term of the county or superior court, as the case may be, or at any time before the suit may be ended, to take out new tickets for their attendance under the same rules now prescribed by law.

Sec. 4. Be it further enacted, That all copies of wills, deeds, deeds in trust, bills of sale, mortgages, or any other paper or order, or settlement with orphans or their estates, or returns made of the same by their guardians, or any other record of any transaction in the county of Iredell, attested under the hands of the clerks of the county or superior courts, or register, or clerk and master in equity, (in case the original is destroyed,) may be given in evidence in any court whatsoever, and have the same faith and credit as the original would have, could it have been produced.

Sec. 5. Be it further enacted, That all copies of any instrument attested as required in the preceding section, (provided the court is satisfied of its authenticity,) shall, by order of the court, be registered and recorded.

Sec. 6. Be it further enacted, That the clerks of the county and superior courts, and clerk and master in equity for the county of Iredell, (until they can get new seals for their offices,) shall affix their private seals in all cases where seals are necessary to the process which they issue; and the same shall have the same force and effect as official seals are entitled to.

Sec. 7. Be it further enacted, That the clerk and master for the county of Iredell shall, and he is hereby authorized and empowered to make other deeds for lands previously sold by him, in all cases where the deeds made have been burned or lost.

Sec. 8. Be it further enacted, That this act shall be in
Chap. 96. AN ACT TO AUTHORIZE THE ERECTION OF A COURT HOUSE FOR THE COUNTY OF IREDELL, AND OTHER PURPOSES.

Whereas, in the month of December last, the court house in the town of Statesville, county of Iredell, was consumed by fire, therefore,

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John H. McLaughlin, Hugh Reynolds, John Davidson, R. F. Simonton and J. F. Alexander, be and they are hereby appointed commissioners, with full power and authority to proceed forthwith to purchase a lot or lots within the corporate limits of the town of Statesville, as a suitable site whereon to erect a court house, together with as much ground adjacent thereto, as they may think necessary for the public use and convenience of the citizens of Iredell county, and that they take a good and sufficient title in fee simple, executed to the chairman of the county court and his successors in office, for the use and benefit of said county.

SEC. 2. Be it further enacted, That the above named commissioners or a majority of them, shall proceed as soon as practicable, after the passage of this act, to purchase the necessary lot or lots, and let out the contract or contracts, after reasonable advertisement, publicly or privately for the building of a court house for the county of Iredell, and they are hereby fully authorized and empowered to have said court house built out of such material and upon such plan, as in their judgment, will be best calculated to answer the end for which it is intended.

SEC. 3. Be it further enacted, That all such expenses as may be incurred in carrying into effect the provisions of this act, shall be paid out of the county funds, under the supervision of the county court of said county.

SEC. 4. Be it further enacted, That the court of pleas and quarter sessions and superior courts of law and equity for the county of Iredell, shall be held in the Presbyterian church, with the consent of the authorities thereof, in the town of Statesville, until the new court house shall be in such a state of completion as to admit of the said courts being held therein.

SEC. 5. Be it further enacted, That if any person or persons shall cut the seats or wall, or scribble or blot, or mark on the same in any way, or shall in any other way injure any other part of said church, they shall be indicted for ev-
AN ACT TO ESTABLISH THE COUNTY SEAT OF MADISON COUNTY. Chap. 97.

Whereas, commissioners were appointed by the legislature of 1852-'3, to select, lay off and establish a site for a seat of justice in the county of Madison, which said commissioners proceeded to locate said seat of justice, under the name of "Marshall," on the French Broad river, on the lands of T. B. Vance, at the place where Adolphus E. Baird now lives; and whereas, doubts and difficulties have arisen in regard to the legality of the action of said commissioners; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the justices of the county court of Madison county, at the April term 1855 thereof, to order an election to be held throughout the present county of Madison, at the several election precincts in said county, heretofore established, on the first Thursday in June next, to take the sense of the qualified voters of said county of Madison on the question whether the aforesaid location shall remain and be established as the location of the seat of justice of said county or not.

SEC. 2. Be it further enacted, That it shall also be the duty of said county court, at the said April term, 1855, to appoint judges and inspectors to hold and superintend said election at the several precincts aforesaid, who, after taking an oath honestly, fairly and impartially to discharge their duty, shall hold said election, and report the same to the sheriff of the county of Madison, under the same rules, regulations and liabilities and restrictions as are now required by law in holding elections for members to the General Assembly.

SEC. 3. Be it further enacted, That said election shall be held by ballot, those voting for the establishment of said location, putting in a ticket on which shall be written "Location," those voting against the same, a ticket on which shall be written "No Location;" and that every free white citizen qualified to vote for members of the House of Commons in said county, shall be entitled to vote at said election.
Duty of sheriff.  

Sec. 4. Be it further enacted, That it shall be the duty of the sheriff of the present county of Madison, on the result of said election being returned to him, to proclaim the same on the next day on or before 3 o'clock, P. M., and in case a majority of the qualified voters of said county be found to be in favor of "location," it shall be the duty of the said sheriff to certify the same to the Governor of the State, and on its appearing to the Governor from said certificate that there is a majority of the qualified voters in said county of Madison in favor of the "location" proposed by this act, then, and in that case, the Governor shall make that fact known by proclamation; upon which, then the said point at Adolphus Baird's, on the French Broad river, shall be established as the location of the seat of justice of said county of Madison.

Sec. 5. Be it further enacted, That the sheriff of Madison county, shall make return of the result of said election to the Governor within ten days from and after the day of election, and that he shall be entitled to the same compensation for making the return of said election to the Governor, that he is now, by law, for making the return of the election for members of the General Assembly.

Sec. 6. Be it further enacted, That should a majority of the qualified voters of said county vote "no location," then and in that event, Robert Payne, John E. Patten, Nathaniel Kelsey, William Peak, Sr., Lewis Palmer, John Ramsey, Sr., Pinckney C. Anderson and John Reeves be, and they are hereby appointed commissioners to select and determine upon a site for a permanent seat of justice for said county, having due regard for the territory and population and all the interests of said county; and in case five of said commissioners shall not concur in any one point, then they shall name two points, one of which shall be on the French Broad river, and shall be decided on by the votes of the qualified voters for the House of Commons in said county, at an election to be held as the county court of said county shall prescribe; and when it is reported to said commissioners by the sheriff of said county, that either of said points has received a majority of the votes polled, it shall be the duty of said commissioners, or a majority of them, to locate and lay off said town of Marshall within one mile of said point, and receive by donation or purchase not less than twenty-five, nor more than one hundred acres of land, which shall be conveyed to the chairman of the county court and his successors in office, for the use of the said county; and the five first named commissioners shall proceed to lay off the lots and streets of said town of Marshall, to sell the same, take bonds for the purchase money thereof, appropriate, collect and apply said bonds, set apart lots for academies and
churches, and perform, with regard to the establishment of said town, all the other duties prescribed in the 12th, 13th, and 14th sections of an act of the General Assembly of 1850-51, entitled "An act supplemental to an act to lay off and establish a county by the name of Madison," with regard to the town therein to be established; and all the provisions of said act of 1850-51, not inconsistent with the provisions of this act, shall apply to the said town of Marshall established as herein by this act provided as fully as by said act of 1850-51, they would have applied to the town therein directed to be established.

SEC. 7. Be it further enacted, That should a majority of the qualified voters of said county, at said election, vote "no location," and if the said commissioners shall proceed to locate said county site elsewhere than at the point on French Broad river, now known as Marshall, the court of pleas and quarter sessions of said county of Madison, a majority of the justices of said county being present, shall have authority to direct the chairman of said court to cede to the former owner or owners thereof, all lands which may have been ceded to said chairman or his predecessor, or any commissioner or other person for the use of said county, at the point of the French Broad river, now known as Marshall; and to cancel all bonds or other obligations under seal or otherwise, which have been or may, before this act takes effect, be given for the payment of purchase money to said chairman or his predecessor, or successors or other persons, for lands sold for the use of said county, by virtue of any act of the General Assembly of 1850 or 1852. And any chairman or other person whose duty it shall be to make the session, or cancel said bonds as provided in this act, who shall fail in the performance of such on being thereunto required by the person entitled to the benefit of this section, shall forfeit the sum of five hundred dollars, to be recovered in the name and the use of the party aggrieved, in any court of competent jurisdiction in said county, and shall be further liable to said party for damages.

SEC. 8. Be it further enacted, That should the supreme court, now sitting, decide that the said location of the seat of justice of said county, at Adolphus Baird's, on French Broad river, heretofore made as recited in the first section of this act, was made by commissioners having lawful and competent authority to make said location, then this act shall be null and inoperative; otherwise, shall be operative and take effect. [Ratified the 16th day of February, 1855.]
AN ACT TO AUTHORIZE THE COLLECTION OF ARREARAGES OF TAXES IN JACKSON COUNTY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the clerk of the court of pleas and quarter sessions of Macon county shall, on or before the first of April next, furnish the sheriff of Jackson county with a duplicate of the tax returns for the year 1852, from that portion of said county of Jackson formerly a part of Macon, on the receipt of which, the said sheriff is authorized and required to collect all arrears of taxes on the same, and pay it over to the county trustee of his county; and for this purpose he is hereby invested with all the powers now conferred by law on the sheriffs for the collection of the public revenue.

SEC. 2. Be it further enacted, That Eli McKee, sheriff of Macon, and the county trustee of Jackson shall mutually account with each other in relation to the taxes referred to in the preceding section; and if it shall appear that the former, in his settlement with the public treasurer, has paid thereof more than the amount collected by him, he shall be reimbursed by the latter out of any money now in or which may hereafter come into the treasury of said county of Jackson, and not otherwise specially appropriated; but if he has collected more than the sum so paid by him, the excess he shall pay to said trustee.

SEC. 3. Be it further enacted, That the said Eli McKee shall not be held liable to the county of Macon for any part of said taxes; and if he has paid any portion thereof, he may retain the same out of the county revenue now in or which may hereafter come to his hands.

SEC. 4. Be it further enacted, That this act shall take effect and be in force from and after its ratification. [Ratified the 20th day of January, 1855.]

AN ACT DECLARING WHAT NUMBER OF JUSTICES OF THE PEACE OF THE COUNTIES OF RANDOLPH, ALAMANCE, CUMBERLAND, WAKE AND MECKLENBURG, SHALL CONSTITUTE A QUORUM IN CERTAIN CASES.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That twenty justices of the peace shall constitute a quorum, to do any business for said counties of Randolph, Alamance, Cumberland, Wake and Mecklenburg, where a majority is now required, except, that of laying taxes for said counties, which shall require a majority, as heretofore.
Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 9th day of January, 1855.]

AN ACT TO FIX AND SETTLE THE DIVIDING LINE BETWEEN THE COUNTIES OF CHATHAM AND ALAMANCE.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county courts of Chatham and Alamance, a majority of the justices being present, shall appoint two commissioners, one on the part of the county of Chatham, and one on the part of the county of Alamance, to settle and fix the dividing line between said counties from the eastern to the western terminus thereof, and that the report of said commissioners when ratified by a majority of the justices of each county, shall be conclusive of the location of the true line, and shall be recorded in the register's office of each county, and in the office of the secretary of State, and the commissioners before entering on the duties assigned them, shall be sworn by a justice of the peace, and they with all others employed, shall be allowed reasonable compensation for their labors. [Ratified the 14th day of February, 1855.]

COURTS.

AN ACT TO ENABLE THE COUNTY COURT OF IREDELL COUNTY TO COLLECT THE STATE AND COUNTY TAXES, FOR THE YEAR A. D. 1855.

Whereas, the tax lists taken and returned last summer in the county of Iredell were destroyed by the late fire in the town of Statesville: therefore,

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions to be held for the county of Iredell, on the 3d Monday in February, 1855, is hereby fully authorized and empowered to appoint as many justices of the peace of said county as they may deem necessary, to take new lists of all the taxable property within the same, and make return of said lists to the clerk at the next succeeding term of said court, under the same rules and regulations, and be subject to the same penalties and liabilities as are now prescribed by law.

Sec. 2. Be it further enacted, That the clerk of the county court, on receiving said returns, shall record them in the
same way, and set up copies in the court house, as he is required to do with like returns under the revenue law of the State, and for failure therein shall be liable to the same penalty as therein prescribed.

Sec. 3. Be it further enacted, That the clerk, on or before the first day of October next, after the lists are returned to him, shall return to the comptroller of the State an abstract of the same, setting forth therein everything that is required to be set forth in a similar list by the present revenue law of the State, and upon failure shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties to his bond, in the same manner as is prescribed by the public revenue law of the State in like cases.

Sec. 4. Be it further enacted, That the justices of the county court, at May term, 1855, a majority being present, shall proceed to lay a tax upon all the property so listed as aforesaid, for State and county purposes, in the same way as they have heretofore laid taxes upon property heretofore listed, under the present revenue law of the State.

Sec. 5. Be it further enacted, That said county court, at the same time that the justices are appointed to take lists, (if the court shall deem it necessary to carry out the provisions of this act,) be hereby fully authorized and empowered to appoint two respectable freeholders, men of skill and probity, to be associated with each justice, and these three shall be styled the board of valuation, to value the lands in said county, who shall be notified of their appointment, and shall perform their duty in the same way, and take the same oath as is prescribed by the general revenue law of the State; and said valuation shall answer for and be in the stead of that required by the present revenue law of the State in the year 1855.

Sec. 6. Be it further enacted, That the clerk of the county court shall, on or before the first day of July next, after the court shall lay the taxes, (as herein directed,) deliver to the sheriff of the county a fair and accurate copy, in alphabetical order, of the tax list, according to the requirements of the present revenue law of the State; and for failure therein, shall be liable to the same punishment as is prescribed by the same.

Sec. 7. Be it further enacted, That the persons who fail to list their property under this act shall pay a double tax on all property not listed, and it shall be the duty of the sheriff to collect the same.

Sec. 8. Be it further enacted, That the sheriff shall proceed forthwith to collect the taxes herein levied, and shall faithfully pay the same over to those entitled to receive the same, and on failure in any of the duties therewith connect-
ed, he and his sureties on his bond shall be proceeded against in the same manner pointed out by the general revenue law of the State in similar cases.

Sec. 9. Be it further enacted, That, upon application of any person whose building may have been destroyed by fire in the town of Statesville, the county court, at February term, 1855, is hereby required to appoint three disinterested freeholders, whose duty it shall be to value over again the town lots of such persons so applying, and make return of the same to the next county court.

Sec. 10. Be it further enacted, That the clerk and sheriff shall receive, for all the services rendered under the provisions of this act, the same fees and commissions as are now allowed them for like services under the present revenue law of the State, and no more.

Sec. 11. Be it further enacted, That every person making return of their taxable property, shall return on oath all property that they may have had in possession on the first day of January, 1855.

Sec. 12. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 9th day of February, 1855.]

AN ACT TO ALTER THE TIMES OF HOLDING THE COURTS OF PLEAS AND QUARTER SESSIONS FOR THE COUNTY OF HYDE.

Chap. 102.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the courts of pleas and quarter sessions for the county of Hyde, shall hereafter commence and be held on the second Monday of February, May, August and November, in each and every year, and shall continue for one week under the same rules and regulations as are now provided by law for holding said courts.

Sec. 2. Be it further enacted, That all process which has been, or hereafter shall or may be, issued from the court of pleas and quarter sessions for the said county, returnable to the fourth Monday of February next, shall be held and deemed in law to be in force, and returnable on the second Monday of February next; and all recognizances heretofore taken, and all suits and proceedings of every nature and kind heretofore begun and pending in said courts, shall stand continued to, and be triable at, the session held on the second Monday of February next.

Sec. 3. Be it further enacted, That hereafter the superior court of law and equity for the county of Hyde, shall be opened and held on the ninth Monday after the fourth Monday of March and September in each and every year, under
the same rules and regulations as are now prescribed by law for holding said court.

Sec. 4. Be it further enacted, That all proceedings and process of every kind, depending in or returnable to the said superior court of law and equity, shall stand continued, and be returnable to the said ninth Monday after the fourth Monday of March, and be in full force, any law to the contrary notwithstanding.

Sec. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1855.]

Chap. 103. An Act to Authorize the County Court of Henderson to Appoint Commissioners to Sell Lands, etc.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions of Henderson county may, a majority of the justices of the peace being present, appoint commissioners to sell and convey all or any part of the lands owned by said county, for public purposes: and every deed executed by said commissioners, in pursuance of the powers conferred on them by the court, shall be effectual to pass to the purchaser a title in fee simple to the same. [Ratified the 20th day of January, 1855.]

Chap. 104. An Act to Give Jury Trials at Two of the County Courts of Stanly County.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions for the county of Stanly, (a majority of the magistrates being present and concurring therein,) is authorized and empowered to direct a jury to be drawn, to attend at February and August sessions of said court; and said courts shall have jurisdiction in the trial of causes, both civil and criminal, where the intervention of a jury may be necessary, in like manner as other county courts in this State have, and under the same rules and regulations as are now provided by law for drawing jurors and trial of causes in other county courts in this State.

Sec. 2. And be it further enacted, That the county court of Stanly county, is hereby authorized and empowered to lay a tax on all taxable property in said county, sufficient to pay the jurors aforesaid, for their services as jurors in said

To lay a tax.
court, and that the same shall be collected and paid to said jurors in like manner as taxes have been collected and paid to jurors in said county heretofore.

SEC. 3. Be it further enacted, That the court of pleas and quarter sessions aforesaid, a majority of the justices being present and concurring therein, shall have power to retain or dispense with jurors, either petit or grand, at either one or both of said courts, as they, in their judgment may think proper.

SEC. 4. Be it further enacted, That if the jury trials shall be abolished in the courts aforesaid, then it shall be the duty of the clerk of said court, to make out a transcript of all the causes, both civil and criminal, then on his docket, together with all the papers thereunto belonging, and deliver the same to the clerk of the superior court of said county, and shall be by him entered on the dockets of said court wherein the same shall be tried or otherwise disposed of.

SEC. 5. Be it further enacted, That all laws and clauses of laws, coming within the pervicw and meaning of this act, be same, and they [be, and the same] are hereby repealed.

SEC. 6. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 6th day of February, 1855.]

AN ACT TO CHANGE THE TIME OF HOLDING THE COURT OF PLEAS AND QUARTER SESSIONS IN THE COUNTY OF BEAUFORT.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That, from and after the fourth Monday of March next, the court of pleas and quarter sessions, for the county of Beaufort, shall be holden on the third Monday of March and September, and on the first Monday of June and December, in each and every year; and all proceedings and process of every kind, after the fourth Monday of March next, depending in, and returnable to either of the said courts, shall stand continued, and be returnable to the several terms of said courts herein expressed respectively.

SEC. 2. Be it further enacted, That all laws and clauses of laws, coming within the meaning and perview of this act, be, and the same are hereby repealed. [Ratified the 6th day of February, 1855.]
DAMS.

Chap. 106. AN ACT TO AUTHORIZE WM. S. BALLINGER AND HIS ASSOCIATES, OF JOHNSTON COUNTY, TO CONSTRUCT A DAM ACROSS NEUSE RIVER.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for William S. Ballinger, his associates and assigns, and they are hereby authorized and empowered to construct a dam across Neuse river, above and within two hundred yards of the town of Smithfield, for the purpose of supplying with water power any mills and factories erected for the purpose of sawing, grinding and manufacturing of articles of any kind whatever: Provided, That no dam shall be authorized to be constructed under this act, unless the said Wm. S. Ballinger and his associates, shall construct and erect a cotton factory near said dam, within five years from the passage of this act.

SEC. 2. Be it further enacted, That the said William S. Ballinger, his associates or assigns, shall be required to construct and maintain a gate in said dam, which shall be kept open during the prevalence and continuance of any freshet, and which shall be amply sufficient for the free passage of fish up and down the said river: Provided, That nothing herein contained, shall prevent the Neuse River Navigation Company, which may hereafter be incorporated, from constructing a lock in said dam, if at any time such lock should be necessary for the navigation of said river: Provided further, That the dam hereby authorized, shall be so constructed as not to interfere with the free navigation of Neuse river, or passage of fish up the same, and if said dam shall be constructed in any other manner than is hereby authorized, it shall be deemed a public nuisance, and the corporation or party by whom it is erected, managed or controlled, shall be further liable to a penalty of five dollars, for each and every day of its continuance, and may be recovered by any person suing for the same.

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

Chap. 107. AN ACT TO AUTHORIZE THE CONSTRUCTION OF DAMS ACROSS THE FRENCH BROAD RIVER, IN THE COUNTIES OF HENDERSON, BUNCOMBE AND MADISON.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority
of the same, That the owner or owners of lands on the French Broad river, in the counties of Henderson, Buncombe and Madison, shall be, and they are hereby authorized to construct a dam or dams across the same for manufacturing or mechanical purposes: Provided, That nothing in this act contained, shall be so construed as to authorize the construction by any land owner, of any dam which would throw back the water of said river, on the land of any other person, or of any dam for saw or grist mills merely. [Ratified the 16th day of February, 1855.]

EMANCIPATION.

AN ACT TO EMANCIPATE BETTY, A SLAVE.

CHAP. 108. Terms of emancipation.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Betty, a slave, the property of Joshua Carman, of Cumberland county, be and she is hereby emancipated and set free by the consent and at the request of her master, and by the name of Betty Beebee, shall possess and exercise all the rights and privileges of other free persons of color in this State: Provided, nevertheless, that before this act of emancipation shall take effect, the owner of said slave Betty, or some person for him, shall file in the clerk's office of the court of pleas and quarter sessions of Cumberland county, a bond with good security, in the sum of five hundred dollars, payable to the Governor of the State and his successors in office, that the said Betty shall demean herself correctly while she remains in the State and not become a county charge, which bond may be put in suit in the name of the Governor for the time being, to the use of the county or person injured by a breach of its condition: Provided, That she do not reside out of the county aforesaid, more than thirty days at any one time; also that she give bond in such an amount as will be approved of by the county court, that she will not become a public charge. [Ratified the 14th day of February, 1855.]

AN ACT TO EMANCIPATE JERRY, A SLAVE.

CHAP. 109. Terms of emancipation.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Jerry, a slave, the property of H. B. Williams and S. A. Davis, of Mecklenburg county, be, and he is hereby, with the consent, and at the request of the said owners, emancipated and set free, and by the name of
Jerry Bethel, shall hereafter possess and exercise all the rights and privileges which are enjoyed by other free persons of color in this State: Provided, nevertheless, That before the said slave is emancipated, the said Williams and Davis, or either of them, shall give bond and approved security, payable to the Governor and his successors in office, in the county court of Mecklenburg county, in the sum of one thousand dollars, that the said Jerry shall honestly and correctly demean himself as long as he shall remain in the State, and shall not become a county charge; which bond may be sued upon in the name of the governor for the time being, to the use of the said county, and of any person injured by the misconduct of the said slave hereby emancipated. [Ratified the 8th day of January, 1855.]

---

**Chap. 110.**

**AN ACT TO EMANCIPATE JOHN GOOD.**

Terms of emancipation.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Good, a slave, the property of George Bishop, of Craven county, be, and he is hereby, with the consent, and at the request of the said owner, emancipated and set free; and by the name of John Good, shall hereafter possess and exercise all the rights and privileges which are enjoyed by other free persons of color in this State: Provided, nevertheless, That before the said slave is emancipated, a good and sufficient bond, payable to the State of North-Carolina, shall be given in the county court of Craven, in the sum of one thousand dollars, that the said John Good shall honestly and correctly demean himself as long as he shall remain in the State, and not become a county charge; which bond may be sued upon in the name of the State to the use of said county, or any other county of the State, and of any person injured by the misconduct of the said slave hereby emancipated. [Ratified the 20th day of January, 1855.]

---

**Chap. 111.**

**AN ACT TO EMANCIPATE JAMES G. HOSTLER, A SLAVE.**

Terms of emancipation.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James G. Hostler, the property of James Anderson, William A. Wright, Armand J. DeRosset, Jr., Joshua G. Wright and Thomas C. Miller, of the town of Wilmington, be and he is hereby, with the consent of said owners, emancipated and set free, by the name of James G. Hostler, and shall hereafter possess and exercise all the rights and privileges which are enjoyed by free persons of
color in this State: *Provided, nevertheless,* That before the said slave shall be emancipated, he shall give bond with good security in the sum of five hundred dollars, payable to the State of North-Carolina, conditioned that the said James G. Hostler shall honestly and correctly demean himself, and shall not become a parish charge, which bond shall be approved by the court of pleas and quarter sessions of the county of New Hanover, and be deposited in the office of said court, and may be sued on to the use of any parish or person injured by the misconduct of said James G. Hostler. [Ratified the 16th day of January, 1855.]

---

A BILL TO EMANCIPATE ALBERT, A SLAVE, THE PROPERTY OF JOHN HOCKODY.

**Sec. 1.** Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Albert, a slave, the property of John Hockody, be and he is hereby, with the consent and at the request of said owner, emancipated and set free, and by the name of Albert Hockody shall hereafter possess and exercise all the rights and privileges which are enjoyed by other free persons of color in the State: *Provided, nevertheless,* That before the said slave Albert is emancipated, the said John Hockody shall give bond and approved security, payable to the governor and his successors in office, in the county court of Halifax, in the sum of one thousand dollars, that the said Albert shall honestly and correctly demean himself as long as he shall remain in the State, and shall not become a county charge; which bond may be sued on in the name of the governor for the time being, to the use of the said county, and of any person injured by the misconduct of the said slave hereby emancipated. [Ratified the 16th day of February, 1855.]

---

AN ACT TO EMANCIPATE LOUIS, A SLAVE, THE PROPERTY OF JAMES DUNN.

**Sec. 1.** Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Louis, a slave, the property of James Dunn, of Cumberland county, be and he is hereby, with the consent and at the request of the said owner, emancipated and set free, and by the name of Louis Dunn shall hereafter possess and exercise all the rights and privileges which are enjoyed by other free persons of color in this State: *Provided, nevertheless,* That before said slave shall be emancipated, his
said owner shall give bond with good sureties in the sum of five hundred dollars, payable to the Governor of the State and his successors in office, that the said slave shall honestly and correctly demean himself while he remains in this State, and not become a county charge; which bond shall be filed in the office of the clerk of the court of pleas and quarter sessions of Cumberland county, and may be sued upon in the name of the governor for the time being, to the use of the county or persons injured by a breach thereof. [Ratified the 16th day of February, 1855.]

FISH.

Chap. 114. AN ACT TO PREVENT THE OBSTRUCTION OF THE PASSAGE OF FISH IN THE WATERS OF SOUTH RIVER AND ADAMS' CREEK.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That, from and after the passage of this act, it shall not be lawful for any person or persons to lay out any seine or net in the waters of South river and Adams' creek, and let the same remain for a longer space of time than forty-eight hours, neither shall it be lawful for any person or persons to erect any weir or hedge across the said river or creek, or fell trees, or place any obstruction whatever, or make or cause to be made any weir that will prevent the passage of fish up and down said streams.

Penalty.

Sec. 2. Be it further enacted, That any person or persons offending against any of the provisions of this act, shall forfeit and pay for every such offence, the sum of fifty dollars, to be recovered before any justice of the peace of the county of Craven, to the use of the person suing for the same; and if any slave shall violate any of the provisions of this act, he or they shall, on conviction, before a single justice of the peace of said county, receive thirty nine lashes on his or their bare back.

Sec. 3. Be it further enacted, That all laws and clauses of laws coming in conflict with any of the provisions of this, be and the same are hereby repealed. [Ratified the 14th day of February, 1855.]

Chap. 115. AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PREVENT THE OBSTRUCTION OF THE PASSAGE OF FISH IN THE WATERS OF BLOUNT'S CREEK AND ITS TRIBUTARY STREAMS.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the first section of an act, entitled "an
act to prevent the obstruction of the passage of fish in the waters of Blount's creek, and its tributary streams," passed at the last session of the General Assembly, be amended, by striking out the words “five o'clock,” in the seventh line, and inserting in lieu thereof, the word “day-break;” and that the second section of said act be amended, by inserting the word “drag,” before the word “net,” in the third line thereof.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1855.]

GATES.

AN ACT TO AUTHORIZE GATES ACROSS THE PUBLIC ROAD IN GREEN RIVER COVE, IN HENDERSON COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the proprietors of lands through which the public road in Green River Cove, in Henderson county passes, be, and they are hereby authorized to erect and keep up gates across the same, without paying a tax therefor. Provided, the gates are so constructed as to impede the travel as little as possible. [Ratified the 20th day of January, 1855.]

HOTELS.

AN ACT TO INCORPORATE THE LAWRENCE HOTEL IN THE CITY OF RALEIGH.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Alexander W. Lawrence, and such other persons as may associate with him, their successors and assigns, shall be and are hereby created, constituted and declared a body corporate and politic, by the name of the "Lawrence Hotel," and by that name, they and their successors may and shall have perpetual succession and a common seal, and shall be capable of suing and being sued, pleading and being implicated in all courts whatsoever, and may hold, possess, acquire and enjoy, real and personal estate.

Sec. 2. Be it further enacted, That said company may have a capital stock of ten thousand dollars, with the privilege of increasing it to thirty thousand dollars if deemed
necessary [by] a majority of the stockholders in shares of one hundred dollars each.

Sec. 3. Be it further enacted, That the said company is hereby invested with all the rights and powers and privileges necessary for keeping a hotel in the city of Raleigh.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

Chap. 118. AN ACT TO INCORPORATE THE DOBBIN HOUSE COMPANY IN THE TOWN OF FAYETTEVILLE.

Body corporate

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Jesse W. Powers, George S. Hodges, John H. Cook and Jesse G. Shepherd, and such persons as they may associate with them, their successors and assigns, be, and they are hereby declared to be a body corporate and politic, by the name of the "Dobbin House Company," in the town of Fayetteville, and by that name, they and their successors shall have perpetual succession, and a common seal, and in their corporate name may sue and be sued, plead and be impleaded, and may hold, possess and acquire real and personal estate.

Sec. 2. Be it further enacted, That the capital stock of said company, shall be twenty thousand dollars, divided into shares of fifty dollars each, on which dividends may be declared annually or semi-annually, at the pleasure of the company.

Sec. 3. Be it further enacted, That said commissioners shall have power to make rules and by-laws for its good government, to provide for the appointment of the officers, the mode of transfer and representation of its stock, and such other matters as may be necessary for the conducting of its business.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1855.]

INSURANCE COMPANIES.

Chap. 119. AN ACT TO INCORPORATE THE ASHEVILLE MUTUAL INSURANCE COMPANY.

Corporate name

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Wm. D. Rankin, James W. Patton, N. W. Woodfin, Joseph R. Osborn, Montraville Patton, James
L. McKee, A. B. Chunn, Hugh Johnson, Wm. W. McDowell, John W. Woodfin, John D. Hyman, Wm. Williams, Zebulon B. Vance, John Burgin, Charles Moore and J. E. Hardy, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be a corporation by the name of the Asheville Mutual Insurance Company, for the purpose of insuring their dwelling houses, stores, shops and other buildings, household furniture, merchandize and other property against loss or damage by fire, and also of insuring their respective lives, and to make all and every insurance appertaining to or connected with life risks of whatsoever kind or nature, as well of the sound in health as the infirm or invalid.

Sec. 2. Be it further enacted, That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation and no longer.

Sec. 3. Be it further enacted, That the affairs of said company shall be managed by the above named persons as a board of directors and such other officers as they may appoint for the first twelve months after the organization of said company, and thereafter by such a number of directors and such other officers as the corporation may prescribe. All vacancies happening in said board may be filled by the remaining directors for the remainder of the year or time for which they were elected, and a majority of said directors shall constitute a quorum for the dispatch of business.

Sec. 4. Be it further enacted, That an annual election of directors of said corporation, shall be held at such time and place in the town of Asheville, as the corporation in their by-laws shall appoint, of which election notice shall be given in some public newspaper, printed in said town, or as convenient thereto as practicable, at least thirty days preceding such election, which election shall be holden under the inspection of three members of said company, not being directors, to be appointed previous to every election by the directors, which election shall be made by ballot, and by a plurality of the members or their proxies, then present, allowing each member one vote for every one hundred dollars insured in said company.

Sec. 5. Be it further enacted, That the directors may determine the rates of insurance, the amount to be insured, the same being deposited for any insurance.

Sec. 6. Be it further enacted, That every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, a part, not exceeding ten per
cent. of said note, shall be immediately paid, and the remainder of said deposit note shall be payable in part or in whole at any time when the directors shall deem the same requisite, for the payment of losses and such incidental expenses as may be necessary for the transaction of the business of said company, and at the expiration of the time of insurance, the said note or such part thereof as shall remain unpaid, after deducting all losses and expenses accruing during said time, shall be relinquished and given up to the maker thereof, or if he or she be dead, to his or her personal representatives.

Sec. 7. Be it further enacted, That when any property insured with this corporation shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled, and upon such surrender, the assured shall be entitled to receive his deposit note upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving satisfactory security to the directors for such portion of the deposit note as may remain unpaid, and by such ratification and confirmation, the party giving such security, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy issued, was entitled and subjected under this act.

Sec. 8. Be it further enacted, That every member of said company, shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in said company, in proportion to the amount of his deposit note.

Sec. 9. Be it further enacted, That suits at law may be maintained by said corporation, against any of its members for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law may be prosecuted and maintained by any member, against said corporation for losses, if payment is withheld more than three months after the company are duly notified of such losses, and no member of the corporation, not being in his individual capacity a party to such a suit, shall be incompetent as a witness in any such cause, on account of his being a member of said company, and the books of said company shall be evidence in any such suit.

Sec. 10. Be it further enacted, That the directors shall after receiving notice of any loss or damage sustained by any member, and ascertaining the same, or after the rendi-
tion of any judgment as aforesaid against said company for loss or damage, settle and determine the sums to be paid by the several members of said company, as their respective portions of such losses or damage, and have published the same in such manner as they shall see fit, or as their by-laws may prescribe, and the sum to be paid by each member, shall always be in proportion to the original amount of his deposite note, and shall be paid to the treasurer of said company within thirty days next after the publication of said notice, and if any member shall neglect or refuse for the space of thirty days, after the publication of said notice, to pay the sum assessed upon him as his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposite note or notes, with the costs of suit, and the amount thus collected shall remain in the treasury of the company, subject to the payment of such losses and expenses as have or may hereafter accrue, and the balance, if any remain, shall be returned to the party from which it was collected, on demand, within three months from the expiration of the term for which insurance was made.

Sec. 11. Be it further enacted, That if the whole amount of deposite notes shall be insufficient to pay the losses occasioned by any fires or deaths, in such case the sufferers insured by said company or their representatives, shall receive towards making good their respective losses, or proportional dividends of the whole amount of said deposite notes, according to the sums by them respectively insured, and in addition thereto, a sum to be assessed on all the members of said company, on the same principle as regulated the amounts of their respective deposite notes, but not exceeding one dollar on every hundred dollars by them insured, and no member shall ever be required to pay for any loss incurred at any time, more than one dollar for every one hundred dollars insured in said company, in addition to the amount of his deposite note shall have been paid in and expended, but any member upon payment of the whole of his deposite note, and the surrender of his policy before any subsequent loss or expense has accrued, shall be discharged from said company.

Sec. 12. Be it further enacted, That any femme covert may in her own name, or in the name of a trustee, with his consent, caused to be insured for any definite time the life of her husband, for her sole and special use; and she may dispose of the interest of the same by will, notwithstanding her coverture: Provided, however, That when the annual premium for insurance shall exceed three hundred dollars, and shall not be paid altogether out of her own separate estate, or by some friend for her, the sum due on the insur-
ance in the death of her husband, she surviving, shall in case of insolvency of the estate, be applied to the discharge of his obligations and contracts.

Sec. 13. Be it further enacted, That the husband may insure his own life for the sole use and benefit of his wife, and in case of a death of the husband, the amount so insured shall be paid over to his wife for her sole use and benefit, free from the claims of the representatives of her husband, or any of his creditors: Provided, however, That the annual premium for insurance shall not exceed three hundred dollars.

Sec. 14. Be it further enacted, That no policy shall be issued by said company, until application shall be made for insurance to the amount of fifty thousand dollars.

Sec. 15. Be it further enacted, That the operations and business of the operations shall be carried on and conducted in such place in the town of Asheville, as shall be designated by a majority of the directors of said company at any regular meeting.

Sec. 16. Be it further enacted, That the directors of said company, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper for the management and disposition of the property, stock, estate, and effects of said corporation, and for all such matters as pertain to the business thereof; and shall have power to appoint such officers, clerks, and agents for carrying on the business of the corporation as they may elect, with such allowances as to them shall appear just and satisfactory: Provided, That such by-laws, rules, and regulations shall not be repugnant to the constitution and laws of the United States, or of this State.

Sec. 17. Be it further enacted, That this act shall take effect immediately after its ratification, and shall continue in force for a period of fifty years. [Ratified the 16th day of February, 1855.]

Chap. 120. AN ACT TO INCORPORATE A MUTUAL INSURANCE FIRE COMPANY, IN THE TOWN OF CHARLOTTE.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Irwin, W. W. Elms, William Johnston, John A. Young, Leroy Springs, Joseph H. White, R. C. Carson, James W. Osborn, James H. Carson, Charles Overman, M. B. Taylor, R. H. Brawley and John F. Irwin, of Charlotte, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a body corporate, by the name of the "Charlotte Mutual Fire
Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandize and other property against loss or damage by fire.

Sec. 2. Be it further enacted, That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and their assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Sec. 3. Be it further enacted, That the affairs of said company shall be managed by a board of directors, consisting of seven members, as hereinafter provided. All vacancies happening in said board may be filled by the remaining directors for the remainder of the year or time for which they were elected; and a majority of the whole shall constitute a quorum for the transaction of business.

Sec. 4. Be it further enacted, That the above mentioned directors in section first shall be the first directors of said corporation, and shall continue in office, after the passage of this act, until others are chosen in their places; which board of directors shall thereafter be elected in each year, at such time and place, in the town of Charlotte, as the corporation in their by-laws shall appoint; of which election public notice shall be given in at least one of the public newspapers printed in this State at least twenty days preceding such election: such election shall be made by ballot, and by a plurality of the votes of the members of said company or their proxies there present, allowing to each member, one vote for every one hundred dollars insured in said company; and a majority of said board of directors shall, by ballot or otherwise, choose from their members a president for said company.

Sec. 5. Be it further enacted, That the directors may determine the rates of insurance, the amount to be insured, and the sum to be deposited for any insurance.

Sec. 6. Be it further enacted, That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors; a part not exceeding ten per cent. of said notes shall be payable in part or the whole at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for the transaction of the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses ac-
curring during said term, shall be relinquished and given to the maker thereof.

Sec. 7. Be it further enacted, That when any property insured with this corporation shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled; and, upon such surrender, the assured be entitled to receive his deposit notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, within thirty days after such alienation, on giving proper security to the satisfaction of said directors for such portion of the deposit or premium note as shall remain unpaid; and by such ratification and confirmation, the party causing such security to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy issued was entitled and subject under this act.

Sec. 8. Be it further enacted, That every member of said company shall be bound to pay for such losses, and such necessary expenses aforesaid, accruing in and to said company, in proportion to the amount of his deposit note—and all buildings insured by this company, together with the right, title and interest of the assured to the lands on which they stand, shall be and are hereby pledged to said company—shall file with and have entered in the book of mortgages, kept by the clerk of the county where the property is situate, a memorandum of the name of the individual insured, a description of the property, the amount of the deposit note and the term for which said policy shall continue.

Sec. 9. Be it further enacted, That suits at law may be maintained by said corporation against any of its members, for the collection of said deposit notes or any assessment thereon, or for any other cause relating to the business of said company; also, suits at law may be prosecuted and maintained by any members against said corporation, for losses or damages by fire, if payment is withheld more than three months after the company is duly notified of such losses, and no member of the corporation, not being in his individual capacity a party of such suit, shall be incompetent as a witness in any such case on account of his being a member of said company.

Sec. 10. Be it further enacted, That the president and directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their re-
spective proportion of such loss, and publish the same in such manner as they may see fit, or as the by-laws shall have prescribed; and the sums to be paid each member, shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, within the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him as his proportion of the loss aforesaid, in such case the president and directors may sue for and recover the whole amount of his deposit note or notes, with cost of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter occur, and the balance, if any remain, shall be returned to the party from whom it was collected or demanded, in thirty days from and after the expiration of the term for which insurance was made.

Sec. 11. Be it further enacted, That if the whole amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company, shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured; in addition thereto, a sum to be assessed on all the members of said company, on the same principle as regulated the amounts of their respective deposit notes, but not exceeding one dollar in every hundred dollars by them respectively insured; and no member shall be required to pay for any loss occasioned by fire at any one time, more than one dollar on every hundred dollars insured in said company, in addition to the amount of his deposit note, not more than that amount for any such loss after his note shall have been paid in and expended; but any member, upon the payment of the whole of his deposit note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Sec. 12. Be it further enacted, That no policy shall be issued by said company, until application for insurance for fifty thousand dollars at least.

Sec. 13. Be it further enacted, That the business of said corporation shall be carried on and conducted at such place in the town of Charlotte, as shall be designated by a majority of the company present at any of the regular meetings.

Sec. 14. Be it further enacted, That the affairs of said company shall be managed by a president and a board of seven members, one of whom shall be the president, and that four directors being present at any meeting of said board,
the said members shall constitute a quorum for the transaction of business.

Sec. 15. Be it further enacted, That vacancies happening in said board may be filled by the remaining directors for the remainder of the year, or time for which they were elected; and that the board or directors thus formed, shall have the same powers in the management of said company as they would have were they elected by the stockholders in a general meeting of said company.

Sec. 16. Be it further enacted, That in all cases when a permanent lien is not intended to be created, the president may require an indemnity instead thereof by an approved security or securities on the premium note, and may at any subsequent time require other and further securities on said note or notes; and in case the assured shall neglect or refuse to comply with such request for twenty days after he or they shall be apprised thereof, by a notice in writing from the president for that purpose served upon said assured, his, her, or their agent, his, her, or their policy, shall become null and void, and the amount theretofore paid upon said premium note, or notes shall be forfeited to said company, and the said premium note, or notes continue in force, so as to enable the said corporation to collect upon it any losses or expenses that occurred previous to the termination of said policy.

Sec. 17. Be it further enacted, That the lien in the nature of a mortgage, to the amount of his deposit note on the buildings insured, and the right, title, and interest of the insured to the lands on which they stood, shall continue and be a subsisting lien or mortgage, so as to enable the said company to recover thereby any losses, and such expenses as accrued in and to said company in proportion to the amount of his deposit note: Provided, The same accrued previous to the termination of said policy.

Sec. 18. Be it further enacted, That the memorandum to be filed with the register, in order to effect such lien, shall contain the name of the person insured or desirous of being insured, signed by him or her, or by his or her agent; and if signed by an agent, such signing to be attested by a witness, a description of the buildings, the situation and location of the land whereon they stand, with reference to other persons' buildings, and in what village, town, city, and county situated; and if situated in a town or city, the number of the lot or lots as laid down upon the plan of such town or city wherein said buildings are situated, together with the name of street, and by what lot or lots they are bounded, the amount of the deposit note, and the term for which the policy is to continue.

Sec. 19. Be it further enacted, That the clerks of the
several courts of pleas and quarter sessions by themselves or their deputies, shall have power in the respective counties where the property is situate, to take and certify the acknowledgment or publication of any and all memoranda, the of object which is to procure such insurance, and to create such lien that shall be presented to them for acknowledgment or probate, upon the acknowledgment of the person whose name is mentioned in the said memorandum as the applicant for insurance, or upon proof on oath by any attested witness, that he saw it signed or heard it acknowledged by the person named therein as applicant.

Sec. 20. Be it further enacted, That whenever said corporation, by any of its agents, or any person that is desirous to insure property with said corporation, shall present to a register of the county wherein said property is situated, such a memorandum certified either by such clerk as aforesaid, it shall be the duty of such register to receive the same, endorse on said memorandum the day on which it is presented and delivered to him for registration; and immediately to register the same with such certificate, and return the same after registration to the party that presented it, upon his request, taking as his fee for registering the sum of forty cents; and in case said register do fail to comply with this provision, he shall be liable in like manner as for his failure to comply with the provisions of the 26th section of the 37th chapter of the Revised Statutes.

Sec. 21. Be it further enacted, That in all proceedings in law or equity, the registry of such memoranda or copy thereof, certified by such register, shall be received in evidence in behalf of or against said corporation in like manner as the original memorandum, except when upon affidavit a variance between such original and the registry is asserted to exist, and notice has been previously given to produce the original; in which case the original shall be produced, or its absence accounted for by said corporation.

Sec. 22. Be it further enacted, That if any president, director, or other officer of said corporation, shall issue any bill, order, certificate of deposit, ticket, promissory note, or any other kind of security, whatever may be its form or name, with the intent that the same shall circulate or pass as the representative or substitute for money, he or they shall for each offence forfeit and pay the sum of twenty dollars, to be recovered before any justice of the peace, one half to the use of him who will sue for the same, the other half to the use of the State, and shall be deemed guilty of a misdemeanor; and upon conviction thereof in the county or superior court, shall be fined or imprisoned, one or both, at the discretion of the court.
Chap. 121. AN ACT TO INCORPORATE THE NEWBERN MUTUAL FIRE INSURANCE COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That A. T. Jerkins, Cha's Slover, Jno. Blackwell, J. R. Donnell, M. A. Outlaw, J. D. Whitford, J. W. Carmer, W. H. Oliver, W. P. Moore, A. Mitchell, W. G. Bryan, M. W. Jarvis, J. D. Flanner, W. Dunn, E. R. Stanly, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation by the name of the Newbern Mutual Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, goods, wares and merchandise, and other property against loss or damage by fire: Provided, however, That they are hereby prohibited from exercising any banking privileges.

Sec. 2. Be it further enacted, That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns continuing to be insured in said corporation as herein provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Sec. 3. Be it further enacted, That the affairs of the corporation shall be managed by a board of directors, consisting of not less than thirteen, nor more than twenty-five members, as hereinafter provided: all vacancies happening in the said board may be filled by the remaining directors for the remainder of the year, or the time for which they were elected, and five members of said board shall constitute a quorum for the transaction of business.

Sec. 4. Be it further enacted, That the abovementioned persons in section first shall be the first directors of said corporation, and shall continue in office one year after the passage of this act, or until others are chosen in their places: they shall appoint one of their number president of the company, and such other officers as they may deem necessary to carry on the affairs of the company, under such rules and regulations as the company may prescribe, which board of directors shall hereafter be elected annually, at such time and place in the town of Newbern as the corporation, in their by-laws, shall appoint, of which election public notice shall be given in at least one of the newspapers published in said town: such election shall be made by ballot, and by a plurality of the
votes of the members, or their proxies then present, allowing for each member one vote for every hundred dollars insured in said company.

Sec. 5. Be it further enacted, That the directors may determine the rate of insurance, the amount to be insured, and the sum to be deposited for any insurance.

Sec. 6. Be it further enacted, That any person who shall become a member of this corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum of money as shall be determined by the directors; a part, not exceeding ten per cent. of said notes, shall immediately be paid, and the remainder of said deposit note shall be payable in part or the whole at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company, and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during such time, shall be relinquished and given up to the maker or makers thereof.

Sec. 7. Be it further enacted, That every member of said company shall be bound to pay for such losses and such necessary expenses aforesaid, accruing in and to said company, in proportion to the amount of his deposit note, and all buildings insured by said company, together with the right, title and interest of the assured to the lands in which they stand, shall be and are hereby pledged to said company, and said company shall have a lien thereon in nature of a mortgage to the amount of the deposit note, which shall continue during the term of the policy, the lien to take effect whenever the said company shall file with and have entered in the books of mortgages kept by the register of the county where the property is situate, a memorandum of the name of the individual insured, a description of the property, the amount of the deposit note, and the term for which said policy shall continue.

Sec. 8. Be it further enacted, That suits of law may be maintained by said corporation against any of its members for the collection of the said deposit notes, or any assessments thereon, or for any other cause relative to the business of said corporation; also, suits at law may be prosecuted and maintained by any member against said corporation for the losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such losses, and no member of the corporation, not being in his individual capacity a party of such suit shall be incompetent as a witness in any such case on account of his being a member of said company.
SEC. 9. Be it further enacted That the directors shall, after receiving notice of any damage or loss by fire sustained by any member, and ascertaining the sum, or after the rendition of any judgments as aforesaid against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective portions of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed, and the same to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days, neglect or refuse to pay the sum assessed upon him as his portion of the loss as aforesaid, in such case the directors may sue for and recover the whole amounts of his deposit note or notes, with cost of suit, and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses or expenses as have or may hereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, or demand in thirty days from the expiration of the time for which insurance was made, and the president and directors may, at their discretion, cancel the policy of any member who shall, after having sixty days notice, refuse or neglect to pay any assessment made in said premium notes.

SE. 10. Be it further enacted, That no policy shall be issued until application shall be made for insurance for fifty thousand dollars at least.

SE. 11. Be it further enacted, That the operations and business of the corporation, shall be carried on and conducted at such place in the town of Newbern as shall be designated by a majority of the directors.

SE. 12. Be it further enacted, That it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purpose of said corporation, to be secured by mortgage on unincumbered real estate of double the value of the sum so loaned, or by bond with two or more securities, to be approved by the executive committee or the board of directors.

SE. 13. Be it further enacted. That in all cases when a permanent lien cannot or is not intended to be created, the directors or executive committee shall require an indemnity thereof by an approved surety or sureties in the premium note: the directors or executive committee may, at any time when a majority of their whole number shall concur there-in, require further security in the premium note, and in case the assured shall refuse or neglect [to comply] with the request of the directors in this respect, for two calendar months
after he, she or they shall be apprised thereof by a notice in writing from the secretary for that purpose, served upon said assured, his, her or their policy shall become null and void, and the amount thereof paid upon each premium note shall be forfeited to said company, and the said premium note shall continue in force so as to enable the said corporation to collect upon it any losses or expenses that accrued previous to the termination of said policy.

Sec. 14. Be it further enacted, That the lien in the nature of a mortgage to the amount of his deposit note on the buildings insured, and the right, title and interest of the assured to the lands on which they stand, shall continue and be a subsisting lien or mortgage, so as to enable the said company to recover thereby such losses and such expenses as accrued in and to said company, in proportion to the amount of his deposit note: Provided, the same accrued previous to the termination of said policy.

Sec. 15. Be it further enacted, That the memorandum to be filed with the register to effect such lien, shall contain the name of the person or persons insured, or desirous of being insured, signed by him or her, or by his or her agent, and if signed by an agent, such signing to be attested by a witness; a description of the buildings, the situation of such location of the lands where they stand, with reference to other persons' land, and in what village, town, city and county situated, and by what other lots of other persons, naming them, the same is bounded; the amount of the deposit note, and the time for which the policy is to continue.

Sec. 16. Be it further enacted, That the clerks of the several courts of pleas and quarter sessions, by themselves or their deputies, and also any one of the acting justices of the peace in their respective counties, wherein the property insured or to be insured is situated, shall have authority, in their respective counties, to take and certify the acknowledgment in probate of any and all memoranda, the object of which is to procure such insurance and to create such lien, that shall be presented to them for acknowledgment of the person whose name is mentioned in the said memorandum as the applicant for insurance, or upon proof on oath by an attesting witness that he saw it signed or heard it acknowledged by the person named therein as applicant.

Sec. 17. Be it further enacted, That whenever the said corporation, by any of its agents, or any person that is desirous to insure property with said corporation, shall present to the register of the county wherein such property is situated, such a memorandum, certified either by such clerk or such justice of the peace as aforesaid, it shall be the duty of the register to receive the same, endorse on said memorandum the day on which it is presented and delivered to him
for registration, and immediately to register the same with the certificate, and return the same after registering it, to the party who presented it, upon his request, taking for his fee for registering the sum of forty cents; and in case the said register do fail to comply with this provision, he shall be liable in like manner as for his failure to comply with the provisions of the 26th section of the 37th chapter of the Revised Statutes.

Sec. 18. Be it further enacted, That [in] all proceedings at law or in equity, the registry of such memorandum, or the copy thereof, certified by such register, shall be received in evidence in behalf or against said corporation, in like manner as the original memorandum, except when, upon affidavit, a variance between such original and the registry is asserted to exist, and notice has been previously [given] to produce the original, in which case the original shall be produced, [or] in its absence accounted for by said corporation.

Sec. 19. Be it further enacted, That this act shall continue in force thirty years, and it shall take effect immediately after its passage. [Ratified the 15th day of February, 1855.]

Chap. 122. AN ACT TO INCORPORATE A MUTUAL INSURANCE COMPANY IN THE TOWN OF WASHINGTON, TO BE CALLED THE PAMLICO AND ALBEMARLE INSURANCE COMPANY.

Body corporate Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be established in the town of Washington, a mutual insurance company, to be called "the Pamlico and Albemarle Insurance Company," which shall be a body corporate and politic, of which Gilbert Hale, Joseph Potts, James L. Towlie, William Shaw, Jr., George H. Brown, B. F. Hankes, R. L. Myers, Isaiah Respass, James H. Tyler, B. T. Havens, George R. Dixon, Howard Wisnall, Joshua Tayloe, E. J. Warren, William H. Willard, John Ashbur, Daniel Brooks, William Fawu, William E. Demill, and such persons as they shall associate with themselves as trustees, under this act not less than twelve shall be the first trustees.

Powers, &c. Sec. 2. Be it further enacted, That the said company shall have power: 1st. To make insurance upon vessels, freight, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interest, and to make all and every insurance connected with marine risks, and risks of transportation and navigation: 2nd. To make insurance on dwelling houses, stores and all kinds of buildings, and upon household furniture, merchandise and other
property against loss or damage by fire: 3d. To make insurances on lives: 4th. They shall have power to cause themselves to be reinsured when deemed expedient, against any risk or risks, upon which they have made or shall make insurance: 5th. They shall have power to own one or more steam tugs, for the purpose of towing vessels up and down the rivers and sounds within the State, and out to sea, and to be employed in saving wrecked property on the coast of North-Carolina.

Sec. 3. Be it further enacted, That all the corporate powers of said company, shall be exercised by a board of trustees, and such officers, clerks and agents, and other persons as said trustees may appoint from time to time; trustees shall be elected as hereinafter mentioned; it shall be their duty on organizing the company, to choose a president and vice president, to act for one year from that date, who shall be ex officio trustees, and have equal power with the other trustees, in voting on all questions, and in determining all matters relating to said company.

Sec. 4. Be it further enacted, That the trustees, president and vice president, shall hold their respective offices for the period herein named, and until others are chosen in their stead; the secretary, clerks, agents and other persons, during the pleasure of the trustees.

Sec. 5. Be it further enacted, That the board of trustees shall have power by by-laws, to declare from time to time, what number of trustees less than a majority shall be a quorum for the transaction of business, but such quorum shall not be less than five of said trustees, and also to make such other by-laws as may be deemed necessary for the government of the officers, and conduct of their affairs: Provided, That such by-laws shall not conflict with the constitution or laws of the State.

Sec. 6. Be it further enacted, That vacancies happening in the board of trustees, or in the officers or inspectors, by death, resignation or otherwise, may be filled for the remainder of the time, by the board of trustees.

Sec. 7. Be it further enacted, That it shall be the duty of the trustees named in the first section of this act, or the duty of a majority of them, within two years after the passing of this act, to open a book to receive applications for insurance, and after receiving applications for insurance, to be approved by them, amounting to ($50,000,) fifty thousand dollars, the book may be closed and the company organized; it shall also be the duty of the trustees, or a majority of them, to appoint annually, inspectors to hold the election, who shall be members of said company.

Sec. 8. Be it further enacted, That the board of trustees shall divide themselves into three classes, the term of the
first class shall expire at the end of the first year after organizing the company, or as soon thereafter as others shall be elected in their stead; the term of office of the second and third classes, shall expire successively at the end of the second and third years, after organizing the company, or as soon thereafter as others are elected in their stead; nothing herein contained shall prevent the re-election of a trustee.

SEC. 9. Be it further enacted, That the board of trustees shall at their first meeting after each annual election, choose a president and vice president for the year, who shall have the same powers and privileges as the president and vice president, chosen upon the organizing of the company; their term of office shall expire at the first meeting of the trustees, after each annual election, or as soon thereafter as others are elected in their stead; nothing herein contained shall prevent the re-appointment of either of these officers.

SEC. 10. Be it further enacted, That notice of annual elections for trustees, to hold for three years and until others are elected, shall be given in one or more of the papers published in the town of Washington, or at the court house door in said town, by an officer of the company, two weeks prior to each annual election, to be held at such time and place as may be designated by the board of trustees.

SEC. 11. Be it further enacted, That at any election for trustees, each person having in his possession, and producing at the poll a policy or policies of insurance, and marked, if made by the company within nine months previous to the day of election, directly in his own name, or in the name of a firm of which he is a partner, the premiums on which shall amount to fifty dollars, shall be entitled to a vote, and in case the premiums on such policy or policies shall have exceeded fifty dollars, such person shall be entitled to at additional vote for each fifty dollars of such excess.

SEC. 12. Be it further enacted, That every person having in his possession, and producing at the poll a certificate or certificates of earnings to be issued as hereinafter directed, amounting to fifty dollars, issued by the company, in his own name, or in the name of a firm of which he is a partner, which certificate of earnings shall not have been discharged by payments, nor cancelled by losses or expenses, shall be entitled to a vote, and in case the certificate or certificates of earnings so produced, shall exceed fifty dollars, the holder thereof shall be entitled to an additional vote for each fifty dollars of such excess; persons may vote by proxy, if the proxy is accompanied by the before mentioned evidence of the right to vote; one person only shall be allowed to vote at the same election, on the same documents, and in case of a failure to elect by the number of votes being
equal, the inspector appointed in manner hereinbefore mentioned, shall have power to give the casting vote.

Sec. 13. Be it further enacted, That the company, for the better security of its dealings, may receive notes for premiums in advance, of persons intending to receive its policies, and may negotiate such notes, for the purpose of paying claims or otherwise, in the course of its business, and in such portions of said notes as may exceed the amounts of premiums paid by the respective signers thereof, at the successive periods when the company shall make up its annual statement, as hereinafter provided for, and on new notes taken in advance thereafter, a compensation to the signers thereof, at the rate to be determined by the trustees, but not exceeding six per cent. per annum, may be allowed and paid from time to time.

Sec. 14. Be it further enacted, That within thirty days after the end of each year, from the organization of the company as hereinbefore specified, an annual dividend statement shall be made by the trustees, which shall contain a fair estimate of the nett profits of the company not before divided, up to the period of the annual election of trustees, taking into view the probable amounts to be paid on all claims and demands, which have been or may be made against the company, and allowing for any previous deficiencies; such annual statement shall be completed within thirty days after the time of election of trustees, and shall be subject to the inspection of any member of the company entitled to a vote for trustees, and after ascertaining in this mode, the nett profits of each period or risks marked off, the board of trustees may declare a dividend, and the officers of the company may issue certificates of a certain per centum on the premiums received for such marked off risks, to the person in whose name the policies of insurance were originally made, or to their representatives, which certificates may be issued as hereinafter provided for, and the amounts named in such certificates, shall be conclusive on the parties entitled to receive them, at such periods, and not to be changed by subsequent events, showing the actual payments to be more or less favorable than the estimate; and the said certificates shall be transferable only in the books of the company, under the regulations to be prescribed by the by-laws, which shall contain a proviso, declaring the same to be subject to any future losses and expenses of the company, until the same are redeemed as is hereinafter provided for, and subject to be reduced by the board of trustees, in case of losses and expenses in any subsequent year, exceeding the estimated profits of such year.

Sec. 15. Be it further enacted, That no original certificate shall be issued for a less sum than ten dollars nor for the
fractional sum between even tens of dollars; all such sums are to be passed to the contingent accounts of the company.

Sec. 16. Be it further enacted, That in case any person or persons entitled to a certificate, shall be indebted to the company for sums past due and unpaid, the company may withhold the certificate and deduct such sum or sums from the amount thereof or redeem or cancel the same; but persons insuring or entitled to certificates, shall not be answerable by reason thereof, or if any thing contained herein, except for the payment or premiums or other notes given in advance for such premiums.

Sec. 17. Be it further enacted, That it shall be lawful for said company to invest their funds, or any part thereof in bonds, notes and drafts, negotiable and payable at their office, or at such of the bank or banks incorporated in this State as they may designate, and in drafts drawn and payable in other States of the United States and in bank stock or stocks of this State, and bottomry and respondentia or otherwise, and to change and re-invest the same; and it shall be lawful for said company, from time to time, to divide such part of the accruing interest as they may deem equitable, not exceeding six per cent. among the holders of such certificates, or in case of losses to declare a pro rata deduction of the amount of the outstanding certificates; original certificates may be called in by the company and new ones issued in their stead, less the proper deduction; all certificates and interest in the company shall be deemed personal property.

Sec. 18. Be it further enacted, That whenever the accumulation of the net profits of the company shall exceed [$50,000] fifty thousand dollars, the excess may be applied from year to year thereafter towards the redemption of each year's certificates in the whole or in part, as may be determined by the board of trustees; but the certificates of a subsequent year are not to be redeemed in whole or in part, until the preceding years are provided for, and when such accumulation shall exceed [$100,000] one hundred thousand dollars, it shall be the duty of the trustees to apply such latter excess towards the redemption of certificates in whole or in part in the manner before specified.

Sec. 19. Be it further enacted, That suits at law or in equity may be prosecuted and maintained by any member against said corporation; but no member of the corporation, not being in his individual character or capacity a party, shall be incompetent as a witness.

Sec. 20. Be it further enacted, That this corporation shall have a common seal, and by its corporate name shall sue and be sued, plead and be impleaded, and when said service of process upon the president, vice president or any of the
trustees, shall be held and deemed good service upon the company.

SEC. 21. Be it further enacted, That no part of this act shall be so construed as to give said company any banking privileges, or any right to issue notes payable to bearer for circulation as bank notes.

SEC. 22. Be it further enacted, That this act shall take effect immediately after its passage, and continue in force thirty years and no longer, unless authorized by the Legislature of this State. [Ratified the — day of February, 1855.]

AN ACT TO AMEND AN ACT PASSED IN 1850, ENTITLED AN ACT TO INCORPORATE THE GREENSBORO' MUTUAL INSURANCE COMPANY.

Chap. 123.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That said act be amended so as to read as follows:—That James Sloan, John A. Mebane, William S. Rankin, W. J. McConnell, Jed. H. Lindsay, C. F. Deems, J. M. Garrett, John I. Shaver, S. G. Coffin, D. P. Wier, Joshua Taylor, J. H. Cook, W. A. Wright, Joshua L. Cole, E. W. Ogburn, E. F. Lilly, H. G. Spruell, Robert E. Troy, R. H. Scales and C. P. Mendenhall, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be a corporation by the name of “the Greensboro' Mutual Insurance Company,” for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, merchandize, and other property against loss or damage of fire.

Sec. 2. Be it further enacted, That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators, and their assigns continuing to be insured in said corporation as hereinafter provided, shall thereby become a member thereof during the period they shall remain insured by said corporation, and no longer.

Sec. 3. Be it further enacted, That the above mentioned directors in section first, shall continue to be directors until the first Tuesday in May next, and until others are elected; which board of directors shall hereafter be selected in each year, at such time and place in the town of Greensboro' as the corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in the State, at least thirty days immediately preceding such election; such election shall be held under the inspection of three members not being directors, to be appointed previous to any election by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the members or their
proxies then present, allowing each member one vote for every hundred dollars insured in said company.

Sec. 4. Be it further enacted, That the directors may determine the rates of insurance, the amount to be insured, and the sum to be deposited for any insurance.

Sec. 5. Be it further enacted, That any person who shall become a member of said corporation by affecting insurance therein, shall before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, and such part of said notes shall be payable in part, or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for the transacting the business of said company; and at the expiration of the term of insurance, the said note or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given to the maker thereof.

Sec. 6. Be it further enacted, That when any property insured with this corporation shall be alienated by sale or otherwise, the policy shall thereupon be void and surrendered to said company, to be cancelled; and upon such surrender, the insured shall be entitled to receive his deposit note upon the payment of his proportion of all losses and expense that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and conferred to him for his own proper use and benefit, upon application within thirty days next after such alienation, on giving proper security for such deposit or premium note as shall remain unpaid; and by such ratification and confirmation, the party causing such surety to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy issued was entitled and subject under this act.

Sec. 7. Be it further enacted, That suits at law may be maintained by said corporation, against any of its members, for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation, if payment be withheld more than thirty days; also suits at law may be prosecuted and maintained by any members against said corporation for losses or damages by fire, if payment is withheld more than three months after the company are duly notified of such losses; and no member of the corporation not being in his individual capacity a party of such a suit, shall be incompetent as a witness in any such cause on account of his being a member of said company. That the sums to be paid by each member shall
always be in proportion to the original amount of deposite note or notes.

Sec. 8. Be it further enacted, That if the whole amount of deposit notes should be insufficient to pay the losses ocasioned by any fire or fires, in such case, the sufferers insured by said company shall receive towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured; in addition thereto a sum to be assessed on all the members of said company, on the same principle as regulated the amount of their respective deposit notes, but not exceeding one dollar on any hundred dollars by them respectively insured over and above their respective deposit notes; but any member, upon payment of the whole of his deposit note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Sec. 9. Be it further enacted, That in all cases when a permanent lien cannot or is not intended to be created, the directors or executive committee may require an indemnity instead thereof, by an approved surety or sureties on the premium note; the directors or executive committee may, at any time, when a majority shall concur therein, require further security on the premium note, or in case of an increased risk on his property, and require a larger premium note and a proportionate amount in cash; and in case the assured shall neglect or refuse to comply with the request of the executive committee in this respect for two calendar months after he, she or they shall be apprized thereof by notice in writing from the secretary for that purpose, served on said assured, his, her or their policy shall become null and void, and the amount heretofore paid upon said premium note shall be forfeited to said company, and the said premium note continue in force, so as to enable said coporation to collect upon it any losses or expenses that occurred previous to the termination of said policy.

Sec. 10. Be it further enacted, That a lien to the amount of his or her deposite note, on the buildings insured, and the right, title and interest of the assured to the lands on which they stood, shall continue and be a subsisting lien or mortgage, so as to enable the company to recover thereby any losses and such expense as accrued in and to said company, in proportion to the amount of his or her deposit note: Provided, the same accrued previous to the termination of said policy: And provided further, it shall be expressed in the policy that insurance is made subject to such lien.

Sec. 11. Be it further enacted, That the business and operations of the company shall be carried on and conducted at such place in the town of Greensboro’ as shall be desig-
nated by a majority of the company present; that they shall have a common seal, and adopt all such by-laws as they may deem necessary; that they may hold such real estate as may be necessary for offices and other buildings in the management of their business.

SEC. 12. Be it further enacted, That the affairs of the said company shall be managed by a board of directors consisting of twenty members, and that five directors being present at any meeting of said board, shall constitute a quorum for the transaction of business, and shall have power to fill all vacancies which may happen for the remainder of the year.

SEC. 13. Be it further enacted, That this act shall take effect from its ratification thereof, and that all of the said act hereby amended, contrary to the true intent and meaning of this act, be and the same is hereby repealed.

SEC. 14. Be it further enacted, That nothing in this act or in any other act heretofore passed by the General Assembly, shall be so construed as to authorize said corporation to issue any note, bill, certificate of deposit for circulation, or any other device in the nature of a bank note. [Ratified the 16th day of February, 1855.]

JURORS AND WITNESSES.

Chap. 124. AN ACT TO INCREASE THE COMPENSATION OF JURORS AND WITNESSES OF THE COUNTY OF WASHINGTON.

Original pane'.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That each and every juror who, having been lawfully summoned upon the original panel, shall attend any of the superior courts of law or courts of pleas and quarter sessions of the county of Washington, and perform the duties required by law, shall be allowed and paid, in the manner now provided by law, for each and every day's attendance the sum of one dollar, and the like sum for every thirty miles traveling to and from court.

All jurors to be compensated.

SEC. 2. Be it further enacted, That each and every person who, being lawfully summoned, shall attend any of the aforesaid courts of Washington county, as a witness in any cause pending therein, shall be allowed for each and every day's attendance the sum of one dollar, and the like sum for every thirty miles travelling to and from court.

SEC. 3. Be it further enacted, That all laws and clauses of laws coming in conflict with the provisions hereof shall be and the same are hereby repealed.
AN ACT TO INCREASE THE PAY OF WITNESSES IN THE COUNTY OF Onslow.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Onslow, (a majority of the justices being present,) shall have power to pass an order that all witnesses summoned to attend said court may be allowed the sum of one dollar for each day's attendance, and a like sum for every thirty miles travelling to and from court, to be paid as now directed by law.

Sec. 2. Be it further enacted, That witnesses attending the superior courts of said county shall have the same allowance as witnesses in the county courts.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

AN ACT TO PROVIDE FOR THE PAYMENT OF JURORS IN THE COUNTIES OF GREENE AND GATES.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That each and every juror, who, having been lawfully summoned, shall attend any of the superior courts of law of the counties of Greene and Gates, and perform the duties required by law, shall receive for his services one dollar per day, and three cents for every mile he travels to and from the court house, on the usual route to the same: Provided, however, That no talis juror shall be entitled to charge any mileage, nor any juror who has been summoned upon any special venire, shall be entitled to charge mileage or his per diem, unless he be required to serve upon the same.

Sec. 2. Be it further enacted, That when any juror has been summoned upon a special venire, and required to serve upon the same, he shall be entitled to the same compensation as jurors of the original panel.

Sec. 3. Be it further enacted, That the jurors of the court of pleas and quarter sessions of said counties shall be entitled to receive the same compensation as provided in the 1st section of this act.

Sec. 4. Be it further enacted, That all laws coming in con-
flict with the provisions of this act be and the same is [are] hereby repealed.

Sec. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

Chap. 127. AN ACT TO AMEND AN ACT TO EXEMPT PERSONS RESIDING ON THE BANKS AND ISLANDS, BETWEEN WHALEBONE INLET AND CAPE HATTERAS, FROM SERVING AS JURORS.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an act to exempt persons residing on the banks and islands between Whalebone Inlet and Cape Hatteras, from serving as jurors, passed at the session of 1850-'51, be, and the same is hereby repealed, in so far as the same applies to the exemption from jury service, of citizens of Carteret county.

Sec. 2. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 16th day of February, 1855.]

Chap. 128. AN ACT TO INCREASE THE PAY OF JURORS IN THE COUNTIES OF NEW HANOVER, BRUNSWICK, PASQUOTANK, ROWAN AND CLEAVELAND.

Pay of jurors.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That each and every juror, who having been lawfully summoned, takes jurors excepted, shall attend any of the superior courts of law, or courts of pleas and quarter sessions of the counties of New Hanover, Brunswick, Pasquotank, Rowan and Cleaveland, and perform the duties required by law, shall be allowed, and paid in the manner now provided by law, for each and every days attendance, the sum of two dollars, and the like sum for every thirty miles travelling to and from court.

Sec. 2. Be it further enacted, That all laws and clauses of laws, coming in conflict with the provisions hereof, shall be, and the same are hereby repealed. [Ratified the 14th day of February, 1855.]

Chap. 129. AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY TO INCREASE THE PAY OF TRAVERSE JURORS.

Sec. 1. Be it enacted by the General Assembly of the State
of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the act passed at the present session of the General Assembly, entitled an act to increase the pay of traverse jurors in the county of New Hanover, as authorizes the increase of pay of traverse jurors, for the counties of Pasquotank, Cleaveland and Rowan, be and the same is hereby repealed.

Sec. 2. Be it further enacted, That the regular jurors of the county court of pleas and quarter sessions, and also those of the superior court of law for the county of Pasquotan, shall receive one dollar and fifty cents per day, for every day the same shall serve as regular jurors, together with the further amount of three cents per mile, for every mile, traveling to and from court. [Ratified the 15th day of February, 1855.]

MARINERS.

AN ACT TO INCORPORATE THE TRUSTEES OF THE MARINER'S ORPHAN ASYLUM AND INSTITUTE IN THE COUNTY OF CARTERET.

Sec. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William J. Langdon, B. L. Perry, J. P. C. Davis, James Rumley, Samuel Lander, Jr., Cicero Thomas, John Jones, Isaac Ramsay, David Jones, Benjamin Secroff, James Largest, and Captains E. W. Pigott, Thomas Duncan, William Robinson, and James Howland, of the town of Beaufort, and Captains Gilbert Potter, Charles D. Ellis, Samuel Cannon, of Wilmington, and Captains Jacob Johnson, John Osgood and Thomas C. Wallace, of Newbern, and Captains Stephen Fowler, John Taylor and Joseph Robeson, of Washington, be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of "the trustees of the Mariner's Orphan Asylum and Institute," and by that name and style shall have perpetual succession and a common seal; and they the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels and choses in action there shall be given them for the use of said institute, and the same apply to the will of the donors, and by gift, purchase and devise take, have, hold, possess, enjoy and retain to them and their successors, from any lands, rents, tenements and hereditaments, of what kind, nature, or quality soever, in special trust and confidence that the same and the profits
thereof shall be applied to and for the use and benefit of the said Mariner’s Orphan Asylum and Institute.

SEC. 2. Be it further enacted, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain and sell, grant, demise, alien, convey and assure to the purchaser or purchasers, any such lands, rents, tenements and hereditaments aforesaid, when the condition of the grant to them or the will of the testator or devisor does not forbid it; and further that they the said trustees, and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded in all courts whatsoever, either in law or equity, of record or otherwise, and in general they shall and may do all such other acts and things as are usually done by bodies corporate for the purpose of effecting the objects of this act.

SEC. 3. Be it further enacted, That on the death, resignation, refusal to act, or removal to any other State, of any of the said trustees for the time being, the remaining trustees, or a majority of them, are hereby authorized and required to elect and appoint other trustees in the place of every such one as shall die, resign, refuse to act, or so remove, which trustee or trustees, so appointed, shall be vested with the same power, trust and authority as those in whose stead they shall be so appointed would have had, in case they had lived and continued to act.

SEC. 4. Be it further enacted, That the said trustees or their successors, or a majority of them, may from time to time appoint their own president, secretary and treasurer, and such keeper or keepers of said asylum, and such professors and tutors over said institution, as to them may appear necessary and proper, whom they may remove for misbehavior, inability or neglect of duty; and they may make all such by-laws and regulations for their own government and that of said institute, and for the preservation of order and good morals therein, as are usually made in such seminaries, and as to them may appear necessary and expedient: Provided, the same are not inconsistent with the constitution and laws of the State and of the United States.

SEC. 5. Be it further enacted, That all the real and personal estate of the said Mariner’s Orphan Asylum and Institute be and the same is hereby forever exempt from State or county taxes.

SEC. 6. Be it further enacted, That the said trustees, or a majority of them, or their successors in office may, from time to time, locate the said asylum and institute within the limits of the said town of Beaufort, or at such other place in the county of Carteret, as may to them seem the most expedient.
SEC. 7. Be it further enacted, That the whole amount of real and personal estate belonging to said asylum and institute shall not, at any one time, exceed in value two hundred thousand dollars.

SEC. 8. Be it further enacted, That the president and any five of the trustees appointed as aforesaid, shall have authority to manage and transact the business of said Mariner's Orphan Asylum and Institute, to make all contracts, and do everything necessary and proper for its administration.

SEC. 9. Be it further enacted, That this act shall take effect and be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

AN ACT FOR THE BETTER REGULATION OF SEAMEN IN THE TOWN OF WILMINGTON.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of navigation for the port of Wilmington, shall in addition to the duties now required of them by law, at their first annual meeting appoint some proper person a shipping master for the port of Wilmington; it shall be his duty to ship all seamen in the foreign or coast-wise trade of said port, to give bond and security in the sum of one thousand dollars, payable to the State of North-Carolina, for the faithful performance of the duties required of him by this act, to be sued upon in any court of competent jurisdiction by any person aggrieved, and be subject also to the same other liabilities of public officers; and he shall be entitled to receive of all masters of vessels requiring his services, one dollar per man for each man shipped by him.

SEC. 2. Be it further enacted, That said shipping master shall keep an office near the port and wharves, and register the names of all seamen requiring it, who may need employment; and he shall be entitled to receive ten cents from each seaman, whose name is so recorded.

SEC. 3. Be it further enacted, That it shall not be lawful for any other person than the shipping master to exercise the business of shipping seamen in the port of Wilmington; if any person shall violate this section, he shall be fined fifty dollars, to be recovered before any justice of the peace of New Hanover county.

SEC. 4. Be it further enacted, That if any seaman shall, after being so shipped by the shipping master, desert his vessel, or fail to render himself on board at the time appointed, or in any other cause requiring his aid, it shall be
the duty of the shipping master to issue his warrant, directed to any constable of said county, for the amount of said disaster, [?] and have him delivered to the master or imprisoned, as the case may be; the said master first paying the expenses of the same according to a tariff to be prescribed by the commissioners aforesaid.

Sec. 5. Be it further enacted, That if after any seaman shall have been so shipped or being bound to service in any vessel in the port, he shall be persuaded or induced to desert his ship, the person guilty of such persuasion or inducement, shall be subject to a penalty of one hundred dollars, to be recovered before any justice of the peace in said county.

Sec. 6. Be it further enacted, That all fines and penalties incurred by reason of a violation of this act, shall be sued for in the name of the shipping master of the port, and be applied by him to the use of the Seamen's Home, in the town of Wilmington.

Sec. 7. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

---

Masons.

Chap. 132. An Act to Incorporate Franklinton Lodge, No. 123, of Free and Accepted Masons, in the Town of Franklinton, County of Franklin.

Body corporate Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the officers and members who are at present or in future may be of Franklinton Lodge, No. 123, of free and accepted masons, in the town of Franklinton, county of Franklin, be and they are hereby incorporated into a body politic and corporate, under the name and style of "Franklinton Lodge, No. 123, of Free and Accepted Masons," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded, in any court of record, or before any justice of the peace in this State; contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be required for the convenient transaction of its business.

By-laws, &c. Sec. 2. Be it further enacted, That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of this State or of the United States.
AN ACT TO INCORPORATE THE GRAND ROYAL ARCH CHAPTER OF North-Carolina of the Free and Accepted Masons.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Robt. G. Rankin, Ezekiel Myers, Zebulon M. Paschal, Peter Custis, James T. Alexander, Henry T. Clark, Thomas Wright, George II. Makepeace, James N. Patton, and James Reid the present officers in the Grand Royal Chapter of North-Carolina, and their successors, be, and they are hereby declared to be a body corporate, by the name and style of the Grand Royal Arch Chapter of North-Carolina, and by that name, they and their successors, shall have power to receive and hold devises, and bequests of any person or persons, or bodies corporate, capable of making the same, and shall and may at all times hereafter, be capable in law, to acquire, have, receive and hold, to them and their successors, property both real and personal; and the same to dispose of and transfer at their pleasure, in such manner as they may think proper.

Sec. 2. Be it further enacted, That the said corporation and their successors, by the name and style and title aforesaid, shall be forever thereafter capable in law, to sue and be sued, plead and be imploaded, answer and be answered unto, defend and be defended, in all or any courts of justice, and before all and any judge, officer or person whomsoever, in all and singular actions, matters or demands whatsoever.

Sec. 3. Be it further enacted, That it shall and may be lawful for the said corporation to have a common seal for their use; and the same at their will and pleasure; to change, alter and make anew from time to time as they may think best; and shall in general, have and exercise all such rights, privileges and immunities, as by law are incident or necessary to corporations, and what may be necessary to the corporation herein constituted, not inconsistent with the constitution of the State of North-Carolina, or of the United States. [Ratified the 5th day of February, 1855.]

AN ACT TO INCORPORATE PLEASANT HILL LODGE, NO. 160, OF ANTIQUE YORK MASON, IN ALAMANCE COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority
Body politic.
of the same, That William Paterson, David Coble, Robert R. Lutterloh, William R. Denny, Peter C. Smith, Jonathan Thompson, Martin Staley, Shubal Evans, A. E. Shoffner, Sylvester Spoon, Benj. A. Sellars, William A. Coble, M. R. Bishop, Will. R. Coley, John Stafford, John M. Jordan, J. C. Bain, their fellows and associates and their successors, are hereby created and constituted a body politic and corporate, by the name, style and title of “Pleasant Hill Lodge,” and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity whatsoever, in all suits and actions; may have a common seal, and the same alter at pleasure, enjoy all the privileges of a corporation, buy, sell, hold and convey real and personal estate, not exceeding ten thousand dollars in value; make all by-laws, regulations not repugnant to the laws and constitution of this State and of the United States; and this act be in force from and after its passage. [Ratified the 16th day of February, 1855.]

Chap. 135. AN ACT TO INCORPORATE CLINTON LODGE, NO. 107, OF ANCIENT YORK MASONs, IN THE COUNTY OF CASWELL.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the master, wardens and members, which at present are, or in future may be, of Clinton Lodge, No. 107, of Ancient York Masons, in Caswell county, are hereby constituted and declared to be a body corporate, under the name of “Clinton Lodge, No. 107, of Ancient York Masons,” and by such name shall have succession and a common seal; may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State or of the United States.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of February, 1855.]

Chap. 136. AN ACT TO INCORPORATE SCOTCH IRELAND LODGE, NO. 11, OF ANCIENT YORK MASONs, IN Rowan COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the officers and members who now are, and hereafter may be of Scotch Ireland Lodge, No. 11, of Ancient York Masons, in the county of Rowan, be and they are hereby constituted a body politic and corporate, under
the name and style of "Scotch Ireland Lodge, No. 11, of Ancient York Masons," in the county of Rowan, and by that name may sue and be sued, plead and be impleaded, acquire and transfer property to an amount not exceeding ten thousand dollars, shall have succession and a common seal, and they shall have power to pass all such by-laws as they may deem necessary and proper for the government of their lodge, which are not inconsistent with the laws of the State or its constitution, or the constitution of the United States.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE YADKIN LODGE OF MASONS, IN THE TOWN OF YADKINVILLE.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the master, wardens and members of Yadkin Lodge, in the town of Yadkinville, in the county of Yadkin, be and they are hereby declared a body corporate, under the name and title of "Yadkin Lodge," and by such name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as may be necessary for their government. [Ratified the 12th day of February, 1855.]

MINES AND MANUFACTURES.

AN ACT TO INCORPORATE THE BEAVER DAM GOLD MOUNTAIN VEIN MINING AND PLANK SLUICING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be established in the State a company by the name and style of "Beaver Dam Gold Mountain Vein Mining and Plank Sluicing Company," for the purpose of mining, smelting and manufacturing ores, metals and minerals, and that the capital stock of said company shall not exceed the sum of two hundred thousand dollars, divided into shares of fifty dollars each.

Sec. 2. Be it further enacted, That P. Harris, N. Harris and T. J. Forney, or a majority of them, are hereby authorized, at such times and places as they shall deem expe-
When a body politic, the subscription for receiving shares of stock in said company.

Sec. 3. Be it further enacted, That when the sum of fifty thousand dollars has been subscribed, the subscribers and their associates shall become and are hereby declared to be a body politic and corporate, under the name and style of "Beaver Dam Gold Mountain Vein mining and Plank Sluicing Company," and as such may sue and be sued, plead and be implored, have power to make all by-laws and regulations, not inconsistent with the laws of this State, which may be necessary for the well-ordering and conducting the affairs of said company; they may have a common seal, and the same break, alter and renew at pleasure, and possess and enjoy all the privileges and rights of a corporation or body politic: they shall have the right to purchase or lease lands for the purpose of conducting their business, and the same to sell, convey or otherwise dispose of: Provided, That said corporation shall not exercise any banking privileges, but shall be confined to the business of mining, manufacturing and selling the products of their mines and lands.

Sec. 4. Be it further enacted, That the commissioners named in section second, shall have the right to receive in payment or part payment for stock subscribed, any mining property at such valuation as they shall deem just and reasonable; and in case of any subscription payable in real estate, a description of the same and the valuation at which it shall be taken by the company; shall be entered on the subscription books; the stock of said company shall be held and deemed personal estate: Provided, always, That the lands owned by said company shall be liable to taxation as other lands in this State.

Sec. 5. Be it further enacted, That the said company shall have a business office in the State, and all legal process against the corporation may be served upon the president or any director or the agent of the company in charge of their office.

Sec. 6. Be it further enacted, That the said company shall be managed by five directors, to be elected annually by the stockholders, at such time and place as shall be provided in the by-laws: the first election to be held within six months after fifty thousand dollars of the stock shall be subscribed for; in case of failure to hold an election at the time appointed, the corporation shall not be thereby dissolved, but the former directors shall continue in office until an election shall be held.

Sec. 7. Be it further enacted, That this act shall be in force from and after the ratification thereof, and shall continue for the period of fifty years. [Ratified the 16th day of February, 1855.]
AN ACT TO INCORPORATE THE GREENSBORO' MINING AND MANUFACTURING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Peter Adams, Wm. S. Rankin, Wm. S-Gilmer, W. J. McConnel and Joab Hiatt, or a majority of them, their associates, successors and assigns, be and are hereby constituted a body corporate and politic, by the name and style of the "Greensboro' Mining and Manufacturing Company," and as such, shall have and use a common seal, and change the same at pleasure; and shall be capable to sue and be sued, plead and be impleaded in any court of law and equity, and may also have, use, exercise and enjoy all powers, privileges and rights proper and necessary for the opening and working of mines; also to erect machinery, and manufacture any kind of goods or articles that they may deem advisable to make, and of buying and selling mines and manufacturing establishments; and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require for the purpose aforesaid: Provided, That the said company shall, at no time, possess more than five thousand acres of land; and the said company, for the purposes aforesaid, shall have power to make such by-laws, rules and regulations as may be necessary, and which shall be binding on the company, provided they be not repugnant to the laws and constitution of North Carolina, or of the United States.

Sec. 2. Be it further enacted, That the capital stock of said company shall be divided into twenty thousand shares of fifty dollars each, of which the lands, mines, machinery and other property of any of said company shall constitute a part of such prices as may be agreed on between the owners thereof on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for stock payable in money on the other.

Sec. 3. Be it further enacted, That the subscriptions to the said capital stock shall be made at such times and places, and in such manner as the said Peter Adams, Wm. S. Rankin, W. S. Gilmer, W. J. McConnel and Joab Hiatt, or a majority of them shall designate, and the stockholders shall be entitled at all meetings of the stockholders to one vote for each share so held by person or by proxy; and the shares of said capital stock shall be assignable and transferable as may be provided for by the by-laws of said company, and shall be considered as personal property.

Sec. 4. Be it further enacted, That the affairs of said company shall be managed by a board of five directors, who shall be chosen annually by the stockholders, one of whom
shall, at all times, reside in the State; which board shall choose one of their number to be president; and the president and directors so chosen shall serve for one year, and until others shall be elected, as shall be provided for by the by-laws of the corporation; and until the first election of directors shall be held, the said Peter Adams, Wm. S. Rankin, Wm. S. Gilmer, Wm. J. McConnel and Joab Hiatt, or a majority of them, shall have full power and authority to exercise all the corporate powers of said company; and the president and directors, and their successors, or a majority of them, shall have full power and authority to manage the affairs of the said company, under such powers as may be given them by the by-laws of the said company; and in case [of] any vacancy occurring in the presidency or board of directors of said company, the remaining directors shall have power to fill such vacancy until the next general election thereafter.

Sec. 5. Be it further enacted, That this act, and no part of it, shall be so construed as to give said company any banking privileges, or any right to issue notes payable to bearer for circulation as bank notes, or exempt the lands and other property from taxation.

Sec. 6. Be it further enacted, That this act shall continue in force for the term of fifty years, and shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

Chap. 140. AN ACT TO INCORPORATE THE HOLTSBURG MANUFACTURING COMPANY IN THE COUNTY OF DAVIDSON.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Wm. R. Holt, P. G. Evans, John M. Morehead and their associates, successors and assigns be and they are hereby created a corporation and body politic in law and in fact, by the name and style of the “Holtsburg Manufacturing Company,” for the purpose of manufacturing flour and all other articles whatsoever at or near the Trading ford on the Yadkin river, in the county of Davidson, and by that name and style may sue and be sued, plead and be implored in any court of record, contract and be contracted with; have perpetual succession and a common seal, and acquire, possess, enjoy, and retain real and personal estate, and also goods and merchandize to enable them to carry on their business with advantage and profit, and shall so continue until the first day of January, A. D. one thousand nine hundred and seventy-five, and during said period and at the expiration thereof, may sell, barter, exchange and dispose
of all the real and personal estate acquired in a corporate character, as also all the articles manufactured.

Sec. 2. And be it further enacted, That said corporation shall have power to make all necessary by-laws and regulations not inconsistent with the laws and constitution of this State for its good government, and alter and amend the same at pleasure, and to appoint officers and agents to transact their business and conduct their operations.

Sec. 3. Be it further enacted, That the capital stock of said company or corporation shall be two hundred and fifty thousand dollars, in shares of one hundred dollars each, and may, at the discretion of the company, be enlarged to as much as five hundred thousand dollars.

Sec. 4. Be it further enacted, That the stockholders, in their first general meeting, shall elect not less than three nor more than five directors, one of whom shall be president, to whom the management of the stock, property and affairs of said company, shall be confided in the first instance; that said stockholders may, at any subsequent meeting, direct in by-laws and regulations in what manner the president of said company shall be chosen, and fix upon the number of directors and appoint such other officers as may be deemed necessary; the scale of voting in the general meeting and the manner of issuing certificates of stock, and the mode of transferring and assigning the same, shall be regulated by the by-laws of said company; all officers when once appointed by said company, shall remain in office until their places are filled by others duly chosen, and the term of office of the respective officers shall not be less than one year; and no omission to elect officers and fill vacancies on the day prescribed, shall work a forfeiture of their charter, but the same may be done on a subsequent day, and said company may, from time to time, have general meetings of the stockholders at such periods and at such intervals as may be prescribed by the by-laws thereof.

Sec. 5. Be it further enacted, That when any land may be required by said company for the purpose of erecting a dam and constructing an abutment thereon, on the opposite side of said Yadkin river, or on the opposite side of a run or part of said river, from the side whereon said company may desire to build mills and other machinery, and for want of agreement as to the value thereof; or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the superior court of Davidson county; and said court shall have the power to appoint said commissioners, notwithstanding the land to be valued by them may be situated in an adjoining county; that said commissioners, or a majority of
them, shall lay off and designate by metes and bounds a single acre of the land, situated at the point on the opposite bank of said river, or on the opposite side of a run or part of said river, where it may be proposed by said company to erect an abutment for a dam as aforesaid, and assess the value thereof, and report their opinion and proceedings thereon, or the opinions and proceedings of a majority of them thereon, under their hands and seals, to the next superior court of said county of Davidson, there to remain a matter of record; and the acre of land so valued by said commissioners, shall vest in said company for and during the corporate existence of the same under this charter, as soon as the valuation may be paid, or when refused, may be tendered: Provided, That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court, that at least ten days previous notice has been given by said company, their agent, or attorney to the owner or owners of the land so proposed to be condemned, or if the owner or owners be infants or non compos mentis, then to the guardian of such owner or owners, if such guardian can be found, and if there be no guardian, the court shall appoint a guardian "pendente lite:" Provided, further, That if upon the return of said report of said commissioners, or a majority of them, into court, either the said company, or the said proprietor or proprietors of the land so valued, should be dissatisfied with the valuation of said commissioners, then and in that case, on the motion of either to that effect, it shall be the duty of said court to order an issue to be made up touching the value of said acre of land, and the same shall be tried by a jury in the same manner as all other issues of fact are tried in said court: Provided, further, That the costs of said application shall be paid by said company, unless upon the motion of said proprietor or proprietors, an issue should be made up as aforesaid, and the jury should assess the value of said land at the same or a less sum than the valuation of said commissioners, then and in that event, the costs shall be paid by said proprietor or proprietors.

Sec. 6. Be it further enacted, That said company shall have power to remove any and all obstructions in said Yadkin river above the dam which may be erected as aforesaid, and are hereby authorized to open the channel of said river, or any of the runs or branches thereof above said dam, so as to increase the quantity of water to the extent necessary to propel the machinery which may be erected by said corporation.

Sec. 7. Be it further enacted, That when any land shall be required by said company, whereon to locate and dig a canal to convey the water from said dam to the mills that
may be erected by said corporation, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be valued and condemned for the use of said company in the manner prescribed in the preceding (6th) section of this act; and said land when so valued and condemned, shall vest in said company during their corporate existence under this charter.

Sec. 8. Be it further enacted, That this act shall take effect and have force from and after its ratification. [Ratified the 14th day of February, 1855.]

AN ACT TO INCORPORATE THE GUILFORD GOLD AND COPPER MINING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be established in the county of Guilford, a mining company, by the name and style of "the Guilford Gold and Copper Mining Company," with a capital of one hundred thousand dollars, divided into shares of one hundred dollars each; that Joseph Houston, Shubal G. Coffin, Washington J. McConnell, Joab Hyatt, Madison D. Smith, Joseph A. Weatherly and James A. Stewart, are hereby appointed commissioners, and as such, are authorized at such time and place, as they or a majority of them may think proper, after ten days public advertisement of the same, to open books for the purpose of receiving subscriptions for shares of stock in said corporation, from citizens of the State of North-Carolina only; and that the said commissioners are hereby authorized to receive in payment or part payment of stock subscribed, any mineral lands or mining property, at such valuation as they may deem reasonable and just, and that upon, and at the time of subscribing the sum of five dollars upon each and every share, shall be paid to said commissioners.

Sec. 2. Be it further enacted, That after the said stock meeting, shall have been subscribed, the commissioners aforesaid, or a majority of them, shall call a meeting of the subscribers, by giving at least ten days public notice, who shall personally or by proxy, proceed to elect seven directors, and they from among themselves, shall appoint a president, who together with the other directors, shall have power to make all rules, regulations and by-laws necessary for the management and well-being of said company, and in all general meetings of the stockholders, whether personally or by proxy, they shall vote in proportion to the number of shares they respectively own.
Subscriptions.

Sec. 3. Be it further enacted, That the president and directors of the said company, shall have power to call in from time to time, as they may think expedient, by installments, the whole or any part of the capital stock subscribed as aforesaid, and in case of the failure or refusal to comply with such requisition by any subscriber, the stock of such subscriber, together with all the sums theretofore paid by him, shall be forfeited to the company; and the said capital stock shall be considered and taken as personal estate, and shall be assignable and transferable, under such rules, regulations and by-laws as shall be prescribed by said company, but only to citizens of the State of North-Carolina.

Sec. 4. Be it further enacted, That when the sum of ten thousand dollars shall have been paid in, and not before, the stockholders, their successors and assigns, are hereby declared to be incorporated, by the name and style of "Guilford Gold and Copper Mining Company," and shall continue to exist as such for the space of fifty years, and as such, may sue and be sued, plead and be implored, and possess and enjoy all the rights and privileges of a corporation, a body politic; and also to have, make and use a common seal, and the same to break, alter or renew at pleasure: Provided, that the business of said company shall be confined solely to mining.

Sec. 5. Be it further enacted, That the stockholders shall meet annually at such places as the directors shall deem most convenient for the stockholders, for the purpose of electing seven directors from their body, which directors shall appoint one of their own number as president, who, with the other directors, shall appoint all such officers as may be deemed necessary by the stockholders, and make rules and regulations for the direction and management of the same.

Sec. 6. Be it further enacted, That any leading process against said corporation, may be served upon the president or any one of the directors of the said company, and in case of their absence from the State, upon any stockholder; and the property of the corporation of whatever kind or nature, shall be liable to the satisfaction of the debts of the same, and may be seized and sold under execution, attachment or any other legal process known to the law.

Sec. 7. Be it further enacted, That in case the corporate property of said company, shall be insufficient to discharge the debts and liabilities, the individual stockholders shall be liable to the creditors and claimants, in double the amounts of stock by them respectively held in said corporation.

Sec. 8. Be it further enacted, That this act shall take effect, and be in force from and after its ratification. [Ratified the 10th day of February, 1855.]
AN ACT TO INCORPORATE THE NORTH-CAROLINA COPPER COMPANY, Chap. 142.
HERETOFORE A PART OF THE NORTH-CAROLINA MINING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That A. B. Stith, James Hoyt, W. W. Lamb, N. L. Stith and Lattimer Bailey, and their associates, successors and assigns are hereby created and constituted a body politic and corporate, by the name, style and title of the North-Carolina Copper Company, for the purpose of exploring for copper, gold, lead, iron and other metals or minerals, and for mining, vending, smelting and working the same; and by this name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any courts of law and equity whatsoever, in all suits and actions, may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to mining corporations, and may purchase hold and convey real and personal estate to an amount not exceeding one million of dollars.

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

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

Sec. 4. Be it further enacted, That it shall be the duty of the directors of said company, one of whom shall reside continually in this State, to have regular books of record and transfer kept by the secretary or the treasurer thereof, at all times open to the inspection of the stockholders.

Sec. 5. Be it further enacted, That the corporation shall exist for fifty years, and this act be in force from and after its passage. [Ratified the 16th day of February, 1855.]
Chap. 143. AN ACT TO INCORPORATE THE BOSS GOLD AND SILVER MINING COMPANY, IN DAVIDSON COUNTY.

Body corporate  Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Owen Scoville, Nathan A. Stedman, Atlas J. Baldwin, Joseph Baldwin, Edward T. Fearington, John P. Fearington or a majority of them, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of the "Boss Gold and Silver Mining Company," and as such, shall have succession and a common seal, and change the same at pleasure, and shall be capable in law, to sue and be sued, plead and be impleaded in any court of law and equity, and may also have, use, exercise and enjoy all powers, privileges and rights, necessary and proper for opening and working mines of the company, and of buying and selling mines, and shall also have power to purchase and hold all such necessary property, real, personal and mixed, as they may require for the purposes aforesaid: Provided, That the said company shall at no time possess more than five thousand acres of land.

By-laws, &c.  Sec. 2. Be it further enacted, That said company shall have power, for the purposes aforesaid, to make all such by-laws, rules and regulations, as may be necessary, which shall be binding on the company: Provided, They be not repugnant to the laws and constitution of North-Carolina or the United States.

Capital stock.  Sec. 3. Be it further enacted, That the capital stock of said company be divided into two thousand shares, of one hundred dollars each, of which the lands, mines, machinery and other property of any member or members of said company shall constitute a part, at such prices as may be agreed on between the owners thereof, on the one part, and their associates on the other part, who may subscribe for stock payable in money.

Subscriptions.  Sec. 4. Be it further enacted, That the subscription to the said capital stock shall be made at such times and places, and in such manner as said Owen Scoville, Nathan A. Stedman, Atlas J. Baldwin, Joseph J. Baldwin, Edward P. Fearington, John P. Fearington, or a majority of them may designate, and the stockholders shall be entitled, at all meetings of the stockholders, to one vote for each share so held, in person or by proxy, and the shares of said capital stock shall and may be assignable and transferable, as may be provided for by the by-laws of said company, and shall be considered as personal property.

How managed.  Sec. 5. Be it further enacted, That the affairs of said company shall be managed by a board of five directors, to be
chosen annually by the stockholders, who shall choose one of their number to be president, and the president and directors shall hold their office for one year and until their successors are appointed; and until the first election of directors shall be held, the said Owen Scoville, Nathan A. Stedman, Atlas J. Baldwin, Joseph Baldwin, Edward P. Fearington, John P. Fearington or a majority of them, shall have full power and authority to exercise all the corporate powers of said company; and the said president and directors, and their successors, or a majority of them, shall have full power and authority to manage the affairs of said company, according to the by-laws of said company, and in case of any vacancy in said meeting or board of directors, the other directors may fill the same until the next general election.

Sec. 6. Be it further enacted, That this act shall continue in force for the term of sixty years, and shall take effect from and after its ratification. [Ratified the day of February, 1855.]

AN ACT TO INCORPORATE THE CONSOLIDATED MINING COMPANY, OF North-Carolina.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That O. C. Gardner and E. H. Whorton, and their associates, successors and assigns are hereby created and constituted a body politic and corporate, by the name and style of "the Consolidated Mining Company of North-Carolina," for the purpose of exploring and operating for gold and other metals and minerals, and for mining, smelting and vending the same, and by that name and style shall have all the rights and privileges of mining corporations in this State, and may purchase, hold and convey real and personal estate, not exceeding the value of one million of dollars.

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

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

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

Sec. 5. Be it further enacted, That this act shall be in force from and after its passage, and continue in full force for the term of fifty years. [Ratified the 16th day of February, 1855.]

Chap. 145. AN ACT TO INCORPORATE THE GILLIS COPPER MINING COMPANY.

Body politic. Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Willis Lewis, Johnson B. Jones, T. Brown Venable, Leonidas C. Taylor, Hugh Waddle [Waddell] and Richard T. Taylor, and their associates, successors and assigns are hereby created and constituted a body politic and corporate, by the name, style and title of the Gillis Copper Mining Company, for the purpose of exploring for copper, lead, iron, and other metals or minerals, and for mining, vending, smelting and working the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity whatsoever, in all suits and actions; may have a common seal, and the same alter at pleasure, and may enjoy, for the period of fifty years, all the privileges incident to mining corporations, and may purchase, hold and convey real and personal estate to an amount not exceeding one million of dollars.

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

Original stock. Sec. 3. Be it further enacted, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such man-
AN ACT TO INCORPORATE THE CLARENDON COAL FIELD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Fredk. J. Hill, Maurice Q. Waddell, Nicholas L. Stith, Win. A. Wright, Thos. C. Miller, Jno. H. Bryan and Geo. W. Mordecai, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of "The Clarendon Coal Field Company," for the purpose of exploring for coal, copper, lead, iron and other metals or minerals, and for mining, vending, smelting and working the same; and by that name may sue and be sued, plead and be imploade, appear, prosecute and defend in any courts of law and equity whatsoever in all suits and actions; may have a common seal and the same alter at pleasure, and may enjoy all the privileges incident to mining corporations, and may purchase, hold and convey real and personal estate to an amount not exceeding one million dollars.

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

SEC. 3. Be it further enacted, That the said corporation may divide their original stock into such numbers of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends.
Chap. 147. AN ACT TO INCORPORATE THE NANTAHALA GOLD AND COPPER MINING COMPANY OF WESTERN NORTH-CAROLINA.

Body politic. SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Johnson, Robert G. A. Love and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of “The Nantahala Gold and Copper Mining Company,” of North-Carolina, for the purpose of exploring for gold, copper and other metals and minerals, and for mining, vending, smelting and working the same, and by that name may sue and be sued, plead and be impounded, appear, prosecute and defend in any court of law and equity whatsoever, in all suits and actions, may have a common seal, and may alter the same at pleasure, and may enjoy all the privileges incident to mining corporations, and may purchase, hold and convey real and personal estate to an amount not exceeding one million of dollars.

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

Original stock. SEC. 3. Be it further enacted, That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof, in such manner and form as the said corporation shall from time to time deem expedient, and whenever said company shall, by purchase, lease or otherwise, become possessed of any mine or mines, the directors of said company may make a separate and distinct interest of each mine and divide said interest into such number of shares as they may deem expedient, not exceeding in amount five hundred thousand dollars for any one mine, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in any of the said mines in such manner as the said by-laws may direct.
Sec. 4. Be it further enacted, That it shall be the duty of the directors of said company to have books of record and transfer kept by the secretary or treasurer thereof, at all times open to the inspection of the stockholders.

Sec. 5. Be it further enacted, That the charter of said company shall extend to ninety years from the passage of this act; that the shares of stock of the said company and of any separate and distinct interest created by virtue of the 3d section of this act, shall be regarded as personal estate, and the rates of voting on the same may be established by the by-laws of said company as may be deemed most expedient.

Sec. 6. Be it further enacted, That this act shall take effect from and after the passage thereof. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE GOLD HILL MINING COMPANY. Chap. 148.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Isaac H. Smith, Henry W. Belcher, Amos M. Sackett, Thomas Williams, Jr., Moses, L. Holmes, James Fowle and William L. Beal, their associates and assigns, are created a body corporate and politic, by the name of "the Gold Hill Mining Company," and by that name shall be able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity, and to make and use a common seal, and to alter and change the same at pleasure, and to establish such ordinances, by-laws and regulations, as shall be necessary and convenient for the conducting the affairs of the company.

Sec. 2. Be it further enacted, That the object of said company is declared to be, the mining, smelting, refining and working of gold and other ores and minerals, in the county of Rowan, in the State of North-Carolina, and for this purpose, said company are empowered to purchase, and to hold real and personal property, not exceeding in value one million of dollars, and to adopt such means, and pursue such measures as shall be expedient for the successful prosecution of the same: Provided, That they shall hold real and personal estate for no other purpose.

Sec. 3. Be it further enacted, That the capital stock of said company shall be one million of dollars, divided into two hundred thousand shares, which number may be lessened by a vote of two-thirds of the stockholders.

Sec. 4. Be it further enacted, That there shall be an annual meeting of the stockholders of the said company, at such
time and place as shall be provided for by the by-laws of said company, for the purpose of choosing directors, which shall be no less than five, nor more than nine, to manage all the concerns thereof, who shall be stockholders, and be elected by ballot by the stockholders, or by proxy; each share entitling the holder thereof to one vote.

SEC. 5. **Be it further enacted, That Isaac H. Smith, Henry W. Belcher, Amos M. Sackett, Thomas Williams, Jr., Moses L. Holmes, James Fowle and Wm. L. Beal, shall be, and continue directors of said company, until the first annual meeting of the stockholders; the directors shall appoint their president and other officers, and shall fill all vacancies that may occur in their body, during the time of their appointment, and they shall continue in office until new directors are elected, and in case at any time it shall happen, that an election of trustees shall not be made on the day designated by the by-laws of said company, when it ought to have been made, the company for that reason, shall not be dissolved, but it shall be lawful on any other day, to hold an election for trustees, in such manner as shall be provided for by the said by-laws, and all acts of trustees shall be valid and binding as against such company, until their successors shall be elected.**

SEC. 6. **Be it further enacted, That some one or more of the directors, shall always reside in the county of Rowan, and all process against the said corporation, served on any director, shall be deemed sufficient in law; and in case of the death, removal or absence of said director or such directors, notice in writing of said process left upon the premises of said corporation, shall be deemed and held sufficient service of process against the said corporation, in any of the courts of this State.**

SEC. 7. **Be it further enacted, That the stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company, and the company may designate one or more places, where it may carry on the business thereof.**

SEC. 8. **Be it further enacted, That "the Gold Hill Mining Company," now formed and in operation under the laws of the State of New York, passed February 17th, 1848, and amended the 7th of June, 1853, for manufacturing, mining, mechanical or chemical purposes, may and are hereby empowered to adopt this charter by the vote of two thirds of the stockholders, and when so adopted, it shall confer to said company, all rights and privileges granted by this act, as though said company had received and adopted said charter at its formation.**

SEC. 9. **Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]**
AN ACT TO INCORPORATE THE GULF AND DEEP RIVER IRON MANU-
FACTURING COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Peter G. Evans, Lawrence J. Haughton, Thomas Hill, John H. Haughton and William W. Lane, or a majority of them, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of the "Gulf and Deep River Iron Manufacturing Company," and as such shall have succession, and may have and use a common seal, and change the same at pleasure, and shall be capable to sue and be sued, plead and be implicated in any court of law and equity, and may also have, use, exercise, and enjoy all the powers, privileges, and rights proper and necessary for the opening and working of mines of the company, and manufacturing iron, getting out coal, and of buying and selling mines; and shall also have power to purchase and hold all such property, real, personal, and mixed, as they may require for the purpose aforesaid.

SEC. 2. Be it further enacted, That the capital stock may be increased to one million of dollars, in shares of such amount as the stockholders may direct.

SEC. 3. Be it further enacted, That this act, as well as others of a similar character, shall not be printed among the acts of this session.

SEC. 4. Be it further enacted, That said company shall have authority to make all by-laws that they may deem proper for the management of the business of the company: Provided, That they be not inconsistent with the laws and constitution of North-Carolina, and of the United States.

SEC. 5. Be it further enacted, That the capital stock of the said company shall be divided into ten thousand shares of fifty dollars each, of which the lands, mines, and machinery, and other property of any of the said company shall constitute a part, at such prices as may be agreed on between the owners thereof, on the one part, and those who may associate with them, and constitute the aforesaid corporation by subscribing for stock payable in money, on the other.

SEC. 6. Be it further enacted, That the subscriptions to the said capital stock shall be made at such times and places, and in such manner as the said Peter G. Evans, Lawrence J. Haughton, Thomas Hill, John H. Haughton and William W. Lane, or a majority of them, shall designate; and the stockholders shall be entitled, at all the meetings of the stockholders, to one vote for each share so held in person or by proxy; and the shares of said capital stock shall be assigna-
ble and transferable, as may be provided for by the by-laws, of said company, and shall be considered as personal property.

Sec. 7. Be it further enacted, That the affairs of the said company shall be managed by a board of three directors, who shall be chosen annually by the stockholders; which board shall choose one of their number to be president, and the president and directors so chosen shall serve for one year, and until others shall be elected, as shall be provided for by the by-laws of the corporation; and until the first election of directors shall be held, the said Peter G. Lawrence, J. Haughton, Thomas Hill, John H. Haughton and William W. Lane, or a majority of them, shall have full power and authority to exercise all the corporate powers of said company; and the president and directors and their successors, or a majority of them, shall have full power and authority to manage the affairs of the said company, under such powers as may be given them by the by-laws of the said company, and in case of any vacancy occurring in the presidency or board of directors of said company, the remaining directors shall have power to fill such vacancy until the next general election thereof.

Sec. 8. Be it further enacted, That this act shall be in force from and after its ratification, and shall continue in force for fifty years. [Ratified the 14th day of February, 1855.]

Chap. 150. AN ACT TO INCORPORATE THE M'CULLOCK GOLD MINING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Nathaniel H. Wolfe, Thomas C. T. Buckley, Franklin Osgood, Thomas C. Durant and their associates, successors and assigns, are hereby created, constituted and continued, under the laws of this State, a body politic and corporate, by the name, style and title of the "McCullock Copper and Gold Mining Company," for the purpose of exploring for gold, copper and other metals or minerals, and for mining, vending, smelting and working the same; and by that name shall have perpetual succession, and be capable of suing and being sued in any court of law or equity; may have a common seal, and may make and alter the same at pleasure.

Sec. 2. Be it further enacted, That the corporation above named and hereby created, shall, by its corporate name, be capable in law, of holding and conveying the real and personal estate in the county of Guilford, in this State, now held, owned or occupied by the persons named in the first
section of this act, their associates or assigns, or which is or may be held, occupied or possessed by any person or persons in trust for them; and shall also be capable in law, of purchasing, holding and conveying any other real and personal estate whatever, which may be necessary to enable the said corporation effectually to carry on the operations named in the first section of this act; and shall have power the property, real and personal of said corporation, to pledge or mortgage to secure the payment of debts or advances of money to its use.

Sec. 3. Be it further enacted, That the capital stock of the said corporation hereby created, shall consist of shares, par value of the whole not to exceed one million of dollars, the number and value of said shares to be fixed and regulated by the directory to be chosen as hereinafter provided; all persons interested in the present company, to have shares in this corporation in the same proportion, to be evidenced as said directory may prescribe.

Sec. 4. Be it further enacted, That the stock, property and concerns of the corporation hereby created, shall be managed by a board of directors, consisting of nine persons, one of whom shall continually reside in this State, who shall be in the first instance, chosen and elected for one year, at a meeting of the stockholders of said corporation, to be called at such time and place as the persons named in the first section of this act, or a majority of them may designate; and thereafter they shall be annually elected by the stockholders, at such time and place as the by-laws of the company may provide: the stock of the company shall be deemed and considered personal estate, and be transferable as the by-laws may direct.

Sec. 5. Be it further enacted, That the directory of said corporation shall have power to make such prudential by-laws, not inconsistent with the laws and constitution of this State or of the United States, as they shall deem proper, regulating the time, place and manner of holding elections; the filling of vacancies in their own board or otherwise, the payment of dividends, the transfer of stock, the management and disposition of its property and affairs, the regulation and appointment of all officers, artificers and servants, the conduct of its business, and for all other matters within the objects and purposes of the corporation; it shall also be the duty of the directors twice in each year, to make to the stockholders a full and accurate report of the operations of the corporation, at a meeting to be called for that purpose, which report shall be verified by the oath of the presiding officer, for the time being, of said board, and the superintendent of the operations of said corporation.

Sec. 6. Be it further enacted, That in case it shall happen
at any time that an election of directory shall not be made on the day regularly appointed therefor by the by-laws of the corporation, the same shall not, for that reason, be dissolved; but it shall be lawful, on any other day, to hold an election, in such manner as shall be provided for in said by-laws: that said directory shall continue in office, and all their acts shall be valid until their successors shall be elected.

SEC. 7. Be it further enacted, That this corporation, and the rights and powers created thereby, shall continue and endure for fifty years, and that this act shall take effect from its passage. [Ratified the 12th day of February, 1855.]

Chap. 151. AN ACT TO INCORPORATE THE GARDNER HILL MINING COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That A. S. Harney, James F. Jordan, James E. Hoyt, S. P. Allen, Frederick Grist and George H. Brown, and their associates, successors and assigns be, and they are hereby created and constituted a body politic and corporate, by the name and style of the "Gardner's Hill Mining Company," and as such shall have perpetual succession, and may have and (use) a common seal, and change the same at pleasure; may sue and be sued, plead and be impleaded in any court of law and equity, have power to make all such by-laws and regulations (not inconsistent with the laws and constitution of this State) as may be deemed necessary for the government of said company, which shall be binding thereon; and shall have, exercise and enjoy all the rights and privileges of a body corporate necessary to carry on the business of mining, smelting and manufacturing, and of transporting and vending their products; and shall also have the power to purchase, lease, hold, dispose of and convey any estate, real, personal or mixed: Provided, That the said company shall, at no time, hold more than ten thousand acres of land.

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

SEC. 3. Be it further enacted. That the affairs of the said company shall be managed by a board of directors, one at
least of whom shall be a citizen of this State, who must be stockholders composed of such number, and elected by the stockholders in such manner as the by-laws shall direct, and they shall choose one of their number to be president of the board and of the company; three of the board of directors shall be a quorum to transact business, of whom the president, or one appointed by him to fill his place, shall always be one; they shall have power to fill any vacancy that may happen in their body, and until the first election of directors shall be held by the stockholders, the said A. S. Harney, James F. Jordan, Jas. E. Hoyt, S. P. Allen, Frederick Grist and George W. Brown, shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

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

SEC. 5. Be it further enacted, That this act shall take effect and be in force from and after its ratification, and shall continue in force for the period of thirty years. [Ratified the 14th day of February, 1855.]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE NEUSE RIVER MANUFACTURING COMPANY, AT THE GREAT FALLS OF NEUSE, IN THE COUNTY OF WAKE, PASSED AT THE SESSION OF 1850-'51.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all the corporate privileges, rights and immunities given by the above recited act to David Gill, John Green, Peterson Dunn, Willie D. Jones, James B. Newsom and John M. Flemming, and their successors, associates and assigns, be and the same are hereby given, secured, revived, extended and conferred unto James F. Jordan, William R. Miller, William D. Cooke, and their successors, associates and assigns; and they, the said James F. Jordan, William R. Miller, William D. Cooke, and their successors, associates and assigns are hereby created a corporation and body politic in law and in fact by the name and style of the Man tee Manufacturing Company, instead of the Neuse River Manufacturing Company, for the purpose of manufacturing paper, cotton, wool, iron and all other articles whatsoever,
at the Great Fall of Neuse river, in the county of Wake; and by the name and style of the Manteo Manufacturing Company may hereafter sue and be sued, plead and be impleaded in any court of record, contract and be contracted with, have perpetual succession and a common seal, acquire, possess, enjoy and transfer real and personal estate, goods and merchandise to enable them to carry on their business of manufacturing with advantage and profit, and shall so continue until the first day of January, in the year of our Lord, one thousand and nine hundred.

Sec. 2. Be it further enacted, That all the powers and privileges given and conferred by the above recited act upon the said corporation, under the name and style of the Neuse River Manufacturing Company, for the enactment of by-laws and regulations, not inconsistent with the laws or constitution of the State or of the United States, for its good government, or for any other purpose; and all the restrictions imposed by said act upon said corporation, shall be and the same are hereby given, conferred and confirmed unto and imposed upon the said corporation under the name and style of the Manteo Manufacturing Company.

Sec. 3. Be it further enacted, That no contract, bargain or agreement, heretofore made by or with the said corporation under the name and style of the Neuse river Manufacturing Company, shall be in any manner impaired, or rendered null and void, by the alteration of its name and style to that of the Manteo Manufacturing Company, but the said corporation may sue and be sued upon all such contracts, bargains and agreements in the same manner as if its name had not been altered.

Sec. 4. Be it further enacted, That this act shall take effect and be in force from and after its ratification. [Ratified the 20th day of January, 1855.]

Chap. 153. AN ACT TO INCORPORATE THE STOKES IRON MINING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Renben D. Golding, John G. Hill, Samuel H. Taylor and Isaac Golding and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of “The Stokes Iron Mining Company,” for the purpose of exploring for copper, lead, gold, iron, or other metals or minerals, and for mining, vending, smelting and working the same, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity whatsoever in all suits and actions; may have a
common seal, and the same alter at pleasure, and may enjoy all the privileges incident to mining corporations, and may purchase, hold and convey real and personal estate to an amount not exceeding one million of dollars.

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

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

Sec. 4. Be it further enacted, That it shall be the duty of the directors of said company, one of whom shall reside continually in this State, to have regular books of record and transfer kept by the secretary or treasurer thereof, at all times open to the inspection of the stockholders.

Sec. 5. Be it further enacted, That this corporation shall exist for fifty years; and this act be in force from and after its passage. [Ratified the 10th day of February, 1855.

AN ACT TO INCORPORATE THE MEIVER COAL MINING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Nicholas L. Stith, Frederick W. Cammann and A. B. Stith, and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of "the Melver Coal Mining Company," for and during the term of thirty years; and as such, shall have succession, and a common seal; may sue and be sued in any court of law or equity, may make such by-laws, rules and regulations as may be deemed necessary for the government of the company, not inconsistent with the laws of this State and of the United States; may have, use, exercise and enjoy all the powers, privileges and rights of a corporation, proper and necessary for opening and working mines of the company, and for manufacturing and transporting to market, and vending the minerals and produce thereof; and shall have power to purchase
and hold such property as they may require for the purposes aforesaid: Provided, however, That at all times, at least one of the directors in said company, shall be a citizen of this State.

Sec. 2. Be it further enacted, That the capital stock of said company, shall not exceed five hundred thousand dollars, to be divided into such number of shares as said corporation shall deem expedient.

Sec. 3. Be it further enacted, That this act shall be in force from and after its passage. [Ratified the 14th day of February, 1855.]

Chap. 155. AN ACT TO INCORPORATE THE CENTRAL GOLD AND COPPER MINING COMPANY, OF NORTH-CAROLINA.

Body politic.  

Sec 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James H. Johnston, A. B. McClean, John Hipkins, J. M. Smith, John B. Whitehead, Wm. H. Smith, O. W. Newton, Samuel Forrest, Henry Irwin, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate by the name, style and title of the Central Gold and Copper Mining Company, of North-Carolina, for the purpose of exploring for gold, copper and other metals and minerals, and for mining, vending smelting and working the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law and equity whatsoever in all suits and actions; may have a common seal, and may alter the same at pleasure, and may enjoy all the privileges incident to mining corporations, and may purchase, hold and convey real and personal estate to an amount not exceeding one million of dollars.

First meeting.  

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

Original stock.  

Sec 3. Be it further enacted, That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof, in such manner and form as the said corporation shall from time to time deem expedient; and whenever said company shall, by purchase, lease or otherwise, become possessed of any mine or mines, the
1854–55.—Chap. 155—156.

149
directors of said company may make a separate and distinct interest of each mine, and divide said interest into such number of shares as they may deem expedient, not exceeding in amount five hundred thousand dollars for any one mine, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in any of the said mines, in such manner as the said by-laws may direct.

Sec. 4. Be it further enacted, That it shall be the duty of the directors of said company to have regular books of record and transfer kept by the secretary or treasurer thereof, at all times open to the inspection of the stockholders.

Sec. 5. Be it further enacted, That the charter of said company shall extend to ninety years from the passage of this act; that the shares of stock of said company, and of any separate and distinct interest created by virtue of the 3d section of this act, shall be regarded as personal estate, and the rates of voting on the same may be established by the by-laws of said company, as may be deemed most expedient.

Sec. 6. Be it further enacted, That in case the corporate property of said company shall be insufficient to pay its debts and liabilities, the private property of the stockholders shall be liable to pay the same, in sums double the amount of the stock respectively held by them.

Sec. 7. Be it further enacted, That this act shall take effect from and after the passage thereof. [Ratified the 10th day of February, 1855.]

AN ACT TO INCORPORATE THE EXCELSIOR GOLD MINING COMPANY, Chap. 156.
IN CABARRUS COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William P. Furniss, William Furniss, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style of the "Excelsior Gold Mining Company," for the purpose of exploring and operating for gold and other metals and minerals, and for mining, smelting and vending the same; and by that name and style, shall have all the rights and privileges of mining corporations in this State, and may purchase, hold and convey real and personal estate not exceeding the value of one million of dollars.

Sec. 2. Be it further enacted, That the first meeting of said corporation may be called by the persons herein named, at such times and place as may be agreed upon by them, and at such and all other meetings legally notified; said

Duty of Directors.
Extent of charter.
Body politic.
First meeting.
corporation may make, alter or repeal such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not repugnant to the laws of this State, and of the United States.

SEC. 3. Be it further enacted, That the capital stock of said company shall be two hundred and fifty thousand dollars, which may be divided into shares, and sold and transferred in such manner and form as said corporation may deem expedient; and said company may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends, in such manner as their by-laws may direct.

SEC. 4. Be it further enacted, That one of the directors or officers of said company shall always be a resident of Cabarrus county, and that service on him or any other director or officer of said company, shall be valued [valid] and sufficient in law and equity for any process or proceedings, reasonable? before any judicial tribunal in this State; and it shall be the duty of the directors of said company to have regular books of record and transfer kept by the secretary or treasurer thereof, at all times open to the inspection of the stockholders, or any one thereof.

SEC. 5. Be it further enacted, That this act shall be in force from and after its passage, and continue in force for the [term] of fifty years. [Ratified the 16th day of February, 1855.]

Chap. 157. AN ACT CONCERNING THE WARD GOLD MINE COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said corporation be, and they are hereby authorized to reduce their capital stock, to a sum not less than three hundred thousand dollars, divided into such number of shares as the corporation may direct, any law to the contrary notwithstanding. [Ratified the 16th day of February, 1855.]

Chap. 158. AN ACT TO INCORPORATE THE GULF COAL MINING COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John H. Haughton, Lawrence J. Haughton, and their associates, successors and assigns, be, and they are constituted a body corporate and politic, by the name and style of "the Gulf Coal Mining Company," and as such, shall have succession, and a common seal, shall be capable to sue and be sued, plead and be impleaded in any court of
AN ACT TO INCORPORATE THE HAYWOOD MINING AND MANUFACTURING COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That DeVere Burr, William L. Hilliard and Robert G. A. Love and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of the "Haywood Mining and Manufacturing Company," for the purpose of exploring for copper, lead, gold, iron, and other metals or minerals, and for mining, vending, smelting and working the same, and for all kind of manufacturing purposes, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity, may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to mining and manufacturing corporations, and may purchase, hold and convey real and personal estate to an amount not exceeding one million of dollars.

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

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

Sec. 4. Be it further enacted, That it shall be the duty of
the directors of said company, one of whom shall reside con-
tinually in this State, to have regular books of record and
transfer kept by the secretary or treasurer thereof, at all
times open to the inspection of stockholders.

Sec. 5. Be it further enacted, That this corporation shall
exist for fifty years, and this act be in force from and after
its passage. [Ratified the 14th day of February, 1855.]

Chap. 160. AN ACT TO INCORPORATE THE SILVER HILL MINING COMPANY, IN
THE COUNTY OF DAVIDSON.

Body corpor-
ate.

Sec. 1. Be it enacted by the General Assembly of the State of
North-Carolina, and it is hereby enacted by the authority of
the same, That Franklin Osgood, Henry Schoonmaker,
William Barrowe, and their associates, successors, and as-
signs are hereby created and constituted a body corporate,
by the name and style of "Silver Hill Mining Company,"
for the purpose of exploring for silver, copper, lead, iron,
and other metals and minerals, and for mining, vending,
smelting and working the same; and by that name may sue
and be sued, plead and be impleaded, appear, prosecute,
and defend in any court of law and equity whatsoever in all
suits and actions; may have a common seal, and the same
alter at pleasure; and may enjoy all the privileges incident
to mining corporations, and may purchase, hold, and convey
real and personal estate, to an amount not exceeding one
million dollars.

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

Sec. 3. Be it further enacted, That the said corporation
may divide their original stock into such number of shares,
and provide for the sale and transfer thereof, in such man-
ner and form as said corporation shall from time to time
decem expedient, and may levy and collect assessments, for-
feit and sell delinquent shares, declare and pay dividends
on the shares.

Sec. 4. Be it further enacted, That it shall be the duty
of the directors of said company, one of whom shall reside in
the State, to have regular books of record and transfer kept by the secretary or treasurer thereof, at all times open to the inspection of the stockholders.

Sec. 5. Be it further enacted, That this corporation shall exist for fifty years, and this act be in force from and after its passage. [Ratified the 14th day of February, 1855.]

AN ACT TO INCORPORATE THE CHARLOTTE COPPER AND GOLD MINING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas Andrews, William McClane and Charles Illins, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style of the "Charlotte Copper and Gold Mining Company," for the purpose of exploring and operating for copper, gold and other metals and minerals, and for mining, smelting and vending the same, and by that name shall have all the rights and privileges of mining corporations in this State, and may purchase, hold and convey, real and personal estate, not exceeding the value of one million of dollars.

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

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

Sec. 4. Be it further enacted, That one of the directors or officers of said company, shall always be a resident of the State, and that service on him or any other director or officer of said company, shall be valid and sufficient, in law and equity, for any process or proceedings, returnable before any judicial tribunal in this State; and it shall be the duty of the directors of said company to have regular books of record and transfer, kept by the secretary or treasurer thereof, at all times open for the inspection of the stockholders or any one of them.
Sec. 5 Be it further enacted, That this act shall be in force from and after its passage, and continue in full force for the term of fifty years. [Ratified the 14th day of February, 1855.]

Chap. 162. AN ACT TO INCORPORATE THE UNION GOLD MINING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That D. M. Hughes and Wm. A. Shepard, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style of "the Union Gold Mining Company," for the purpose of exploring and operating for gold and other metals and minerals, and for mining, smelting and vending the same, and by that name and style shall have all the rights and privileges of mining corporations in this State, and may purchase, hold and convey real and personal estate, not exceeding one million of dollars.

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

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

Sec. 4. Be it further enacted, That one of the directors [or] officers of said company, shall always be a resident of this State, and that service on him or any other director or officer of said company, shall be valid and sufficient in law and equity, for any process or proceeding, returnable before any judicial tribunal in this State; and it shall be the duty of the directors of said company, to have regular books of record and transfer, kept by the secretary or treasurer thereof, at all times open for the inspection of the stockholders, or any one thereof.

Sec. 5. Be it further enacted, that this act shall be in force from and after its passage, and continue in force for the term of fifty years. [Ratified the 16th day of February, 1855.]
AN ACT TO INCORPORATE THE CONRAD HILL GOLD AND COPPER MINE, IN THE COUNTY OF DAVIDSON.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Sloan, E. B. Wilder, Nathan Kendall, Robert M. Sloan, N. L. Stith and A. B. Stith, and their associates, successors and assigns, are hereby created and constituted a body corporate and politic, by the name, style and title of the Conrad Hill Gold and Copper Mine, for the purpose of exploring for copper, lead, gold, iron and other metals and minerals, and for mining, vending, smelting and working the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity whatsoever, in all suits and actions; may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to mining corporations, and may purchase, hold and convey real and personal estate, to an amount not exceeding one million of dollars.

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

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

Sec. 4. Be it further enacted, That it shall be the duty of the directors of said company, one of whom shall reside continually in this State, to have regular books of record and transfer kept by the secretary or treasurer thereof, at all times open to the inspection of the stockholders.

Sec. 5. Be it further enacted, That this corporation shall exist for fifty years, and this act shall be in force from and after its passage. [Ratified the 16th day of February, 1855.]
Chap. 164. AN ACT IN REGARD TO THE NORTH-CAROLINA CENTRAL GOLD AND COPPER MINING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the act passed at the present session of this General Assembly, entitled an act to incorporate the "North-Carolina Central Gold and Copper Mining Company," as binds the private property of the stockholders for the debts of the corporation, be, and the same is, hereby repealed. [Ratified the 16th day of February, 1855.]

Chap. 165. AN ACT TO INCORPORATE THE HODGIN HILL MINING COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Sloan, Robert M. Sloan, Ralph Gorrell, S. G. Coffee, Jesse Shelby, J. W. Fields and Peter Adams, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of the "Hodgin Hill Mining Company," for the purpose of exploring for copper, lead, gold, iron and other metals or minerals, and for mining, vending, smelting and working the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law and equity whatsoever, in all suits and actions; may have a common seal and the same alter at pleasure, and may enjoy all the privileges incident to mining corporations, and may purchase, hold and convey real and personal estate to an amount not exceeding one million of dollars.

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

Sec. 3. Be it further enacted, That the said corporation may divide their original stock into such number of shares, and may provide for the sale and transfer thereof, in such manner and form as said corporation shall from time to time deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares, in such manner as the by-laws may direct.
Sec. 4. Be it further enacted, That it shall be the duty of the directors of said company, one of which shall reside continually in this State, to have regular books of record and transfer kept by the secretary and treasurer thereof, at all times open to the inspection of the stockholders.

Sec. 5. Be it further enacted, That this corporation shall exist for fifty years, and this act be in force from and after its passage. [Ratified the 16th day of February, 1855.]

AN ACT TO AMEND LETTERS PATENT, GRANTED TO WILLIAM H. WINDER, WILLIAM S. MASON, CHARLES B. ROOT, JOHN C. WINDER AND JAMES T. BROWN BY WARREN WINSLOW, SPEAKER OF THE SENATE, EX OFFICIO GOVERNOR OF THE STATE.

Whereas, On the 26th day of December, 1854, letters patent were granted under the act of December 22d, 1852, entitled an act to encourage the investment of capital for mining and manufacturing purposes, to William H. Winder, William S. Mason, Charles B. Root, John C. Winder and James T. Brown, under the corporate name and style of "The Heron Mining Company," the capital stock of which is one million of dollars divided into one thousand shares of one thousand dollars each; and whereas, the said shares are inconvenient and ill adapted to the successful operation of the company; therefore,

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the board of directors or other officers that may be elected by the shareholders to manage the affairs of the company, shall have power to alter the said shares and to issue, or order to be issued, certificates of stock of the value of fifty dollars each, in such manner as the by-laws or ordinances of the company may enjoin: Provided, The amount of said shares shall not exceed twenty thousand; and, provided further, that a majority of the shareholders shall agree to such alteration within twelve months after the passage of this act. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE CAPPS HILL GOLD MINING COMPANY. Chap. 167.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Wilkes, Benjamin Shepherd, and their associates, successors, and assigns are hereby created and constituted a body politic and corporate, by the name and style of "the Capps and Gold Mining Company," for
the purpose of exploring and operating for gold and other 
metals and minerals, and for mining, smelting and vending 
the same, and by that name and style, shall have all the rights 
and privileges of mining corporations in this State, and may 
purchase, hold, and convey real and personal estate not ex-
ceeding the value of one million of dollars.

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

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

Sec. 4. Be it further enacted, That one of the directors 
or officers of said company shall always be a resident of this 
State, and that service on him or any other director or offi-
cer of said company, shall be valid and sufficient in law and 
equity for any process or proceeding, returnable before any 
judicial tribunal in this State; and it shall be the duty of 
the directors of said company to have regular books of record 
and transfer kept by the secretary or treasurer thereof, at 
all times open for the inspection of the stockholders, or any 
one of them.

Sec. 5. Be it further enacted, That this act shall be in 
force from and after its passage, and continue in full force 
for the term of fifty years. [Ratified the 16th day of Feb-
uary, 1855.]

Chap. 168. AN ACT TO INCORPORATE THE FISHER'S HILL MINING COMPANY, IN 
THE COUNTY OF GUILFORD.

Sec. 1. Be it enacted by the General Assembly of the State 
of North-Carolina, and it is hereby enacted by the authority 
of the same, That James Sloan, D. F. Caldwell, Samuel Wil-
liams, Jonathan Coffin, Frederic Fentress, and their associ-
ates, successors and assigns, are hereby created and consti-
tuted a body politic and corporate, by the name, style and 
title of the "Fisher's Hill Mining Company," for the pur-
pose of exploring for gold, copper and other metals and min-
erals, and for mining, vending, smelting and working the
same, and by that name may sue and be sued, plead and be
impleaded, appear, prosecute and defend, in any court of
law and equity whatsoever, in all suits and actions, may
have a common seal, and the same after at pleasure, and
may enjoy all the privileges incident to mining corporations,
and may purchase, hold and convey real and personal es-
tate, to an amount not exceeding one million of dollars.

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

Sec. 3. Be it further enacted, That the said corporation
may divide their original stock into such number of shares,
and provide for the sale and transfer thereof, in such man-
ner and form as said corporation shall from time to time
decide expedient; and may levy and collect assessments, for-
feit and sell delinquent shares, declare and pay dividends on
the shares in such manner as the by-laws may direct.

Sec. 4. Be it further enacted, That it shall be the duty of Duty of direc-
the directors of said company, one of whom shall reside con-
tinually in this State, to have regular books of record and
transfer, kept by their secretary or the treasurer thereof, at
all times open to the inspection of the stockholders.

Sec. 5. Be it further enacted, That this corporation shall exist for fifty years, and this act be in force from and after
its passage. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE YADKIN MANUFACTURING COMPANY. Chap. 169.

Sec. 1. Be it enacted by the General Assembly of the State of Body politic.
North-Carolina, and it is hereby enacted by the authority of the
same, That Josephus W. Hall and his associates, their suc-
cessors and assigns, be, and they are hereby created a cor-
poration and body politic, in law and in fact, by the name of “the Yadkin Manufacturing Company,” for the purpose
of manufacturing wool, cotton, grain and other articles, in
the counties of Rowan and Davidson, and by that name,
shall have perpetual succession; may acquire, possess and
sell estate, real and personal; and also, goods and merchan-
dize, to enable them to carry on their business with advan-
tage and profit; shall so continue until the first day of Janu-
ary, one thousand eight hundred and eighty-five.

Sec. 2. Be it further enacted, That the capital stock of
said corporation, shall be one hundred thousand dollars, in shares of not less than fifty dollars each; which said capital may be increased to two hundred thousand dollars, or any amount not exceeding this sum, by a majority of the stockholders in general meeting, at any time, or from time to time as they may deem best.

Sec. 3. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 16th day of February, 1855.]

NAVIGATION.

Chap. 170. AN ACT TO INCORPORATE THE YADKIN NAVIGATION COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of improving Yadkin river, so as to render it navigable for steamboats above and below the point upon the North-Carolina Railroad passes over said river, the formation of a corporate company with a capital stock of one hundred thousand dollars, is hereby authorized to be called the Yadkin Navigation Company, and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic for fifty years; that in order to meet the subscription herein authorized to be made by the State, the public treasurer is authorized to issue bonds, with coupons attached, payable at the end of twenty years.

Sec. 2. Be it further enacted, That for the purpose of creating the capital stock of said company, the following persons are hereby constituted and appointed a board of commissioners, to wit: Tyre Glenn, Peter W. Harston, Samuel Payne, Wm. R. Holt, Henry Walser, Robert Ellis and Jacob Correl, James Calloway and Richard Gwyn, Jr., whose duty it shall be to direct the opening of books for the subscription of stock at such times and places as they or a majority of them may designate, and the said board of commissioners shall appoint a chairman of their body, a treasurer and all other necessary officers, and in the name of the board sue for and recover all sums of money that ought, under this act, to be received by them.

Sec. 3. Be it further enacted, That it shall be the duty of said commissioners to direct and authorize the keeping open of books for the subscription of said stock as above provided, until the amount of ten thousand dollars shall have been subscribed to the capital stock of said company, and as soon as the said amount shall have been subscribed by good solvent persons, the said company shall be regarded as
formed, and the said commissioners or a majority of them, shall sign and seal a duplicate declaration to that effect with the names of subscribers appended, and cause one of the said duplicates to be deposited in the office of the secretary of State, and then and forth from the closing of the books of subscription as aforesaid; the said subscribers of the stock, together with all subscribers becoming such as hereinafter provided, shall form one body politic and corporate in deed and in law by the name of the Yadkin Navigation Company.

Sec. 4. Be it further enacted, That whenever the sum of ten thousand dollars shall have been subscribed as aforesaid, it shall be the duty of the commissioners heretofore appointed, to appoint a time for the stockholders to meet at some proper place, which they shall come [cause] to be previously published twenty days in one or more newspapers, at which time and place said stockholders, in person or by proxy, shall proceed to elect two directors of the company, and to enact all such by-laws, rules and regulations as may be necessary for the government of the corporation and the transaction of its business: the persons so elected shall serve for one year, and at this meeting the stockholders shall fix on a place or places when the subsequent election of direction [directors] shall be made.

Sec. 5. Be it further enacted, That whenever it shall appear to the board of internal improvements of this State, by a certificate signed and sealed by said commissioners, or a majority of them, that the sum of ten thousand dollars has been subscribed as aforesaid, the board of internal improvements shall direct the treasurer of the State to subscribe on behalf of the State, for stock in said company, to the amount of twenty thousand dollars in the capital stock of said company.

Sec. 6. Be it further enacted, That, upon the subscription of twenty thousand dollars, as aforesaid, the State shall be entitled to appoint three directors in said company, as prescribed by law.

Sec. 7. Be it further enacted, That the president and directors of said company shall proceed to make improvement on the Yadkin river, so as to render said river navigation [navigable] for steamboats and other craft, beginning with said work at that point on the river where the North-Carolina Railroad crosses, and proceeding to improve from thence up and down said river, completing said improvement as it progresses as far as Wilkesboro’ above and Milledgeville below, and the authority and privileges to improve and to use the said river, hereby granted to said company, shall extend from the town of Wilkesboro’ to Milledgeville.

Sec. 8. Be it further enacted, That the manner and time of the payment of subscription on the part of the State, shall
Further subscriptions.

Exempt from taxation.

To enter on lands, &c.

Lands, how condemned.

be as follows: the one-fourth part as soon as the private stockholders shall pay, either in money or labor, the one-fourth part of their subscription, and the payment thereof is duly certified to the board of internal improvement in a certificate countersigned by the treasurer, [treasurer.] the balance in part or in whole, whenever the payment of a pro rata amount, either in cash or labor, shall be made by the stockholders, and duly certified as above provided.

Sec. 9. Be it further enacted, That when the amount herebefore named, of subscription on the part of the State and individuals shall have been expended, it shall be the duty of the board of directors to open books for further subscription of stock in said company, and upon a subscription and a certification thereof, as provided in section 5th of this act, of any amount not less than five thousand dollars, a like subscription of double said amount shall be made on the part of the State, as provided in said section, and paid in manner and time as provided in section 8th: Provided, That the total amount of subscription on the part of the State, in said company, shall not exceed the amount of sixty-six thousand dollars.

Sec. 10. Be it further enacted, That said company and all its works shall be exempt from taxation by the State, or any county, until its dividends of profits shall exceed six per cent. per annum, and after that time the State may impose a tax of not to exceed twenty-five cents per shares of stock of said company.

Sec. 11. Be it further enacted, That the president and directors, their officers and servants, shall have full power and authority to enter upon all lands and tenements through which they may desire to conduct their works, and to lay out the same according to their pleasure, so that the millhouse, milldam, yards and other buildings of any person be not invaded without his consent, and they shall have power to enter upon and lay out such contiguous land as they may desire to occupy as sites for depots, storehouses, warehouses, tollhouses and other buildings for the necessary accommodation of their officers, agents and servants, their horses, mules and cattle, and protection of the property of the company: Provided, That the land so laid out for these latter purposes shall not exceed two acres in any one parcel.

Sec. 12. Be it further enacted, That if the president and directors cannot agree with the owner or owners of the land so entered upon, and laid out by them, as to the terms of the purchase, it shall be lawful for them to apply to the county court, wherein a part of said land is situated, and the said court shall appoint five discreet freeholders, to assess the damages to the owners, from the condemnation of the land as aforesaid: that no such appointment however, shall be made unless it appear to the court, that ten days
previous notice of the application, shall have been given to the owner of the land, or to the guardian if the owner be an infant, or the committee, if the owner be a lunatic, or non compos mentis, if such owner, guardian or committee, reside in the State, but if they, or any of them, shall reside out of the State, then publication of an intention to make such application, shall be made for the space of one month, in some one or more newspapers within this State; a day for the meeting of said freeholders, to perform the duty assigned to them, shall be designated in the order appointing them, and any one or more of them attending on that day, may adjourn from time to time, until their business shall be finished, and of the five freeholders, any three or more of them may act, after having been duly sworn, or solemnly affirmed before some justice of the peace, that they will impartially and justly ascertain the damages which will be sustained by the proprietor of the land, from the condemnation thereof, and that they will truly certify their proceedings thereupon, to the court of the same county making the appointment.

SEC. 13. Be it further enacted, That it shall be the duty of the said freeholders, in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after surveying the same, and hearing such proper evidence as the parties may offer, they shall ascertain as nearly as may be the damages which the proprietor may sustain by the condemnation thereof, all the attending circumstances being considered; and when they shall have agreed upon the amount of damages, they shall make an accurate report thereof to the court appointing them, which report shall also contain a description of the location, and quantity of land so condemned, and append thereto a certificate of the magistrate before whom they were qualified, of such due qualification.

SEC. 14. Be it further enacted, That when said report shall be returned, unless good cause be shown at that term, the same shall be confirmed and spread upon the record; but if the said report shall be disaffirmed, or if the said freeholders being unable to agree, should report their disagreement, or for any cause, they should fail to report within a reasonable time after their appointment, the court may supersede them and appoint others in their stead.

SEC. 15. Be it further enacted, That the said court of Judgment, pleas and quarter sessions, may upon the confirmation of the report of said freeholders, award judgment and execution against said company, for the amount of damages so assessed, and when said judgment shall be paid and discharged, the title of the land for which such damages are assessed, shall be vested in the company in the same manner as if
Materials.

Sec. 16. Be it further enacted, That the said president and directors, for the purpose of constructing their works, necessary to the improvement of said river, or of repairing the same, shall be at liberty by themselves or agents, at any time, to enter upon any adjacent land, and to cut, quarry, take and carry away therefrom, any wood, stone, gravel or earth, which they may deem necessary: Provided, however, That they shall not without the consent of the owner, cut down any fruit tree, or any tree preserved in any lot or field for shade or ornament, nor take any timber, gravel or stone, constituting any part of any fence or buildings, and for all such wood, stone and gravel thus taken, the said president and directors shall pay to the owner or owners thereof, a reasonable compensation, to be by them agreed upon, and in case of their failure to agree upon the value of said articles, then the same shall be valued by three freeholders, appointed by any justice of the peace, of the county where the stone &c., may be situated, on the application of the owner thereof, after previous notice of ten days to the other party, and in case the other party shall be dissatisfied with their determination, an appeal shall be allowed, and sent up by the said justice, to the county court of said county, and their [there] to be tried and determined, as other cases of appeals to the county court.

Sec. 17. Be it further enacted, That the president and directors of said company, shall cause the works hereby required to be executed with diligence, and if they be not commenced within two years, and completed within ten years after the passage of this act, in so far as the board of directors shall deem the sum [same] practicable, then this charter shall be forfeited: so soon as any portion of said river is in a condition to be used for the transportation of persons or property, by steamboats or balleaux, [bateaux,] the company shall have the exclusive right of navigation on said river, with such boats, and shall be entitled to charge for their services in the transportation of persons and property, at such rates as not to exceed twenty-five per cent. on their capital in any one year.

Sec. 18. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 15th day of Febru-
ary, 1855.]
AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THIS SESSION, ENTITLED AN ACT TO INCORPORATE THE YADKIN NAVIGATION COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the eleventh section of the act passed at the present session of this General Assembly, entitled "An Act to incorporate the Yadkin Navigation Company," as prohibits the said company from invading or removing mill-dams and other obstructions in the said river, without the consent of the owners thereof, be and the same is hereby repealed; and the said company shall have full and ample powers to remove all obstructions to the free and convenient navigation of said river, whether the same have been erected by individuals, or otherwise exist.

SEC. 2. Be it further enacted, That all meetings of the stockholders of the said company which shall take place after the State shall have made its subscription to the capital stock of the same, the State shall be represented by an agent appointed by the Governor, who shall be entitled to vote on all questions determined by the said company, one vote for every share of stock owned by the State; but shall not be entitled to vote in elections for the directors authorized to be appointed by the individual stockholders. [Ratified 15th day of February, 1855.]

AN ACT TO INCORPORATE THE SOUTH YADKIN NAVIGATION COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Jacob Correll, Sam'l. Hobson, Cicero A. Foard, Chas. F. Fisher, and their associates, successors and assigns shall be, and are hereby incorporated and made a body politic in law and in fact, by the name of "the South Yadkin Navigation Company," and by that name shall have perpetual succession, may acquire and possess such estate, real and personal, as may be necessary to the profitable use and enjoyment of the franchise granted by this act, as hereinafter provided, and so continue for the period of thirty years.

SEC. 2. Be it further enacted, That said company shall have power and authority, and the same is hereby conferred upon them, to remove all obstructions to the navigation of said river, from the mouth of the same at the main Yadkin, as far up as they may think proper: Provided, That
for the passing of all dams constructed for manufacturing or milling, locks shall be used to surmount the same.

Sec. 3. Be it further enacted, That said company shall have the exclusive right and privilege of navigating said river over the part improved by their agents or officers, or by such persons as they may permit to do so under contracts specially made.

Sec. 4. Be it further enacted, That the legislature hereby reserves to itself the right at any time hereafter to resume or control in such manner as it may think proper, the rights and franchises granted by this charter: Provided, That if at any time such rights shall be exercised, the legislature will provide a reasonable indemnity and compensation to the company hereby incorporated.

Sec. 5. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 16th day of February, 1855.]

Chap. 173. AN ACT TO INCORPORATE THE TRENT RIVER NAVIGATION COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of effecting a more certain navigation of the river Trent, between the town of Newbern, in the county of Craven, and the Quaker Bridge, near W. H. Cox's, in the county of Jones, the formation of a corporate company, with a capital stock of forty thousand dollars, in shares of fifty dollars each, is hereby authorized, to be called the "Trent River Navigation Company," and when formed, in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity.

Sec. 2. Be it further enacted, That for the purpose of creating the capital stock of said company, it shall be lawful to open books for subscription thereto, in the town of Newbern, under the direction of John Blackwell, W. P. Moore, W. H. Oliver, John D. Whitford and James E. Morris, or any two of them; at Pollocksville, under the direction of Hiram Brinson, Rosecor Barrus, J. M. Cuthrell and Jesse D. Hines, or any two of them; at Trenton, under the direction of John Shackelford, A. C. Williams, Charles Gerock, John N. Hyman, T. T. Gooding and R. F. Green, or any two of them; that said books shall be opened and the said subscriptions made, under the general directions of the following named commissioners, viz: W. P. Moore, John Blackwell, Hiram Brinson, Thomas T. Gooding, Rosecor Barrus, John N. Hyman and R. F. Green, whose duty it shall be to direct the opening of books for the subscriptions of stock, at such
times and under the directions of such persons as they or a majority may deem proper; and the said commissioners shall have power to appoint a chairman of their body, a treasurer and all other officers, and sue for and recover all sums of money that ought, under this act, to be recovered by them.

Sec. 3. Be it further enacted, That the times and places of receiving said subscription, shall be advertised in one or more newspapers published in the town of Newbern, and also printed notices of the same shall be put up in some conspicuous place in Pollocksville, and at the court house in Trenton; and the books for receiving the same, shall not be closed in less than ten days.

Sec. 4. Be it further enacted, That when two hundred shares of said capital stock shall be subscribed for, in the manner aforesaid, the subscribers, their executors, administrators and assigns, shall be and they are hereby declared to be a body corporate, of the name and style of Trent River Navigation Company, and by that name shall be capable in law, of purchasing and holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary for the purposes hereinafter mentioned, and no further, and shall have perpetual succession, and by said corporate name, may sue and be sued, and may have and use a common seal, and shall have and enjoy, and may exercise all rights, powers and privileges of a body corporate, for the purposes of this act; and may make and adopt all rules, regulations and by-laws, for the government of the affairs of said company, not inconsistent with the laws of this State or of the United States.

Sec. 5. Be it further enacted, That upon every subscription of stock aforesaid there shall be paid at the time of subscribing, the sum of two dollars on every share subscribed for to said commissioners or their agents, and the residue of said subscription shall be paid in such instalment and at such times as may be required by the president and directors of said company: the said commissioners shall forthwith, after the first election of president and directors of said company, pay over to said president and directors all moneys received by them; and on failure thereof, the said president and directors may recover the amount due by them or from any one or more of them by notice, on ten days previous notice in the courts of pleas and quarter sessions, or the superior court of law in any county where such commissioner or commissioners, their executors or administrators may reside or by warrant before a justice of said county.

Sec. 6. Be it further enacted, That when two hundred shares or more of the stock shall have been subscribed, pub-
lic notice of that event shall be given by three or more of said commissioners in the newspapers published in the town of Newbern, and by printed notices at Pollocksville and Trenton, and the said commissioners shall then call a general meeting of the subscribers, to be held at Trenton at such time as they may designate; that a majority of the number of shares subscribed for represented either in person or by proxy shall constitute said meeting, and the said meeting may adjourn, from day to day, until said majority is present.

Sec. 7. Be it further enacted, That the subscribers at their general meeting before directed, and the proprietors of stock at every annual meeting thereafter, shall elect six directors, and the said directors from their number shall elect a president, which president and directors shall continue in office until the next annual meeting after their election and until their successors shall be elected. The president with any two or more of the directors, or in the event of sickness, absence or disability of the president, any three or more of the directors who may appoint one of their own body president, pro tempore, shall constitute a board for the transaction of business; in case of vacancy in the office of president, or any director happening from death, resignation or otherwise, such vacancy may be supplied by appointment of the board until the next annual meeting.

Sec. 8. Be it further enacted, That the president and directors of said company shall be and they are hereby invested with all the rights and powers necessary, to construct, build, continue and repair locks, dams, canals, sluices, and all other works of whatever kind or nature soever, which may be necessary and expedient to secure and improve the navigation of the said river Trent, and for the proper completion of the works contemplated by this act.

Sec. 9. Be it further enacted, That said president and directors shall have power on the behalf of the company to contract with any person or persons, for constructing said works, and continuing and repairing the same, which they shall judge necessary and proper, and to require from the subscribers, from time to time, such advances of money on their respective shares as the wants of the company may demand, until said subscriptions are paid in full; at any time to call a general meeting of the subscribers when necessary, by giving one month’s notice thereof in one or more newspapers printed in the town of Newbern, and by printed notices at Pollocksville and Trenton; to appoint a treasurer, not of said board, but of the number of said corporation, clerk and such other officers as they may require, and to transact the business of the company during the intervals of the meetings of the stockholders.

Sec. 10. Be it further enacted, That if any stockholder
shall fail to pay the instalment or instalments required of him by the president and directors, within one month after
the same shall have been advertised as aforesaid in section
9th, it shall and may be lawful for the president and direc-
tors, or a majority of them, to sell at public auction, on a
previous notice of twenty days, for cash, all the stock sub-
scribed for in said company by such stockholders, and con-
voy the same to the purchaser at said sale; and if said sale
of stock does not produce enough to pay off the expenses
of the sale and the entire amount due by such stockholders
to said company for such subscription of stock, then the
president and directors may recover the balance of the
original proprietor, or his assignee, or the executor or ad-
ministrator of either of them, by suit, in any court of record
having jurisdiction thereof, or by a warrant before a justice
of the county of which he is a resident; and any purchaser
of the stock of the company, under such sale by the presi-
dent and directors, shall be subject to the same rules and
regulations as the original proprietor.

Sec. 11. Be it further enacted, That the said president
and directors, their officers, agents and servants, shall have
full power and authority to enter upon all lands and ten-
ements through or over which they may desire to conduct
their works, and to lay out the same according to their
pleasure, so that the dwelling-house, yards and other build-
ings of any person be not invaded without his consent; and
they shall have power to enter and lay out such contiguous
lands as they may desire to occupy as sites for depots, store-
houses, ware-houses and other buildings, for the necessary
accommodation of their officers, agents and servants, and
for the protection of the property of the company: Provi-
ded, That the land so laid out for the latter purposes shall
not exceed two acres in any one parcel. If the president
and directors cannot agree with the owner or owners of the
lands so entered on and laid out by them as to the terms of
purchase, they may apply to the county court of the county
in which such lands or the greater part thereof may lie;
and upon such application the court shall appoint five im-
partial freeholders to assess the damages arising from the
condemnation of the lands for the purposes aforesaid; that
ten days notice of such application shall be given to the
owner of the land, and if said owner, being an infant or non
compos mentis, then to his or her guardian, if such owner or
guardian is to be found in the county, or if he cannot be
so found, notice of said application shall be published one
month at least in a public newspaper, before such appoint-
ment shall be made: the order appointing said freeholders
shall designate a day for their meeting, and they may ad-
journ from day to day until their business is accomplished;
of the five freeholders so appointed, any three or more of them may act, being first duly sworn or solemnly affirmed before some justice of the peace that they will impartially and justly ascertain and assess the damages which will be sustained by the proprietor of the land from the condemnation thereof for the use of said company, and that they will truly certify their proceedings thereof to the court of said county; that with the report of said freeholders shall be returned and appended thereto a certificate of the magistrates before whom they were qualified, of such due qualifications; when said report shall be returned, unless good cause be shown at the time the same shall be confirmed and spread upon the records; but if said report should be disaffirmed, or if said freeholders, being unable to agree, shall report their disagreement, or from any other cause they shall fail to report within a reasonable time, the court may supersede them, and appoint others in their stead: the said court of pleas and quarter sessions may, upon the confirmation of the report of said freeholders, award judgment and execution against said company for the amount of damages so assessed; and when the said judgment shall be paid and discharged, the title for the land for which such damages are assessed, the report of said freeholders to contain a description of said land by metes and bounds, shall be vested in the company in the same manner as if the proprietor had sold and conveyed it to them: and the said court shall then order the report of the freeholders to be registered in the county in which the court sits, and the same shall be read in evidence, as in cases of registered deeds for the conveyance of lands.

Sec. 12. Be it further enacted, That the said president and directors, for the purpose of constructing their works aforesaid, and the works necessarily connected therewith, or repairing the same, shall be at liberty, by themselves, officers, or agents or servants, at any time to enter upon any adjacent lands, or the lands nearest where such materials may be found, to cut, quarry, dig, take and carry away therefrom any wood, stone, gravel or earth which they may deem necessary: Provided, however, That they shall not, without the consent of the owner, cut down any fruit trees, or any tree preserved in any lot or field for shade or ornament, nor take any timber, gravel or stone, constituting a part of any fence or building; and for all such woods, stone or gravel thus taken, the president and directors shall pay the owner or owners thereof a reasonable compensation to be by them agreed upon; and in case of their failure to agree upon the value of said articles, then the same shall be valued by three freeholders appointed by the justices of the peace of the county where the stone, &c. may be situa-
AN ACT TO INCORPORATE THE NEW RIVER NAVIGATION COMPANY. Chap. 174.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of effecting a more certain and easy navigation of New river, in the county of Onslow, between Sinead's ferry and the Atlantic Ocean, the formation of a corporate company with a capital stock of thirty thousand dollars, in shares of twenty-five dollars each, is hereby authorized to be called “the New River Navigation Company,” hereinafter prescribed, to have a corporate existence as a body politic for fifty years.

SEC. 2. Be it further enacted, That for the purpose of creating the capital stock of said company, books of subscription thereto may be opened in the town of Jacksonville, under the direction of Owen Higgins, Geo. L. Ward, E. W. Ward, Jasper Ethridge, Robert White and W. L. Humphrey, or any two of them; and in the town of Swansboro'
under the direction of C. H. Bascum, J. N. Sanders, Thomas Holland and D. A. Harget, or any two of them; at Rich-
land Chapel, John A. Averett, Jr., William Humphrey, B. M. Barry, Harnley Fay and E. Murrell, Jr., or any two of
them.

Sec. 3. Be it further enacted, That the time of opening said books shall be advertised in at least one newspaper printed in the town of Newbern and Wilmington, and at the court-house in Onslow county, and said books shall re-
main open at least ten days.

Sec. 4. Be it further enacted, That when the sum of ten thousand dollars shall have been subscribed in the manner aforesaid, the subscribers, their executors, administrators, and assigns shall be, and they are hereby declared to be a body corporate by the name and style of "the New River Navigation Company," and by that name may exercise and enjoy all the rights and privileges of a body corporate, for the purposes of this act, and may have and use a common seal, and may make all necessary rules and by-laws, not in-
consistent with the laws of this State, or of the United States.

Sec. 5. Be it further enacted, That upon subscribing to said stock, said subscribers shall pay at the time of subscrib-
ing two dollars per share subscribed for, to the said commis-
sioners, and the residue shall be paid in such instalments as the president and directors of said company may require; the said commissioners shall pay over to the president and directors said instalment of two dollars per share; and in failure thereof, said president and directors may recover due by them or any one or more of them by motion, on ten days previous notice, in the court of pleas and quarter ses-
sions, or in the superior court of law in the said county of Onslow, or by warrant before a justice of the peace for said county.

Sec. 6. Be it further enacted, That when one hundred shares or more of said stock shall have been subscribed for, public notice of that fact shall be given by said commis-
sioners in the newspapers published in the towns of Newbern and Wilmington, at the same time calling a meeting of said subscribers, to be held at Jacksonville, at such time as said commissioners may designate; that a majority of the num-
ber of shares subscribed for represented by person or by proxy shall constitute a quorum, and the said meeting may adjourn from day to day until a majority is present.

Sec. 7. Be it further enacted, That the subscribers at said first general meeting, and the stockholders at every an-
nual meeting thereafter, shall elect six directors; and said directors from this number shall elect a president, which said president and directors shall continue in office until the next annual meeting after their election, and until their successors
shall be elected; the president with any two or more of the directors, or in the event of any disability of the president, any three or more of said directors, who may appoint one of their own body president, pro tempore, shall constitute a body for the transaction of business; and in case of vacancy in the office of president or any director, said vacancy may be supplied by the board of directors until the next annual meeting.

**Sec. 8. Be it further enacted**, That said president and directors shall have the right and power necessary to open and deepen the waters of New river, in the county of Onslow, from Smead's ferry to the Atlantic Ocean, to comply [employ] all necessary officers to build and construct necessary works, and employ, use, and own all necessary machinery, to contract with persons for the said works, and for all purposes necessary to effect an improvement of the navigation of said river.

**Sec. 9. Be it further enacted**, That said president and directors may appoint a secretary and treasurer not of said board, but a stockholder, and require a bond for the faithful performance of their duties, and may at any time call a general meeting of the stockholders, giving first twenty days public notice, and may require from the stockholders from time to time such instalments on their respective shares, as the wants of the company may demand, until such subscriptions are paid in full; and may issue their certificates to said subscribers, and if said subscribers, or any of them, shall fail to pay said instalments so required of them within one month after the same shall have been advertised as afore-said, it shall be lawful for the president and directors, or a majority of them, after advertising the same for twenty days, to sell at public auction all the stock subscribed for in said company by said subscribers, and convey the same to the purchaser; and if said sale do not produce sufficient sum to pay off all expenses attending said sale, and the entire amount due by said subscribers to said company on his said subscription of stock, then the president and directors may recover the balance due of the original subscriber, or his assigns, or executors, or administrators by suit in any court of record having jurisdiction thereof, or by warrant before a justice of the county in which he is resident; and any purchaser of stock under said sale shall be subject to the same rules and regulations as the original subscriber.

**Sec. 10. Be it further enacted**, That the officers of said company, under the supervision of the president and directors, shall have power to enter upon the lands adjacent to said river, and condemn a portion thereof, not exceeding one acre in any one place, for the purpose of erecting toll houses and such other buildings as the business of said com-
pany may require; and also shall have power to cut timber on said adjacent lands for the purpose of said company, and in case the owners of said lands and timber, and the president and directors of said board cannot agree as to the price to be paid for the same, then the said condemnation shall be made and said price shall be fixed according to the provisions of the act of assembly of 1850 and 1851, chapters six and eleven, entitled an act to incorporate the Neuse River Navigation Company, sections 11th and 12th, the lands to be condemned on said New river, shall be condemned by the same rules and regulations and form as said act provides for the condemnation of the lands of the said Neuse River Navigation Company, and subject to the same restrictions.

Sec. 11. Be it further enacted, That whenever it shall appear to the board of internal improvements of the State of North-Carolina, by a certificate from the president under the seal of said company that [ten] thousand dollars of said capital stock has been subscribed for, and at least [five] thousand dollars of said subscription has been paid into the hands of the treasurer of said company, the said board of internal improvements shall be authorized and required to subscribe on behalf of the State for stock in said company to the amount of twenty thousand dollars, to the capital stock of said company, and the subscription shall be paid in the following manner, to wit: One half of the amount subscribed by the said board of internal improvements as soon as said company shall have commenced work on said river, and the remaining half within six months, if called upon by said president and directors of said company: Provided, the president and treasurer of said company shall, before they receive the aforesaid instalment, satisfactorily assure the board of internal improvements, that the whole amount of the private subscription has been paid by the said subscribers.

Sec. 12. Be it further enacted, That upon said subscription being made on the part of the State, the State shall be entitled to appoint four of the said six directors of this company, to be appointed by the board of internal improvements.

Sec. 13. Be it further enacted, That said president and directors shall have power to demand tolls at convenient toll stations, a reasonable toll from all persons with vessels, boats or any other craft navigating said river, when such improvements are made: Provided, That the nett profits shall [not] exceed twenty per cent. per annum, and that the rates of tolls shall be uniform, and no discriminations made between the citizens of this State.

Sec. 14. Be it further enacted, That the president of this company shall annually report to the stockholders, and to
the Governor of this State, a full account of receipts and expenditures, and a general statement of its affairs.

Sec. 15. Be it further enacted, That in all general meetings of the stockholders, such shares of said capital stock, shall be entitled to one vote, which vote may be given either in person or by proxy; and the board of internal improvement shall represent the State stock either in person or by proxy; and a majority of the shares being represented, shall constitute said general meeting.

Sec. 16. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.

AN ACT TO INCORPORATE THE DAN RIVER STEAM NAVIGATION COMPANY.

Whereas, It is represented to this General Assembly, that the introduction of steam upon some of the rapid rivers of this State, would be of great public utility; and whereas, it is the desire of this General Assembly to encourage the improvement and use of every avenue, by which the resources of the State may be developed:

Sec. 1. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Marshall Parks and John W. Parks, and such others as may hereafter be associated with them, their heirs, executors and assigns, shall be, and they are hereby incorporated, and made a body politic, under the name of "the Dan River Steam Navigation Company," and by that name may have perpetual succession, and a common seal, may sue and be sued, in any court of law or equity in this State, and may hold such real estate, and employ such machinery, boats, &c., as may be necessary and proper for establishing and maintaining a line or lines of steam and other boats, for the conveyance of passengers, and the transportation of merchandize or other articles on the Dan river, and streams connected therewith.

Sec. 2. Be it further enacted, That the said company shall have the exclusive right and privilege, for the period of ten years, of navigating the Dan river by steam boats: Provided, That nothing herein shall interfere with the navigation of said river, by other persons in other modes than by steam, or the right heretofore vested in "the Roanoke Navigation Company."

Sec. 3. Be it further enacted, That the capital stock of said company, shall not exceed one hundred thousand dollars, to be divided into shares of twenty dollars each.

Sec. 4. Be it further enacted, That the affairs of the
company shall be managed by a president and five directors, to be chosen annually, at a general meeting of the stockholders, to be held in Milton, or such other place as the directors may appoint; each share of stock shall be entitled to one vote, and a majority of the stock represented, either in person or by proxy, shall constitute a quorum, for the transaction of business at any meeting.

Sec. 5. Be it further enacted, That the president and directors may appoint such agents, and make such by-laws, rules and regulations, not inconsistent with the laws of this State, or of the United States, as they may deem proper for the welfare of the company, and may establish the route or routes, price of passengers' fare, rate of towing and transportation, and may alter and change the same, as the interest of the company may require.

Sec. 6. Be it further enacted, That it may be lawful for the Raleigh and Gaston, Seaboard and Roanoke, Petersburg and Roanoke, and Roanoke Valley Railroad Companies, and the Roanoke Navigation Company, to subscribe to the capital stock of said company, to any amount not exceeding ten thousand dollars each.

Sec. 7. Be it further enacted, That the General Assembly hereby reserves to itself the right, any time hereafter, to resume or control in such manner as it may think proper; the right and franchises granted by this charter: Provided, That if at any time, such right be exercised, the legislature will provide what it shall consider a reasonable indemnity and compensation to the company hereby incorporated.

Sec. 8. Be it further enacted, That if the said company is not organized under this charter, and do not put in operation on the Dan river, steam boats in the space of one year after the passage of this act, this charter shall be void.

Sec. 9. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 14th day of February, 1855.]

Chap. 176.

AN ACT TO INCORPORATE THE WILMINGTON AND SMITHVILLE STEAMBOAT COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That A. H. Van Bokkelin, Owen Holmes, Robert H. Cowan, S. L. Fremont, Gaston Meares, and such other persons as may be associated with them, their successors and assigns, shall be and are hereby created, constituted and declared a body politic and corporate, by the name of the Wilmington and Smithville Steamboat Company, and by that name they and their successors may and shall have
perpetual succession and a common seal, and shall be capable of suing and being sued, pleading and being impleaded, in all places and courts whatsoever, and may hold, possess, acquire and enjoy real and personal estate.

Sec. 2. Be it further enacted, That the capital stock of said company shall consist of fifteen thousand dollars, with privilege to increase to twenty-five thousand dollars, divided into shares of one hundred dollars each.

Sec. 3. Be it further enacted, That the said company shall and may build or purchase such boats as the wants of the company may require from time to time.

Sec. 4. Be it further enacted, That said company shall have power and authority to make such rules and by-laws for its good government, not inconsistent with the constitution of this State or of the United States; to provide for the appointment of its officers, the mode of transfer and representation of its stock, and all other matters necessary for the conduct of its business.

Sec. 5. Be it further enacted, That this act shall take effect from and after its ratification, and shall remain in force for thirty years. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE WILMINGTON STEAM TUG COMPANY. Chap. 177.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Miles Costin, James Cassidy, Edw'd Kidder, and such persons as are now associated with them, or as hereafter may be associated with them, their successors and assigns, shall be and are hereby created, constituted and declared a body corporate and politic, by the name of the Wilmington Steam Tug Company, and by that name they and their successors may and shall have perpetual succession and a common seal, and shall be capable of suing and being sued, pleading and being impleaded in all courts whatsoever, and may hold, possess and enjoy real and personal estate.

Sec. 2. Be it further enacted, That the capital stock of the said company shall consist of twenty-one thousand dollars, with privilege to increase to fifty thousand dollars, divided into shares of one hundred dollars each.

Sec. 3. Be it further enacted, That the said company may own, use and employ such tugboats on the Cape Fear river as they may deem necessary for the prosecution of their business.

Sec. 4. Be it further enacted, That said company shall have power and authority to make rules and by-laws for its good government; to provide for the appointment of its officers; the mode of transfer and representation of its stock,
and all other matters necessary for the conduct of their business.

Sec. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of January, 1855.]

PLANKROADS.

Chap. 178. AN ACT TO INCORPORATE THE MOCKSVILLE AND WILKESBOROUGH PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That it shall be lawful to open books at the town of Mocksville, under the direction of Brenton Bailey, A. M. Booe and Burgess Gaither; at Salisbury, under the direction of William Murphy, John I. Shaver and Charles F. Fisher; at Lexington, under the direction of Andrew Hunt, Eli Perry and J. P. Mabry; at Hamptonville, under the direction of Josiah Cowles, Alfred Martin and John Hampton; at Jonesville, under the direction of B. B. Binham, Richard Gwynn and John Woodruff; at Wilkesboro', under the direction of James Calloway, James B. Gordon and Augustus Finley; at Eagles' mills, under the direction of Andrew Baggarly, William Colvert and Amos Gaither; and at Martin's store, under the direction of Leander Martin and Lyth Hickerson; and at such other places and under the direction of such other persons as the commissioners hereinbefore named to superintend the receiving of subscriptions in Wilkesboro' shall direct, for the purpose of receiving subscriptions to an amount not exceeding one hundred thousand dollars, in shares of fifty dollars each, for the purpose of effecting a communication by means of a plankroad from the town of Mocksville to the town of Wilkesboro', by the most practicable route, to be determined by the said company after the same shall have been formed. The times and places for receiving subscriptions shall be advertised in one or more newspapers printed in the town of Salisbury; also in the towns of Mocksville, Lexington, Jonesville, Hamptonville, Wilkesboro', Jefferson and Yadkinville; and the said commissioners shall have power to open the books from time to time until the whole number of shares be subscribed; and when the sum of twenty thousand dollars shall be subscribed in the manner aforesaid, the subscribers, their executors, administrators or assigns shall be, and they are hereby declared to be incorporated into a company by the name and style of the Mocksville and Wilkesboro' plankroad company, and by that name shall be capable in law of pur-
chasing, holding, selling, leasing and conveying estates, real personal and mixed, so far as shall be necessary for the purposes of said company, and shall have perpetual succession, and in said corporate name may sue and be sued, and may have a common seal, which they shall have power to alter and renew at pleasure, and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act, and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State, or of the United States, as shall be necessary for the well ordering and conducting the affairs of said company.

Sec. 2. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments, at such times as may be required by the president and directors of said company; and the said commissioners or their agents shall forthwith, after the first election of president and directors of the company, pay over to the said president and directors all moneys received by them, and on failure thereof, the said president and directors may recover the amount due from them or from any one or more of them, by legal process, in the court of pleas and quarter sessions, or in the superior court of law in any county wherein such commissioner or commissioners, their executors or administrators may reside, or by warrant before a justice of the peace for said county.

Sec. 3. *Be it further enacted*, That when twenty thousand dollars shall have been subscribed, public notice thereof shall be given by the said commissioners, who shall have power, at the same time, to call a general meeting of the stockholders at such time and place as they shall name in said notice; and to constitute such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who attend shall have the power to adjourn from time to time until a meeting shall be formed; and the subscribers at such general meeting, and the stockholders at any annual meeting thereafter, shall elect a president and seven directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said president and directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at a general meeting. The president, with any three or more of the directors, or
in event of the sickness and absence or disability of the president, any five or more of the directors, who may appoint one of their own body president pro tem., shall constitute a board for the transaction of business: in the case of vacancy in the office of president or any director, happening from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board, until the next annual meeting.

Sec. 4. Be it further enacted, That the president and directors of said company are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining of a plankroad to be located as aforesaid, with a branch from said road to Jonesville; and the said president and directors shall have power to make contracts with any person or persons on behalf of the company for making the said plankroad, together with the above mentioned branch thereof, and performing all other things respecting the same, which they shall judge necessary and proper, and to require from the subscribers, from time to time, such advance of money on their respective shares as the wants of the company may demand, until the whole of their subscription shall be advanced; to call on any emergency a general meeting of the stockholders, giving one month’s public notice thereof, to appoint a treasurer who shall give bond and security for the faithful discharge of his duty, and duly accounting for all money which may come into his hands as treasurer, to appoint a clerk and such managers and toll collectors as they may deem necessary, and to transact all the business of the company during the interval between the general meetings of the stockholders.

Sec. 5. Be it further enacted, That if any stockholder shall fail to pay the sum required of him by the president and directors or by a majority of them within one month after the same shall have been advertised for thirty days at Mocksville, Hamptonsville, Wilksboro’ and Jonesville, it shall and may be lawful for the president and directors or a majority of them, to sell at public auction and to convey to the purchaser the share or shares of such stockholders so failing or refusing, giving one month’s previous notice of sale, and after retaining the sum due and all the charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner or to his legal representative; and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the president and directors may recover the balance of the original proprietor or his assignee, or his executor, or administrator, or either of them, by suit in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county of which he is resident; and purcha-
sers of the stock of the company under the sale by the president and directors, shall be subject to the same rules and regulations as the original proprietor.

Sec. 6. Be it further enacted, That the president and directors, their officers or agents, may agree with the owners of any land over which the said road or its branches is intended to pass, for the purchase thereof, and in case of disagreement, or if the owner be 

* * * * *

non compos, or out of the State, on application to any two justices of the peace of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county, to summon nine freeholders to meet on the land to be valued, and on a day expressed in the said warrant, not less than ten nor more than twenty days thereafter, and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly, and when met, shall draw five of them, who after being duly sworn, shall impartially value the land in question, and assess the damages the owners thereof may sustain, and the inquisition so taken shall be signed by the sheriff and returned to the clerk of the county court to be recorded; and in all cases the jury is hereby directed to describe the land valued, and such valuation shall be conclusive, and the president and directors shall pay the sum to the owner of the land valued, or his legal representative, and if neither can be found in the State, or if they should refuse to receive the money, then to the clerk of the county court, and on payment thereof, the said corporation shall be seized in fee of the land, as fully and absolutely as if it had been absolutely conveyed to them by the owners.

Sec. 7. Be it further enacted, That the president and directors may agree with the proprietor or proprietors of any quantity of land not exceeding five acres, at or near each station intended for collecting tolls, for the purpose of erecting the necessary buildings, and in case of disagreement or of any disabilities aforesaid, or the owner or owners being out of the State, the same proceedings may be had and the same conveyances shall follow as are described in the preceding section.

Sec. 8. Be it further enacted, That it shall and may be lawful for the said president and directors to demand and receive at some convenient tollgate or gates erected, a reasonable toll from all persons using said plankroad, or the branch of said road, which toll so to be collected, shall be so regulated that the profits shall not exceed twenty per cent. on the capital of the company in any one year; and so soon as five miles in extent shall have been constructed, it shall and may be lawful for the president and directors of said company to erect a tollgate and collect such toll from persons using said road as may be determined by the presi-
dent and directors in accordance with the rates imposed by the fifteenth section of this act, and in like proportion for a greater extent of road; and if any person or persons shall refuse to pay the toll at the time of offering to pass the place or places designated for their collection, and previously to passing same, the toll collectors respectively may refuse a passage to the person or persons so refusing to pay; and if any person or persons shall pass or drive through any vehicle, carriage or animal liable to toll without paying the same, he or they shall be liable to a fine of five dollars, which fine may be recovered by warrant before any justice of the peace of the county wherein such toll gate may be situated.

SEC. 9. Be it further enacted, That any subscriber who shall be a contractor with the company or its agent to do work towards the construction of said road, shall be entitled to a credit as for a payment for the worth of such work against his subscription.

SEC. 10. Be it further enacted, That the president and directors shall render distinct accounts of their proceedings and disbursements of money to the annual meetings of the stockholders, and to the Governor of the State.

SEC. 11. Be it further enacted, That whenever, in the construction of said plankroad, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors so to construct the said plankroad across such established roads or ways as not to impede the passage along the same.

SEC. 12. Be it further enacted, That if any person or persons shall wilfully injure, or in any manner hurt, damage or obstruct, or shall wilfully cause or aid or assist, or counsel any other person to injure, hurt or obstruct the said plankroad, toll gates or toll houses, such person or persons so offending, shall be liable to be indicted therefor, and on conviction, shall be imprisoned or fined at the discretion of the court before which said conviction may take place.

SEC. 13. Be it further enacted, That whenever one-fifth of the capital stock of said company shall be subscribed in good faith, by solvent individuals or corporations, as hereinbefore provided, the treasurer of the State for the time being, shall be and is hereby authorized and directed to subscribe one-fifth of said capital stock of said company, for and in behalf of the State; and whenever another fifth of said capital stock shall be subscribed by individuals or corporations as hereinbefore provided, the treasurer of the State, for the time being, shall subscribe two-fifths more of said capital stock for and on behalf of the State, so that the State shall hold an interest of three-fifths of the proposed capital stock of said company: Provided, however, That the State shall not be called on to pay any instalment of such subscription
but as follows:—First, whenever the whole of the first subscription of one-fifth by individuals or corporations shall have been paid in money or labor, then the State shall pay its first subscription of one-fifth, and whenever the whole of the other one-fifth subscribed by individuals or corporations shall have been paid in money or labor, then the State shall pay its last subscription of two-fifths: Provided, That before said subscription is made on the part of the State, it shall be duly certified to the board of internal improvements, by the president and treasurer of said company, of the subscription of individuals as provided above, and in like manner certified as to the payment of subscriptions, as provided hereinbefore of individual stockholders, before payment of the State subscription is made.

SEC. 14. Be it further enacted, That in all general meetings of the stockholders, the board of internal improvements, or such person or persons as they shall appoint, shall be entitled to represent the stock held by the State, and shall be entitled to give three-fifths of the whole number of votes, which may be presented at such meeting, either in person or by proxy.

SEC. 15. Be it further enacted, That the treasurer of the State, whenever he shall be required to make payments of the State subscription to the stock of said company, shall from time to time issue bonds or certificates of debt under the great seal of the State, signed by the Governor, countersigned by the treasurer, and guarantied by a pledge of the faith of the State, and assignable in the books of the treasury of the State, in sums not less than four hundred dollars, payable in currency of the United States or Great Britain, with interest at a rate not exceeding six per cent., payable semi-annually; the principal of which bonds shall be redeemable at the end of twenty years from the time the same shall be issued, but no greater amount of such bonds shall be issued at any one time than may be sufficient to meet the instalment required to be paid by the State at that time; and whenever it shall be necessary to issue said bonds or certificates of debt, the treasurer shall advertise in one or more public newspapers, and invite sealed proposals for said bonds, and it shall be his duty to accept those terms which may be most advantageous to the State; and any premium which may be obtained on said bonds shall be paid into the public treasury of the State.

SEC. 16. Be it further enacted, That this act shall be in force from and after ratification thereof, and shall continue in force fifty years. [Ratified the 13th day of February, 1855.]
Chap. 179. AN ACT TO INCORPORATE THE SALEM AND CLEMMONSVILLE PLANK-ROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That E. Belo, B. Douthit, A. C. Wharton, E. T. Clemons, Joseph Clouse, Christian Sides, A. C. Cooper and F. Fries, or any three of them, with such persons as now are, or may hereafter be associated with them, their successors or assignors, are hereby created a body corporate and politic, by the name and style of "the Salem and Clemmonsville Plankroad Company," and by that name and style may acquire, hold, possess and transfer such real, personal and mixed estates as may be necessary for the purposes of constructing the road herein authorized to be made, or of managing the affairs of said company, and shall have perpetual succession, and a common seal, which they shall have power to alter and renew at pleasure, and shall have and enjoy, and may exercise all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act, and make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting of the affairs of the company; and by that name, may sue and be sued, plead and be impleaded, in any courts of this State.

Sec. 2. Be it further enacted, That the capital of said company shall not exceed one hundred thousand dollars, in shares of fifty dollars each, the procurement, payment, and securing of the stock, to be made under such rules and regulations, as may be prescribed by the board of directors, hereinafter provided for.

Sec. 3. Be it further enacted, That a general meeting of the stockholders shall be called, at such time and place as may be deemed convenient for the same, by giving public notice, posted in Salem and Clemmonsville, and at least two other public places, in the vicinity of the intended road; and to constitute any such meeting, a number of shares entitled to a majority of votes, which could be given upon all the shares subscribed, shall be present, either in person or by proxy, and if a sufficient number do not attend on that day, those who do attend shall have power to adjourn from time to time, until a meeting be formed; in all transactions in the general meetings of this company, each share of stock shall be entitled to one vote, which ratio is never to be changed; the majority of the stock in this general meeting, may at any time change the time and place of holding the general meeting of this company.

Sec. 4. Be it further enacted, That the subscribers to the
stock of said company, at their meeting hereinbefore directed to be called, and at every annual meeting thereafter, shall elect seven directors, and the directors when appointed, shall by a majority of their votes, choose one of their own number president, who shall continue in office, (unless sooner removed,) until the next annual meeting, and until their successors are elected; the majority of votes at any general meeting shall be required to elect any director, and also a majority shall have [the] right at any time, to remove any of the directors, and fill the vacancy; the president and three or more directors, or in case of absence of the president, any four or more of the directors, (who may appoint one of their number president pro tem,) shall constitute a board for the transaction of business; in case of vacancy in the board of directors, or in the presidency, from any other cause than removal by the general meeting, the vacancy may be filled by the remaining directors, until the next general meeting.

Sec. 5. Be it further enacted, That the board of directors of said company, shall be, and are hereby invested with all the rights and powers, necessary for the construction and maintenance and repairs of a road from Salem, across the Yadkin river, through a portion of the county of Davie, to continue to Wilkesboro, together with such branch or branches as may be approved of by a majority of a general meeting of this company, and also to make, purchase and construct all such mills and other works, as may be necessary for the construction and well ordering of said road; and in constructing said road and branches, they may use plank, stone or other material, as to them may seem most proper, on account of location, soil, &c., not making said road less than eight nor over sixty feet wide.

Sec. 6. Be it further enacted, That the said board of directors shall have power to make all such contracts on behalf of the company, necessary for the construction of said road, and of performing all such other things respecting the same as they shall judge necessary and proper, and to require from the stockholder from time to time such advances of money on their respective shares as the wants of the company may demand, until the whole of their subscription shall have been paid; to call on any emergency a general meeting of the stockholders by giving at least fifteen days notice by public advertisement posted at three of the most public places on the line of said road, or in a newspaper in the town of Salem; to appoint such officers and agents, managers and toll collectors as they may deem necessary to transact the business of the company; and generally to transact all the business of the company between the general meetings of the stockholders.
SEC. 7. Be it further enacted, That if any stockholder shall, for thirty days, fail to pay the sum required of him by the board of directors the whole amount of his subscription shall at once be considered due without specially being demanded by the board of directors, and it shall be lawful for said board of directors to sell at public auction and to convey to the purchaser the stock of such stockholder, so failing, giving at least ten days notice of the time and place of sale, in a newspaper of the town of Salem, or by advertisement posted at three or more public places along the line of the road; and after retaining the sum due and all charges of the sale, to pay the surplus over to the former owner or his legal representative; and if said sale shall not produce the sum required to pay up said subscription and expenses of advertising and sale, then the said board of directors may recover the balance from the original subscriber or his assignee, or of the executor or administrator or either of them, by suit in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county in which said stockholder may reside.

SEC. 8. Be it further enacted, That the board of directors, their officers or agents, may agree with the owners of any land over which said road, or any branch thereof, is to pass for the purchase and transfer thereof; and in case of disagreement, or if the owner be feme covert, under age, or non compos mentis, or out of the State, on application to any two justices of the peace of the county where the land lies, the justices shall issue their warrant to the sheriff of said county to summon eighteen impartial freeholders to meet on the land to be valued on a day expressed in the warrant, not less than ten nor more than twenty days after the date of said warrant, and the sheriff on the receipt of the warrant shall summon the freeholders accordingly, and when met shall draw twelve of them, who after being duly sworn shall impartially value the land in question and consider the damages, if any, done to said land; and in assessing such damages the increased value of the land caused by the construction of the road shall be taken into consideration by the jury, and the inquisition so taken shall be signed by the jury and countersigned by the sheriff and returned to the clerk of the county court to be recorded, and such assessments of damages shall be conclusive, and the board of directors shall pay the amount assessed to the owner of the land or his legal representative, or if neither can be found in the county, or if they refuse to receive the money, then to the clerk of the county court, and on payment of the money the corporation shall be seized in fee simple of the land thirty feet on both sides of the centre on the located line of said road as fully as if it had been conveyed to them by the owner.
SEC. 9. Be it further enacted, That the said board of directors, or their agent, may agree with the owner of any quantity of land they may deem necessary for their purposes, for the collection of tolls or for other road purposes, and in case of disagreement or disability as stated in [the] preceding section, the same proceedings may be had, and the same conveyances follow as therein prescribed: Provided, That not more than two acres, besides the roadtrack of sixty feet, shall be condemned at any one point.

SEC. 10. Be it further enacted, That it shall and may be lawful for said board of directors, as soon as any portion of the road, hereby authorized to be constructed, shall have been completed, to demand and receive, in such manner as they may prescribe, a reasonable toll from all persons using the same, or any portion of the same: Provided, the tolls be so regulated that the profits shall not exceed twenty-five per cent. in any one year on the capital stock of the company.

SEC. 11. Be it further enacted, That if any person or persons shall refuse to pay the toll at the time of offering to pass the points designated for the collection of tolls, and previous to passing the same, the toll collectors respectively may refuse a passage to the person or persons refusing to pay: and if any person or persons shall pass or drive through or around said place any wheeled carriage or animal liable to pay toll, without paying the same, or if any person or persons shall drive on or use any part of said road or its branches, between the points designated for the collection of tolls, without paying the amounts for which he, she or they are liable, it shall be held that he, she or they are fraudulently using said road, and be liable to a fine of five dollars for each offence, if a white person, and if a slave or free person of color to be whipped not exceeding fifteen lashes; the fine to be recovered, and the whipping to be inflicted, upon conviction by warrant before any justice of the peace of any county in which such portion of said road may be situated.

SEC. 12. Be it further enacted, That if any person or persons shall wilfully or maliciously damage, or injure or obstruct, or shall wilfully or maliciously advise, cause, aid or procure any other person or persons to injure, damage or obstruct the said road, any tollhouse, tollgate or other property or effects of said company, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be fined, or imprisoned, or both, at the discretion of the court before which such conviction shall take place, and shall be further liable for damages that may be sustained on account of such injury.

SEC. 13. Be it further enacted, That distinct reports and accounts of the proceedings and disbursements of the board

Necessary lands, &c.

Tolls.

Refusal to pay toll.

Willful injury.

Accounts.
of directors shall be made to each annual meeting of the stockholders.

Sec. 14. Be it further enacted, That whenever, in the construction of said road, it may be necessary to cross or intersect any established road, it shall be the duty of the board of directors so to construct their said road across such established road, as not to impede transportation on the same; and if in constructing said road, or any tollgate or tollhouses, it may become necessary or expedient to use or change any portion of an established road, it shall be lawful for said board of directors to change the established road at such points as they may deem necessary or expedient, and for entering upon or taking any land therefor, they shall be and are hereby authorized to proceed under the provisions of section eight of this act: Provided, That previous to any such change, the said company shall make a road equally as good as the one proposed to be taken; but the said board of directors shall not be required to keep in repair the road they have thus changed.

Sec. 15. Be it further enacted, That this act shall be in force from and after the ratification thereof, shall be regarded as a public act, and be in force fifty years. [Ratified the 16th day of February, 1855.]

Chap. 180. AN ACT TO INCORPORATE THE GREENSBOROUGH AND MARTIN'S LIME KILN PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books be opened in the town of Greensborough by Jesse H. Lindsay, Peter Adams and Ralph Gorrell, and in Madison by William Carter, Thomas D. Roseborough and Allen Smith, and at Martin's Lime Kiln by William Ward, John J. Martin and Robert Payne, to receive subscriptions to an amount not exceeding one hundred thousand dollars, in shares of twenty-five dollars each, to construct a plank road from Greensborough via Madison, in the direction of Patrick court-house, through Stokes county to the Virginia line.

Sec. 2. Be it further enacted, That said commissioners shall open books from time to time as they may think proper, until the whole number of shares be subscribed.

Sec. 3. Be it further enacted, That when ten thousand dollars shall be subscribed for, the subscribers shall be incorporated by the name of "The Greensborough and Martin's Lime Kiln Plankroad Company."

Sec. 4. Be it further enacted, That upon any subscription there be such instalments paid as the president
and directors shall require, until the whole amount of subscriptions are paid in.

Sec. 5. Be it further enacted, That when ten thousand dollars shall have been subscribed, public notice of it shall be given by the said commissioners at Greensborough, who shall then have power to call a general meeting of the stockholders at such convenient place and time as they shall name.

Sec. 6. Be it further enacted, That to make any such meeting, persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present by person or by proxy, and such a number not attending on that day, those who do attend may adjourn from day to day, or such time when such meeting can be formed.

Sec. 7. Be it further enacted, That the subscribers at their general meeting, and the proprietors of stock at every annual meeting thereafter, shall elect a president and six directors, who shall hold office until the next annual meeting after their election, and until their successors shall be elected.

Sec. 8. Be it further enacted, That the president with any three or more of the directors shall constitute a board to do business; in the event of sickness and absence or disability of the president, any three or more of the directors may appoint any one of their own body president pro temore; in cases of vacancy in the office of president or any director, such vacancy may be supplied by an appointment by the board, which appointment shall continue until the next annual meeting.

Sec. 9. Be it further enacted, That the president and directors shall be invested with all rights and powers necessary for the making and maintaining of the plankroad, to be located as aforesaid, and may cause to be made all works necessary to the proper completion of said road.

Sec. 10. Be it further enacted, That the president and directors may make contracts with any person on behalf of the company; on any emergency, they may call a general meeting of the stockholders, giving one month’s notice in any newspaper convenient; they may appoint a treasurer from among the stockholders, who shall give bond and security for the faithful discharge of his duty; and also a clerk and such other agents and toll gatherers as may be necessary; and they may transact all the business of the company during intervals between the general meetings.

Sec. 11. Be it further enacted, That if any stockholder shall fail to pay the sum required of him within one month after the same shall have been advertised in some convenient newspaper, the president and directors may sell at public auction, and convey to the purchaser the shares of such stockholder, giving one month’s previous notice of the
time and place of sale in manner aforesaid, and after retaining the sum due, and all the charges of the sale out of the proceeds thereof, pay the surplus over to the former owner, and if the said sale shall not produce the sum required with all incidental charges attending the sale, the president and directors may recover the balance by suit or warrant.

Sec. 12. Be it further enacted, That the president and directors may agree with the owners of land, over which the road is intended to pass, for the purchase thereof; and in case of disagreement, or if the owners shall be femes covert, under age, non compos, or out of the State, on application to any two justices of the peace for the county within which the land lies, they shall issue their warrant to the sheriff of said county to summons eighteen freeholders to meet on the land to be valued, on a day expressed in said warrant, not less than ten nor more than twenty days thereafter; and the sheriff shall summons the freeholders accordingly, and when met shall draw twelve of them, who, after being duly sworn thereto, shall impartially value the land in question, and consider the damages the owner thereof may sustain, at the same time to consider the advantage the road will be to said lands as well as the disadvantages; and this inquisition so taken shall be signed by the sheriff and the jury, and returned to the clerk of the county court, to be recorded: and in all cases, the jury is hereby directed to describe the land valued, and the president and directors shall pay the sum [if any] to the owner of the land valued, and if he cannot be found in this State, or shall refuse to receive the money, then to the clerk of the county court, and on payment thereof, the said land shall vest in the company so long as the same shall be used for a plankroad: Provided, That the dwelling-house, yard, or garden of no person shall be invaded, or any part thereof, without the consent of the owner: Provided, further, That an appeal may be taken from the valuation by the jury before mentioned, to be prosecuted in the same courts, and under the same rules that now regulate appeals from judgments of justices of the peace.

Sec. 13. Be it further enacted, That the board may agree with the owner for any quantity of land not exceeding two acres, at or near each station, intended for collecting tolls; and in case of disagreement, or of any [of] the disabilities aforesaid, or the owner or owners being out of the State, the same proceedings may be had as described in the preceding section.

Sec. 14. And be it further enacted, That the board may demand and receive at convenient gates a reasonable toll from all persons using said road which, toll shall be regulated so that the profits shall not exceed twenty per cent. on the capital of said company.
SEC. 15. Be it further enacted, That so soon as five miles in extent shall have been constructed, the president and directors may erect a tollgate, and if any person shall refuse to pay the toll at the time of offering to pass the place designated for its collection, and previously to passing the same, the toll gatherer may refuse a passage to him refusing to pay; and if any person shall pass or drive through any wheel carriage or animal liable to toll without paying the same, he or she shall be liable to a fine of five dollars, which fine may be recovered by warrant before any justice of the peace for the county in which the gate is erected.

SEC. 16. Be it further enacted, That any person wilfully or maliciously damaging or obstructing, or wilfully aiding or counselling any other person to damage or obstruct the said road, or its toll gates, or houses, shall be liable to be indicated therefor as a misdemeanor.

SEC. 17. Be it further enacted, That the board shall render accounts of their proceedings to the annual meeting of the stockholders.

SEC. 18. Be it further enacted, That whenever said road shall cross any established road or way, the president and directors shall so construct the said plankroad as not to impede the passage along the said established road, and if it be necessary to use a part of any established road, it may be lawful for the board to change said road and for entering upon or taking any land necessary therefor they are authorized to proceed under the provisions of this act: Provided, That previously to making any such change, the said company shall make a road equally good with the portion for which it is substituted, but it shall not be incumbent upon said company to keep in repair the portion of any road which they have changed.

SEC. 19. Be it further enacted, That any number of the stockholders, holding one-fourth of the stock, by a request in writing to the board, may cause a general meeting to be called; and to such meeting the board shall make a report, similar in all respects to the one required to be made at annual meetings.

SEC. 20. Be it further enacted, That the board may cause to be constructed as many branches of plankroads, diverging from the main stem hereinbefore mentioned, as they shall judge necessary; for the construction of such branches, they are hereby invested with all the rights and authority already conferred respecting the said main stem.

SEC. 21. Be it further enacted, That said company may in all places, when it shall be deemed best, construct said road with stone, gravel or other material than plank.

SEC. 22. Be it further enacted, That this act shall be in
Chap. 181. AN ACT TO INCORPORATE THE GREENSBOROUGH, MADISON AND VIRGINIA PLANKROAD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful to open books in the town of Greensborough, under the direction of Robert M. Sloan, W. J. McConnell, William Weatherly, D. F. Caldwell, Wm. H. Brittain, Archibald Wilson, A. Reid and Archibald Bevil, or any three of them; at Madison, under the direction of Alfred M. Scales, James Reynolds, Wm. B. Carter and Joseph H. Cardwell; and at such other places, and under the directions of such persons, as the commissioners hereinafter named, to superintend the receiving of subscriptions in the town of Greensborough, shall direct, for the purpose of receiving subscriptions, to an amount not exceeding seventy thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plankroad from the town of Greensborough, by or near the town of Madison, in the county of Rockingham, to some point on the Virginia line, to be determined on by the company by this act incorporated, after the same shall have been formed.

SEC. 2. Be it further enacted, That the times and places of receiving such subscriptions, shall be advertised in one or more newspapers, published in the State, and the books for receiving the same shall not be closed within ten days after the opening, and said commissioners shall have power to open books from time to time, as they may think proper, until the whole amount of stock shall be subscribed.

SEC. 3. Be it further enacted, That when the sum of fifteen thousand dollars shall be subscribed in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name and style of “the Greensborough, Madison and Virginia Plankroad Company.”

SEC. 4. Be it further enacted, That upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing to the said commissioners, or their agents appointed to receive such subscriptions, the sum of one dollar on every share subscribed, and the residue thereof shall be paid or secured in such manner, and at such time or times as may be required by the board of directors of said company.
SEC. 5. Be it further enacted, That the said commissioners or their agents, shall forthwith after election of a board of directors of said company, pay over to said directors, all moneys received by them; and on failure thereof, the said directors may recover the amount due from them, by legal process, in the court of pleas and quarter sessions, or in the superior court of law, in any county wherein such commissioner or commissioners may reside, or by warrant before any justice of the peace for said county.

SEC. 6. Be it further enacted, That when the sum of fifteen thousand dollars shall have been subscribed, public notice thereof shall be given by the said commissioners at Greensborough, who shall at the same time call a general meeting of the stockholders, at such convenient time and place, as they shall name in said notice.

SEC. 7. Be it further enacted, That to constitute such meetings, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting, do not attend on that day, those who attend shall have power to adjourn from time to time, until a meeting shall be formed.

SEC. 8. Be it further enacted, That the subscribers at their general meeting aforesaid, and the proprietors of stock, at every annual meeting thereafter, shall select nine directors, and the directors when appointed, shall choose one of their number president, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected, but the said directors, or any of them, may at any time be removed, and the vacancy thereby occasioned, filled by a majority of votes given at any general meeting; the president with any three or more directors, or in the event of sickness, absence or disability of the president, any four or more directors, who may appoint one of their number president pro tem. shall constitute a board for the transaction of business; in case of vacancy in the board of directors happening from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

SEC. 9. Be it further enacted, That the road hereby authorized to be made, shall not be less than eight nor more than sixty feet wide; that as soon as five miles in extent shall have been constructed, it shall and may be lawful for the said board of directors, to demand and receive in such manner as they may prescribe, a reasonable toll from all persons using the same, and the said board of directors shall be further authorized to charge such persons, who are not traveling said road a distance of more than five miles, for
crossing any bridges erected by them, the same tolls as now are, or may be hereafter established on like bridges, in the counties in which they are situated: Provided, That the tolls be so regulated, that the profits shall not exceed twenty per cent. on the capital stock of said company, in any one year.

Sec. 10. Be it further enacted, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and be in force for fifty years.—[Ratified the 10th day of February, 1855.]

Chap. 182. AN ACT TO INCORPORATE THE LOCKVILLE AND CUMBERLAND PLANKROAD COMPANY.

Books to be opened.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful to open books in the village of Lockville, in the county of Chatham, under the direction of A. A. Jones, E. Bryan, William G. Harriss, William Drake, R. E. Rives, Robert K. Smith, or any two of them; and at John Sheppards, in the county of Moore, under the direction of Dr. John McKay, Elbert Partridge, and James Harrington, Sion Harrington, Andrew Brown, or any two of them; and at Worth’s Distillery, in the county of Cumberland, under the direction of Jonathan Worth, Duncan Murchison, Daniel McDairmid, John McClenahan, or any two of them; and at Fayetteville, under the direction of A. A. McKethan, N. A. Stedman, John D. Williams and T. S. Lutterloh, or any two of them, to receive subscriptions not exceeding fifty thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plankroad from Lockville, on the Deep river, in Chatham county, to a point on the Fayetteville and Western Plankroad, seventeen miles west of Fayetteville, near Gully MacLean’s, by the most direct and practicable route, or on any portion of said route, to be determined by said company after it shall be formed.

Subscriptions.

Sec. 2. Be it further enacted, That the times and places of receiving subscriptions shall be advertised, and the books for the receiving the same be kept open until the sum of twenty thousand dollars shall be subscribed.

When to demand toll.

Sec. 3. Be it further enacted, That it shall be lawful for said board of directors, as soon as five miles of [the] road shall be completed, to demand at toll gates a reasonable toll from all persons using said road; and if any person refuse to pay the same, the toll gatherer may deny them a passage; and any person who forcibly or fraudulently pass any such gate without paying said toll, and any person who shall,
with his team, carriage or horse turn out of such road, and return to it again, adjacent to any such gate, or any person who shall fraudulently use said road between the said gates where tolls are collected, without paying the same, shall be subject to a fine of five dollars, to be recovered by warrant before any justice of the peace in the county where any one of such gates or points of collection shall be situated.

Sec. 4. Be it further enacted, That this act shall be in force from and after its passage, and shall continue in force fifty years and no longer, except it shall be renewed. [Rati

fied the 16th day of February, 1855.]

AN ACT CONCERNING THE FAYETTEVILLE AND CENTRE PLANK-ROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the capital stock of the said company may be increased to the sum of two hundred thousand dollars.

Sec. 2. Be it further enacted, That the style of the said corporation shall hereafter be the Fayetteville and Albermarle Plankroad Company.

Sec. 3. Be it further enacted, That the public treasurer be and he is hereby authorized and directed to subscribe to the increased capital stock of said company the sum of fifty thousand dollars, so that the State shall hold an interest of one thousand shares of fifty dollars each therein.

Sec. 4. Be it further enacted, That to enable the State to pay her subscriptions to said stock, whenever the same shall be required to be paid according to the calls of the board of directors, the public treasurer shall from time to time issue bonds or certificates of debt, under the great seal of the State, signed by the governor, countersigned by the treasurer, and guaranteed by a pledge of the faith of the State, in sums not less than five hundred dollars, payable in currency of the United States, France or Great Britain, at such points and places as the treasurer may deem expedient, bearing interest at a rate not exceeding six per centum, payable semi-annually, the principal of which shall be redeemable twenty years from the time they shall be issued.

Sec. 5. Be it further enacted, That whenever it shall be necessary to issue said bonds or certificates of debts, the treasurer shall advertise in one or more public newspapers, and enter into sealed proposals for said loan, and it shall be his duty to accept the terms most advantageous for the State, and any premium paid thereon, shall be paid into the public treasury: Provided, That said bonds shall not be sold for less than par; and that said proposals may be opened at
the city of Raleigh or any other place the treasurer may designate.

Sec. 6. Be it further enacted, That the nett profit of the
tolls of the said company shall be first applied to the pay-
ment of the interest due on said bonds before any dividend
of profits be declared, and if there be any sum remaining
after such payment, the same be declared among all the
stockholders, deducting from the State's share the amount
of interest so paid; the intention of this act being to pledge
the whole nett profits of the road in the first instance, to the
liqudation of the interest of said loan: Provided, however,
That it shall be the duty of the treasurer, and he is hereby
authorized and directed promptly and regularly to provide
for and pay the said interest as it accrues out of any moneys
in the treasury not otherwise appropriated: Provided, also,
That the treasurer shall not pay over the money as provided
in the said act, until the stockholders in the Fayetteville and
Centre Plankroad Company shall have accepted this act as
an amendment to their charter: Provided, The directors of
said company shall declare a semi-annual dividend of profits
to wit: on the fifteenth day of June and the fifteenth day
of December of each and every year.

Sec. 7. Be it further enacted, That the State shall be
entitled to have a number of directors in said company, to
be appointed by the governor, in proportion to the stock
owned by the State.

Sec. 8. Be it further enacted, That ten thousand dollars
of the subscription herein authorized on the part of the
State, be expended in the construction and continuation
of the said plankroad on the west side of the Pe Dee river
to the town of Albemarle. [Ratified the 14th day of Febru-
ary, 1855.]

Chap. 184. AN ACT TO AMEND AN ACT PASSED IN 1850-'51, TO INCORPORATE
THE WESTERN PLANKROAD COMPANY, AND ALSO TO AMEND THE
AMENDED ACT PASSED IN 1852-'53, ENTITLED AN ACT TO AMEND
AN ACT PASSED IN 1850-'51, TO INCORPORATE SAID WESTERN
PLANKROAD COMPANY, AND RATIFIED THE 20TH DAY OF DECEM-
BER, 1852.

Preamble.

Whereas, doubt is entertained, in giving a construction to
the 18th section of the act passed in 1850-'51, and the ame-
ded act passed in 1852-'53, whether persons using said road
between the tollgates erected thereon without paying toll there-
for, as regulated by the board of directors of said road, are li-
bile to the penalties affixed by said acts: To remedy the same,

Sec 1. Be it enacted by the General Assembly of the State
of North-Carolina, and it is hereby enacted by the authority
AN ACT TO INCORPORATE THE SNOWHILL AND ATLANTIC PLANK-ROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful to open books in the town of Snowhill, under the direction of Henry Best, Benjamin S. Edwards, John Harvey, W. H. Horne, H. H. Harper and James Williams, and at such other places and under the direction of such other persons as the above commissioners shall direct, for the purpose of receiving subscriptions to an amount not exceeding twenty-five thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plankroad from the town of Snowhill to the Atlantic Railroad, by the most practicable route, to be determined by the said company after the same shall have been formed.

Sec. 2. Be it further enacted, That the times and places for receiving subscriptions shall be advertised in one or more newspapers in the town of Goldsboro', and the books for receiving the same shall not be closed in less than twenty days, and the said commissioners shall have power to open the said books from time to time until the whole number of shares be subscribed.

Sec. 3. Be it further enacted, That when the sum of four thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be and they are hereby declared to be incorporated into a company by the name and style of the Snowhill and Atlantic Plankroad Company.

Sec. 4. Be it further enacted, That if the capital stock of the company hereby incorporated shall be found, at any time, insufficient for the purpose of this act, it shall and
may be lawful for the stockholders in general meeting, from
time to time, to increase the capital stock to an amount not 
exceeding fifty thousand dollars, by the addition of as many 
shares as they may deem necessary; and the subscribers for 
such additional shares of the capital stock in said company 
are hereby declared to be thenceforward incorporated into 
the said company, with all the privileges and advantages, 
and subject to the liabilities of the original stockholders.

Sec. 5. Be it further enacted, That this act shall be in force 
from and after the ratification thereof, and shall be regarded 
as a public act, and be continued in force for fifty years. 
[Ratified the 14th day of February, 1855.]

Chap. 186. AN ACT TO AMEND AN ACT OF THE SESSION OF 1850, ENTITLED 
AN ACT TO INCORPORATE THE FAYETTEVILLE AND NORTHERN 
PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State 
of North-Carolina, and it is hereby enacted by the authority 
of the same, That from and after the ratification of this act, 
it shall be lawful for the Fayetteville and Northern Plank-
road Company to demand in their corporate name, to sue 
for and recover by warrant before a justice of the peace the 
following tolls from all persons crossing their bridge over 
the Cape Fear river at Fayetteville, to wit: on all six horse 
wagons sixty cents, four horse wagons fifty cents, three horse 
wagons forty cents, two horse wagons thirty cents, carts fif-
teen cents, pleasure carriages fifty cents, buggies twenty-
five cents, sulkies and gigs twenty cents, man and horse 
ten cents, footmen ten cents, loose or led horses five cents 
each, cattle three cents each, and on hogs and sheep two 
cents each.

Sec. 2. Be it further enacted, That the president and 
directors of the said plankroad company may declare semi-
annually dividends of the profits of the road among the 
stockholders. [Ratified the 9th day of January, 1855.]

Chap. 187. AN ACT TO INCORPORATE THE JACKSONVILLE AND TRENT RIVER 
PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State 
of North-Carolina, and it is hereby enacted by the authority 
of the same, That it shall and may be lawful to open books 
in the town of Pollocksville, under the direction of Richard 
Oldfield, Joseph Whitley, Rasco Barns and Jesse Hines, or 
any two of them; at the town of Trenton, under the direc-
tion of Charles Geroch, John Shackleford, John N. Hyman
and Nathan Foscue, or any two of them; at Newbern, under the direction of David S. Willis, John Blackwell, Edward R. Stanly, A. T. Jerkins, James C. Stevenson and William G. Bryan, or any two of them; at the town of Jacksonville, under the direction of George J. Ward, Lott Humphrey, John Murrill and John A. Averett, or any two of them, for the purpose of receiving subscriptions to an amount not exceeding fifty thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plankroad from Jacksonville, in the county of Onslow, to Pollocks-

ville, by the most practicable route, to be determined by said company after the same shall have been formed.

SEC. 2. Be it further enacted, That the times and places for receiving subscriptions shall be advertised in one or more newspapers in the town of Newbern, and the books for receiving the same shall not be closed in less than twenty days; and the said commissioners shall have power to open the said books, from time to time, until the whole number of shares be subscribed.

SEC. 3. Be it further enacted, That when the sum of twenty-five thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors and administrators, shall be and they are hereby declared to be incorporated into a company, by the name and style of the "Jacksonville and Trenton Plankroad Company. [Ratified the 14th day of February, 1855.]

AN ACT TO INCORPORATE THE TRENTON AND HAWLSVILLE PLANKROAD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful to open books in the town of Trenton, under the direction of John Shackelford, W. H. Bryan, Benj. Askew, A. C. Williams, J. N. Hyman and Charles Gerock, or any two of them; at Hawls-

ville, under the direction of Nicholas Hall, W. B. Souther-

land, Wiley Williams and Edward Armstrong, or any two of them; at Newbern, under the direction of Henry G. Cutler, W. P. Moore, J. N. Hughes and A. T. Jerkins, or any two of them; and at such other places, and under the direction of such other persons as the above commissioners shall direct, for the purpose of receiving subscriptions, to an amount not exceeding fifty thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plankroad from the town of Trenton to Hawlsville, by the most practicable route to be determined by said company, after the same shall have been formed.
Subscriptions. Sec. 2. Be it further enacted, That the times and places for receiving subscriptions shall be advertised in one or more newspapers in the town of Newbern, and the books for receiving the same, shall not be closed in less than twenty days; and the said commissioners shall have power to open the said books from time to time, until the whole number of shares be subscribed.

When a body corporate. Sec. 3. Be it further enacted, That when the sum of ten thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators, or assigns shall be, and they are hereby declared to be incorporated into a company by the name and title of the "Trenton and Hawlsville Plankroad Company.” [Ratified the 13th day of February, 1855.]

Chap. 189. AN ACT TO INCORPORATE THE CHAPEL HILL AND MORRISVILLE PLANKROAD, TRAMROAD AND TURNPIKE COMPANY.

Books to be opened. Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books may be opened at Chapel Hill by Edward Mallett, John W. Carr and Isaac Hudson, and at such other places and by such other persons as the commissioners above named shall designate, to receive subscription to an amount not exceeding fifteen thousand dollars, in shares of fifty dollars each, to construct a road which shall be either a turnpike, tramroad or plankroad throughout, or in different parts thereof, shall be a plankroad tramroad or turnpike, just as the stockholders may determine best suited to the nature of the ground traversed by the same.

Name. Sec. 2. Be it further enacted, That the said company, when incorporated as herein provided, shall be known as the Chapel Hill and Morrisville Plankroad, Tramroad and Turnpike Company, and shall have power in any general meeting wherein a majority of the whole stock is present in person or by proxy, to elect a president and two directors, who shall hold office until the next annual meeting after their election, and until their successors shall be elected.

Board. Sec. 3. Be it further enacted, That the president, with either one of the directors, shall constitute a board to do business; in the event of the sickness and absence or disability of the president, the directors may appoint one of their own number president, pro tem.; in case of vacancy in the office of president or either director, such vacancy may be supplied by an appointment by the board until the next annual meeting.

Toll gates. Sec. 4. Be it further enacted, That the president and di-
rectors may erect a toll gate as soon as two miles in extent shall have been constructed.

Sec. 5. Be it further enacted, That in all matters not herein specified, the company shall be regulated by the provisions of the general plankroad and turnpike act of 1852, chapter 92, as amended at this session of the Legislature.

Sec. 6. Be it further enacted, That the stockholders may in any general meeting increase the capital of this company to an amount not exceeding thirty thousand dollars.

Sec. 7. Be it further enacted, That this act shall be in force and effect from and after its ratification. [Ratified the 3d day of February, 1855.]

AN ACT TO AMEND THE SEVERAL ACTS CHARTERING THE ASHEVILLE AND GREENVILLE PLANKROAD COMPANY.

Chap. 190.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Asheville and Greenville Plankroad Company, as now existing, shall in all things represent the Buncombe Turnpike Road Company, be bound by all the obligations, liabilities and duties of said company, and entitled to all the rights, privileges and remedies that said Buncombe Turnpike Road Company have, or would have had under their charter, if the same had not been amalgamated in this corporation.

Sec. 2. Be it further enacted, That said Asheville and Greenville Plankroad Company may, in their discretion, alter, make and furnish said road with plank, stone, gravel or other material to suit the ground and their means, and to change the grade at any point or points thereof, not to be steeper than the Buncombe Turnpike Road was made: Provided, That no increase of the tolls shall be made except on portions of the road laid with plank, stone or gravel, at least ten miles together.

Sec. 3. Be it further enacted, That the said company shall not be entitled to call on any person or persons to work on said road, as heretofore allowed by law, but in lieu thereof, shall be authorized to collect tolls from all persons and property passing on said road, as specified in the charter of the Buncombe Turnpike Road: Provided, That no one shall be required to pay tolls in the county in which he or she resides, except on stage coaches and hacks for the carrying of passengers.

Sec. 4. Be it further enacted, That hereafter the said company shall appoint three directors, of whom one shall act as president, instead of the president, and nine directors as heretofore provided.
Sec. 5. Be it further enacted, That this act shall take effect immediately on the acceptance of the same by the company, to be evidenced by the books of the company, showing the assent of a majority in interest of the stockholders. [Ratified th 20th day of January, 1855.]

Chap. 191. AN ACT TO INCORPORATE THE FAIR BLUFF AND CONWAYBOROUGH PLANKROAD COMPANY.

Commissioners.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Alva Smith, James Mills, A. F. Powell and Asa Sticklin, of Fair Bluff, are hereby appointed commissioners for opening books at that place, in order to receive subscriptions in shares of fifty dollars, and the amount of fifty thousand dollars, for the purpose of constructing a plankroad from Fair Bluff to the South-Carolina line, in the direction of Conwayborough.

Name.

Sec. 2. Be it further enacted, That the company hereby incorporated, shall be known as the "Fair Bluff and Conwayborough Plankroad Company."

Meetings.

Sec. 3. Be it further enacted, That the subscribers, at their first general annual meeting, and the proprietors of stock at any annual meeting thereafter, shall elect five directors, and the directors, when elected, shall appoint one of their number president, who shall continue in office unless sooner removed) until the next annual meeting after their election, and until their successors shall be elected; but the said directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled, by a majority of the votes given at any general meeting; the president, with any two or more directors, or in the event of sickness, absence, or disability of the president, any four or more of the directors may appoint one of their number president pro tem, who shall constitute a board for the transaction of business; in case of vacancy in the board of directors, happening from death, resignation or otherwise, such vacancy may be supplied, by appointment of the board, until their next annual meeting. [Ratified the 3d day of February, 1855.]

Chap. 192. AN ACT TO INCORPORATE THE PASQUOTANK AND PERQUIMANS PLANKROAD AND TURNPIKE COMPANY.

Body corporate.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Morris C. Jones, George W. Charles, John
Black, John M. Matthews, William H. Griffin, Thomas Gaskins and George A. Williams, of Pasquotank, and C. C. Jackson, B. F. Keaton and John Butt, of Perquimans, together with such persons as now are or may hereafter be associated with them, their successors or assigns, be and they are hereby created a corporation and body politic, by the name and style of the Pasquotank and Perquimans Plankroad and Turnpike Company.

Sec. 2. Be it further enacted, That the capital of said capital company shall not exceed the sum of ten thousand dollars, in shares of twenty-five dollars each; the payment on securing of the stock of said company to be made under such rules and regulations as may be prescribed by the board of directors hereinafter provided for. The said company shall have power to construct a plankroad from or near the town of Elizabeth City, in the county of Pasquotank, to or near Parksville, in the county of Perquimans.

Sec. 3. Be it further enacted, That a general meeting of the stockholders of said company shall be called at such time and place as may be deemed convenient for the same, by giving public notice in one or more newspapers published in the county of Pasquotank, giving at least ten days notice of the time and place of such meeting; that, to constitute any such meeting a number of shares entitled to a majority of votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have power to adjourn from time to time until a meeting shall be formed.

Sec. 4. Be it further enacted, That the subscribers to the stock of said company, at their meeting hereinbefore directed to be called, and the proprietors of stock at every annual meeting thereafter, shall elect five directors; and the directors when appointed shall choose one of their number president, who shall continue in office (unless sooner removed) until the next annual meeting after their election, and until their successors shall be elected; but the said directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The president, with any two or more directors, or (in the event of sickness, absence or disability of the president,) any three or more of the directors, who may appoint one of their number president pro tem., shall constitute a board for the transaction of business: in case of vacancy in the board of directors, happening from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Sec. 5. Be it further enacted, That this act shall be in
Chap. 193. AN ACT TO INCORPORATE THE STATESVILLE AND WILKESBORO' PLANKROAD COMPANY.

Books to be opened.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful to open books in the town of Statesville, under the direction of J. F. Alexander, C. A. Carlton, William B. Grant, O. Gillispie and Augustus Jamieson; and in the town of Wilkesboro', under the direction of Dr. Robert F. Hatchett, Hamilton Brown and Eslly Staly; and at such other places, and under the direction of such other persons as the commissioners hereinbefore named to superintend the receiving of subscriptions in the town of Statesville shall direct, for the purpose of receiving subscriptions to an amount not exceeding one hundred thousand dollars, in shares of fifty dollars each, for the purpose of effecting a communication by means of a plankroad from the town of Statesville to the town of Wilkesboro', by the most practicable route to be determined by the said company, after the same shall have been formed.

Subscriptions.

Sec. 2. Be it further enacted, That the times and places for receiving subscriptions, shall be advertised in one or more newspapers printed in the town of Salisbury, and the books for receiving the same shall not be closed in less than thirty days; and the said commissioners shall have power to open the books from time to time, as they may think proper, until the whole number of shares be subscribed.

When a body corporate.

Sec. 3. Be it further enacted, That when the sum of fifteen thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators, or assigns shall be, and they are hereby declared to be incorporated into a company by the name and style of "the Statesville and Wiikesboro' Plankroad Company." [Ratified 13th day of February, 1855.]

Chap. 194. AN ACT TO INCORPORATE THE CHATHAM AND RANDOLPH PLANKROAD COMPANY.

Books to be opened.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful to open books at Cedar Falls, in the county of Randolph, under the direction of Henry B. Elliott; at Franklinsville, in the county of Ran-
dolph, under the direction of A. S. Harney; at Columbia, in the county of Randolph, under the direction of James Whitehead; at Foust's Store, in the county of Randolph, under the direction of Isaac H. Foust, and Hezekiah B. Allen; at Marley's Mills, in the county of Randolph, under the direction of Jesse and Thomas Marley, and at St. Lawrence, in the county of Chatham, under the direction of A. D. Headen, and at such other places, and under the direction of such other persons as the commissioners hereinafter named shall direct; for the purpose of receiving subscription to an amount, not exceeding sixty thousand dollars, in shares of fifty dollars each, for the purpose of effecting a communication by means of a plankroad, from the Gulf and Graham Plankroad, at or near Daniel Hackney's Store, in the county of Chatham, to Cedar Falls, in the county of Randolph, by the way of Marley's Mills, Foust's Store, Columbia and Franklinsville.

Sec. 2. Be it further enacted, That the time and place for receiving subscription, shall be advertised in one or more newspapers of the State, and the book for receiving the same, shall not be closed in less than thirty days, and the said commissioners shall have power to open the books from time to time, as they may think proper, until the whole number of shares be subscribed.

Sec. 3. Be it further enacted, That when the sum of ten thousand dollars shall be subscribed for, in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name and style of "the Chat- ham and Randolph Plankroad Company," and by that name, shall continue in existence for the space of fifty years.—[Ratified the 14th day of February, 1855.]

AN ACT TO INCORPORATE THE RICHLANDS AND NEW RIVER PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful to open books in the Richlands, under the direction of James H. Foy, Uzzi Mills, Harvey Cox, John A. Avirett, sr., Nathan Sylvester and J. M. Franck; in the town of Jacksonville, under the direction of W. P. Pelletier, E. W. Ward, Durant H. Rhodes, G. J. Ward, James Langley and Benj. H. Bryan; and at such other places, and under the direction of such other persons as the above commissioners shall direct, for the purpose of receiving subscriptions, to an amount not exceeding twenty-five thousand dollars, in shares of twenty-
five dollars each, for the purpose of constructing a plankroad from the Richlands, (Oak Grove,) to Tar Landing, on New river, by the most practicable route, to be determined by said commissioners after the same shall have been formed.

Sec. 2. Be it further enacted, That the times and places for receiving subscriptions shall be advertised in one or more newspapers in the town of Wilmington, and the books for receiving the same, shall not be closed in less than twenty days; and the said commissioners shall have power to open said books, from time to time, until the whole number of shares be subscribed.

Sec. 3. Be it further enacted, That when the sum of five thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be and they are hereby declared to be incorporated into a company, by the name and style of the "Richlands and New River Plankroad Company." [Ratified the 12th day of February, 1855.]

Chap. 167. AN ACT TO INCORPORATE THE LENOIR AND DUPLIN PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful to open books in the town of Kinston, in the county of Lenoir, under the direction of John F. Wooten, James M. Wooten, William Fields, Richard W. King, B. Franklin Dibble, John H. Peeples and John C. Washington; and at Sarecta, in the county of Duplin, under the direction of James G. Branch, John Swinson, Stephen M. Grady, George Smith, Joseph T. R. Miller, James O. Daniel and Zachariah Smith, Jr., and at such other places, and under the direction of such other persons as the above commissioners shall direct, for the purpose of receiving subscriptions to an amount not exceeding fifty thousand dollars, in shares of twenty-five dollars each, for the purpose of constructing a plankroad from the town of Kinston, in Lenoir county, to Sarecta, in Duplin county, by the most practicable route, to be determined on by said commissioners, after the same shall have been formed.

Sec. 2. Be it further enacted, That the time and places of receiving subscriptions shall be advertised in one or more newspapers in the towns of Wilmington and Goldsboro', and the books for receiving the same shall not be closed in less than twenty days; and the said commissioners shall have power to open the said books, from time to time, until the whole number of shares be subscribed.
Sec. 3. Be it further enacted, That when the sum of two thousand dollars shall be subscribed for, and in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be and they are hereby declared to be incorporated into a company, by the name and style of the “LeNoir and Duplin Plankroad Company.” [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE NEW RIVER AND WILMINGTON AND TOPSAIL SOUND PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it may and shall be lawful to open books in the town of Wilmington, under the direction of O. G. Parsley, A. H. Vanboklen, R. H. Cowan, J. L. Meares, R. H. Grant, Gilbert Potter and J. M. Foy; in the county of Onslow, at Snead’s Ferry, under the direction of John J. McMillan, Elijah Hardison, Hill King, W. F. Manson, Joseph Ennett, E. W. Fonville and John Pearson; in the town of Jacksonville, under the direction of E. W. Montfont, A. J. Murrell, Owen Huggins, Joseph Etheridge and E. W. Ward, or any five of them; and at such other places, and under the direction of such other persons as the above commissioners shall direct, for the purpose of receiving subscriptions to an amount not exceeding one hundred thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plankroad from Snead’s Ferry, or some other point on New river, to the New Hanover county line, by the most practicable route, to be determined by said company, after the same shall have been formed.

Sec. 2. Be it further enacted, That the time and place for receiving subscriptions shall be advertised in one or more newspapers in the town of Wilmington, and the books for receiving the same shall not be closed in less than twenty days; and the said commissioners shall have power to open the said books from time to time, until the whole number of shares be subscribed.

Sec. 3. Be it further enacted, That when the sum of five thousand dollars shall be subscribed in manner aforesaid, the subscribers, their executors, administrators, or assigns shall be, and they are hereby declared to be incorporated into a company, by the name and style of “the New River and Wilmington and Topsail Sound Plankroad Company.”

Sec. 4. Be it further enacted, That if the capital stock of the company hereby incorporated, shall be found at any time insufficient for the purposes of this act, it shall and may be lawful for the stockholders in general meeting, from time to
time, to increase the capital stock to an amount not exceeding one hundred and twenty-five thousand dollars, by the addition of as many shares as they may deem necessary; and the subscribers for such additional shares of the capital stock in said company, are hereby incorporated into the said company, with all the privileges and advantages and subject to the liabilities of the original stockholders.

SEC. 5. Be it further enacted, That this act shall be in force from and after its ratification, and shall be regarded as a public act, and be continued for fifty years. [Ratified the 14th day of January, 1855.]

Chap. 198. AN ACT TO INCORPORATE THE IRON HILL AND WHITEVILLE PLANKROAD COMPANY.

Commissioners SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Allen Inman, Isaac Wright, Cotton Sales and Edwin A. Sauls, of Iron Hill; Josiah Maulsby, Calvin Haynes, Thomas M. Smith and Alfred Smith, of Whiteville, are hereby appointed commissioners for opening books at those places, in order to receive subscription in shares of fifty dollars each, and the amount of fifty thousand dollars, for the purpose of constructing a plankroad from Iron Hill, to the Manchester railroad, at the station near Whiteville.

Name.

Directors SEC. 2. Be it further enacted, That the company hereby incorporated, shall be known as "the Whiteville and Iron Hill Plankroad Company.

SEC. 3. Be it further enacted, That the subscribers at the first general annual meeting, and the proprietors of stock at any annual meeting thereafter, shall elect five directors, and the directors when appointed, shall appoint one of their number president, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said directors or any of them, may at any time be removed, and the vacancy thereby occasioned, be filled by a majority of votes given at any general meeting; the president with any two or more directors, or in the event of sickness, absence, disability of the president, any four or more of the directors, may appoint one of their number president pro tem. who shall constitute a board for the transaction of business; in case of vacancy in the board of directors, happening from death, resignation or otherwise, such vacancy may be supplied by appointment of the board, until the next annual meeting. [Ratified the 3d day of February, 1855.]
AN ACT TO INCORPORATE THE ROCKY MOUNT AND FRANKLINTON PLAANKROAD COMPANY.

Chap. 199.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books may be opened at Rocky Mount, under the direction of David McDaniel, M. Weston, W. W. Parker, Wm. S. Battle, Jr., J. E. Lindsay, or any three of them; at Louisburg, under the direction of Jas. H. Yarborough, Richard Noble, R. R. S. Lawrence, Jno. G. King, B. T. Ballard and Peyton J. Brown, or any three of them; and at Nashville, under the direction of George N. Lewis, Jno. W. Bryant, L. N. B. Battle, Wm. Hunt, B. H. Larsby and Wm. J. B. Harper, or any three of them, for the purpose of receiving subscriptions to an amount not to exceed eighty thousand dollars, in shares of twenty-five dollars each, for the purpose of constructing a plankroad from Rocky Mount, in the county of Edgecombe, by the way of Nashville, in the county of Nash, by the way of Louisburg to Franklinton, in Franklin county.

Sec. 2. Be it further enacted, That the company formed for such purpose is hereby incorporated, by the name of the "Rocky Mount and Franklinton Plankroad Company."

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE WARRENTON PLANKROAD COMPANY. Chap. 200.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of constructing a plankroad from the town of Warrenton, in the county of Warren, to a point at or near the Warrenton Depot, on the Raleigh and Gaston Railroad, to be determined upon by the company hereinafter named, it shall be lawful to open books for receiving subscriptions to an amount not exceeding twenty thousand dollars, to be divided into shares of fifty dollars each; the said books to be opened in the town of Warrenton, under the direction of Benjamin E. Cooke, John White, Edw. W. Best, Philip Norwood and Thomas Reynolds, or any three of them; and at such other places, and under the direction of such other persons as any three of said commissioners may appoint.

Sec. 2. Be it further enacted, That when the sum of three thousand dollars shall have been subscribed, the subscribers, their executors, administrators and assigns shall be and they are hereby incorporated into a company, by the name and
style of the Warrenton Plankroad company, and shall have all the powers, rights and privileges, and shall be subject to all of the duties which are specified in an act of the General Assembly enacted during the present session, entitled an act to amend an act entitled an act to define the duties and powers of turnpike and plankroad companies, and in the act therein referred to, so far as plankroads are concerned.

Sec. 3. Be it further enacted, That it shall be lawful for the said company to erect tollgates upon the said road, and to demand and receive a reasonable toll from all persons using the said road, which tolls shall be so regulated that the profits of said company shall not, for any one year, exceed twenty per cent. on the capital stock of said company.

Sec. 4. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 14th day of February, 1855.]

Chap. 201. AN ACT RELATING TO THE FAYETTEVILLE AND WARSAW PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the public treasurer be and he is hereby authorized and directed to subscribe to the capital stock of the Fayetteville and Warsaw Plankroad Company, the sum of ten thousand dollars, so that the State shall hold an interest of two hundred shares of fifty dollars each therein, according to the provisions of other acts authorizing like subscriptions on the part of the State.

Sec. 2. Be it further enacted, That to enable the State to pay her subscription to said stock whenever the same shall be required to be paid according to the call of the board of directors, the public treasurer shall from time to issue bonds or certificates of debt, bearing interest at a rate not exceeding six per cent., payble semi-annually, the principal of which shall be redeemable twenty years from the time they shall be issued.

Sec. 3. Be it further enacted, That the nett profit of the tolls of the said company shall be first applied to the payment of the interest due on said loans before any dividend of profits be declared, and if there be any sum remaining after such payment, the same be declared among all the stockholders, deducting for the State's share the amount of interest so paid; the intention of this act being to pledge the whole nett profits of the road in the first instance to the liquidation of the interest of the said loan: Provided, how-ever, That it shall be the duty of the treasurer and he is hereby authorized and directed promptly and regularly to
provide for and pay the said interest as it accrues out of moneys in the treasury not otherwise appropriated.

Sec. 4. Be it further enacted, That before the said subscription shall be made, the treasurer of the State shall be certified by the president of the said road that two thousand dollars has been paid and actually expended upon the said road. [Ratified the 15th day of February, 1855.]

AN ACT TO INCORPORATE THE MINERAL PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Seth Ward, J acob Headrick, C. L. Payne, J. Elliott, Philip Headrick and Isaac A. Moore, be, and they are hereby appointed commissioners to open books at such places as they may deem best, for the purpose of obtaining subscription to a sufficient amount, in shares of twenty-five dollars each, to construct a plankroad, extending from the Fayetteville and Western Plankroad, below Ashboro', or from some point on the Uwharie branch of said road, to the North-Carolina Railroad, at any point they may desire, either at Lexington or south of that place.

Sec. 2. Be it further enacted, That the company for such purpose, after subscription to a sufficient amount to construct five miles are received, is hereby incorporated by the name of "the Mineral Plankroad Company."

Sec. 3. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE RUTHERFORD AND MCDOWELL PLANKROAD AND TURNPIKE COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books may be opened at Rutherfordton under the supervision of W. H. Miller, H. G. Weaver, John G. Bynum, Samuel Wilkins and T. B. Justice, and at such other places and by such other persons as the commissioners above named shall appoint, for the purpose of receiving subscription in shares of not less than twenty dollars to the amount of five thousand dollars, for the purpose of constructing a road of plank, gravel, stone, or other materials, to connect Rutherfordton, in Rutherford county, with Marion, in McDowell county.

Sec. 2. Be it further enacted, That the subscribers to such
Chap. 204. AN ACT TO INCORPORATE THE ALEXANDRIANA PLANKROAD COMPANY.

Commissioners

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That E. R. Harris, W. W. Rankin, John R. Alexander, C. A. Barringer, Wm. Allen, Maxwell Cannon, John A. Young and Thomas Brim, are hereby appointed commissioners for the opening of books, in order to receive subscription, in shares of fifty dollars, to the amount of ten thousand dollars, for the construction of a plankroad, commencing at some point on the Charlotte and Taylorsville Plankroad, near John R. Alexander's, in the county of Mecklenburg; thence running near or by E. R. Harris'; thence to or near Ray's Store; thence in the direction of Mocksville.

Sec. 2. Be it further enacted, That this company shall be incorporated as the "Alexandriana Plankroad Company."

Sec. 3. Be it further enacted, That this act go into operation from and after its ratification. [Ratified the 14th day of February, 1855.]

Chap. 205. AN ACT TO INCORPORATE THE HILLSBORO' AND MILTON PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William H. Brown, Henry K. Nash, Thomas Webb, Joseph Allison and George Laws may open books in the town of Hillsboro', and may cause books to be opened at such other places and by such other persons as they may think proper, for the purpose of receiving subscriptions to an amount not exceeding one hundred thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plankroad from the town of Hillsboro' to the town of Milton.
Sec. 2. Be it further enacted, That when ten thousand dollars shall be subscribed for, the subscribers shall be incorporated, by the name of the "Hillsboro' and Milton Plankroad Company." [Ratified the 14th day of February, 1855.]

AN ACT TO INCORPORATE THE WACCAMAW AND SHALLOTTE PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books may be opened at Smithville, in the county of Brunswick, under the supervision of William Gore, John G. Grissitt, Daniel Batler, John H. Brooks, Henry C. Smith, Geo. Hooper, John R. Chadwick and John H. Burney; and at such other places, and by such other persons as the commissioners above named may appoint, to receive subscription in shares of fifty dollars each, to the amount of one hundred thousand dollars, for the purpose of constructing a plankroad to connect some point upon the Waccamaw river, in the county of Brunswick, with some point in the same county upon the Shallotte.

Sec. 2. Be it further enacted, That the subscribers to said road and their successors, are hereby incorporated under the name and style of the Waccamaw and Shallotte Plankroad Company. [Ratified the 12th day of February, 1855.]

AN ACT TO INCORPORATE THE CHAPEL HILL AND DURHAMSVILLE PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books may be opened at Chapel Hill, under the direction of Charles Marean, John B. Tinney, John D. Carlton, John Hutchins and Charles Phillips; and at such other places, and by such other persons, as the commissioners abovenamed may appoint, for the purpose of receiving subscription to the amount of twenty thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plankroad and turnpike of plank, stone, gravel or other materials, to connect Chapel Hill and Durhamsville, in Orange county.

Sec. 2. Be it further enacted, That the company is hereby incorporated by the name of the Chapel Hill and Durhamsville Plankroad and Turnpike Company. [Ratified the 14th day of February, 1855.]
Chap. 208. AN ACT TO INCORPORATE THE RALEIGH AND CAPE FEAR PLANKROAD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books may be opened at Raleigh, under the direction of Moses A. Bledsoe, Lawrence Hinton and Thomas G. Whitaker, and at such other places, and by such other persons, as the commissioners abovenamed shall appoint, for the purpose of receiving subscriptions to the amount of thirty thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plankroad from Raleigh to some point on the Cape Fear river, between McNeill's and Purity's ferry, in the county of Cumberland.

SEC. 2. Be it further enacted, That the company is hereby incorporated by the name of the Raleigh and Cape Fear Plankroad Company. [Ratified the 14th day of February, 1855.]

Chap. 209. AN ACT TO INCORPORATE THE HILLSBORO' AND CHAPEL HILL PLANK ROAD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books may be opened at Hillsboro', in the county of Orange, by Edmund Strudwick, Thomas Howerton, and Edwin A. Heartt; and at Chapel Hill, in the same county, by Andrew Mickle, Patterson H. McDade and Thomas Hogan, to receive subscriptions to an amount not exceeding twenty-five thousand dollars, in shares of twenty-five dollars each, to construct a plankroad from Hillsboro' to Chapel Hill.

SEC. 2. Be it further enacted, That said commissioners shall open books, after public advertisement of the time and place of so doing, from time to time as they may think proper, until the whole number of shares be subscribed.

SEC. 3. Be it further enacted, That when ten thousand dollars shall be subscribed for, the subscribers shall be incorporated by the name of the Hillsboro' and Chapel Hill Plankroad Company. [Ratified the 10th day of February, 1855.]

Chap. 210. AN ACT TO INCORPORATE THE THOMASVILLE AND CLEMMONSVILLE TURNPIKE OR PLANKROAD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority
of the same, That B. C. Donthit, A. C. Whorton, John Hus- 
sey, R. W. Thomas, H. E. Raunsanville, D. V. Molid, or  
any three of them, are appointed commissioners in the coun-
ty of Davidson, for the purpose of opening books to receive  
subscriptions in shares of fifty dollars, to an amount not ex-
ceeding twenty-five thousand dollars, for the purpose of con-
structing a turnpike or plankroad of gravel, stone, plank or  
any other material, from Thomasville, on the North-Carolina  
Railroad, the most practicable route, through the town of  
Clemmons, to some point in the direction of the Lime  
Kilns; and for that purpose books may be opened by such  
other persons as the commissioners above named shall ap-
point.

Sec. 2. Be it further enacted, That the subscribers to such  
road and their successors, are hereby created a body  
politic by the name and style of the "Thomasville and Clem-
monsville Plankroad Company." [Ratified the 14th day of  
February, 1855.]

AN ACT TO INCORPORATE THE ALAMANCE AND CASWELL PLANK-
ROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State  
of North-Carolina, and it is hereby enacted by the authority  
of the same, That Samuel P. Hill, William Long and Na-
thaniel Roan, of Yanceyville, and John Scott, Giles Mc-
bane and Daniel Montgomery, of Graham, are hereby ap-
pointed commissioners for opening books at those places, in  
order to receive subscriptions in shares of fifty dollars, to  
the amount of sixty thousand dollars, for the purpose of  
constructing a plankroad from Yanceyville, to the North-
Carolina Railroad, at or near the station, near Graham, or  
any other point.

Sec. 2. Be it further enacted, That the company hereby  
incorporated, shall be known as "the Alamance and Caswell  
Plankroad Company." [Ratified the 13th day of February,  
1855.]

AN ACT TO AMEND AN ACT PASSED BY THE GENERAL ASSEMBLY AT  
THE SESSION OF 1852-'53, ENTITLED AN ACT TO INCORPORATE  
THE SALISBURY, MOCKSVILLE AND WILKESBORO' PLANKROAD  
COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State  
of North-Carolina, and it is hereby enacted by the authority  
of the same, That the said company may have power to con-
struct said road from any point they may select in the town
Chap. 213. AN ACT TO INCORPORATE THE HAMILTON AND ENFIELD PLANK-Road Company.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books may be opened at Hamilton, under the direction of Joseph Walds, Arthur S. Catten and Robert E. Weathersbee; at Greenwood, under the direction of L. L. Savage, Jos. J. W. Powell and William R. Smith; at Enfield, under the direction of L. H. B. Whitaker, Benjamin Burnett and Henry Joyner, for the purpose of receiving subscription to the amount of seventy thousand dollars, in shares of fifty dollars, and for the purpose of constructing a plank road from Hamilton, in the county of Martin, by the way of Palmyra and Greenwood, to Enfield, in the county of Halifax.

SEC. 2. Be it further enacted, That the company formed for such purpose, is hereby incorporated by the name of "the Hamilton and Enfield Plankroad Company."

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

PUBLIC ROADS.

Chap. 214. AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE ROAD LEADING FROM THE WILKES COUNTY LINE, BY WAY OF MEAT CAMP CREEK, TO THE TENNESSEE LINE, AT OR NEAR WELCH'S STORE.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Reuben Mast, M. F. Cox, James Regan, Alfred Miller and John Morey be, and they are hereby appointed commissioners to survey, ascertain, and designate the necessary alterations and improvements in the public road from the Wilkes county line, by way of Meat Camp Creek, to the Tennessee line, at or near Welch's store; and it shall be the duty of said commissioners so to lay off the proposed alterations in said road, that, in the parts so altered, when constructed, there shall not in any part be a greater ascent than one foot elevation to fifteen feet horizontal.

SEC. 2. Be it further enacted, That the county court of Watauga county, shall have power to order out the hands liable to work on roads in said county, for the purpose of
making the alterations and improvements in said road, as designated and laid off by the commissioners aforesaid; and said court shall appoint the necessary number of overseers, who shall have the power and authority of the regular overseers of roads in this State, and whose duty it shall be, under the orders of the county court, to call out the hands and superintend their work.

Sec. 3. Be it further enacted, That it shall be the duty of the county court of Watauga county, to designate the boundary within which the hands may be called out to make the improvement and alterations designated by the commissioners aforesaid; and all hands now liable by law to work on public roads in this State, who shall fail or refuse to work, when notified as now required by law, shall forfeit and pay the sum of one dollar for each and every day they may fail or refuse, to be recovered by warrant before any justice of the peace of Watauga county, in the name of the commissioners aforesaid.

Sec. 4. Be it further enacted, That the said commissioners and their successors, shall for and during the next six years, from and after the period of their entering upon the duties required by this act, have the supervision of said road, determine and direct the improvements to be made thereon by the overseers and hands appointed to work on the same; and any overseer who after having received in writing five days notice to summon his quota of hands to work on said road, (the amount and nature of such work being specified in such notice,) shall fail to summon his hands as required, and having summoned them, shall fail to proceed in good faith to have the specified work done, shall forfeit and pay the sum of five dollars for each and every such failure; and shall also forfeit and pay the sum of one dollar for the default of each hand allotted or assigned to such overseer or under his control, unless sufficient and satisfactory reason for such failure be shown to the commissioners aforesaid, to be judged of by them, or unless such overseer shall prosecute suit against such defaulting hand or hands, and pay over the amount of the recoveries to the commissioners aforesaid.

Sec. 5. Be it further enacted, That the commissioners herein named and those that may be hereafter appointed, shall before the county court of Watauga county, give bond with security in the sum of one thousand dollars each, payable to the State of North-Carolina, conditioned for the faithful performance of the duties imposed on them by this act, and the faithful application and accounting for all moneys which shall come into their hands, in virtue of their appointment; and said bonds shall be filed by the clerk of the county court aforesaid, and be kept by him among the records of his office, and for breach thereof, suits shall be prose-
cuted in the name of the State, and for the use of the State, by the solicitor of the State in the superior court.

Sec. 6. Be it further enacted, That in case any of the commissioners herein named, shall refuse to accept the appointment, or in case of the resignation, death, or inability of any of them after acceptance, the county court of Watauga county is hereby invested with full power to fill such vacancy, a majority of the justices of the peace of said county being present at the filling thereof.

Sec. 7. Be it further enacted, That the commissioners of said road, for the services rendered in pursuance of this act, shall receive for each day necessarily employed therein, such sums as a majority of the justices of the peace in said county, at any of the terms of the county court may allow, not exceeding one dollar and fifty cents per day, to be retained out of any moneys in their hands appropriated to the use of said road.

Sec. 8. Be it further enacted, That such sums of money as may have been paid into the public treasury since the first January, 1852, and such other sums as may be paid in during the three years next ensuing the ratification of this act, for vacant lands in the county of Watauga, not exceeding one thousand dollars, shall be appropriated to the improvement and keeping in repair the road aforesaid, and to the construction and keeping in repair the necessary bridges thereon, and shall be paid over by the public treasurer to the commissioners of said road; and it shall be their duty to receive the same, and also contributions either in money or labor by individuals, that may be made for the improvement of said road, and shall faithfully apply the same towards completing the improvements in said road contemplated by this act.

Sec. 9. Be it further enacted, That the said commissioners shall give due notice by public advertisement at three or more public places in said county, at least twenty days before the letting of the contract for the improvement of the road aforesaid, and shall proceed to let the same to the lowest bidder, at the time and on the terms specified in said advertisement, and shall take bond and approved security from each contractor, payable to the State of North Carolina, conditioned for the faithful performance of his contract; and for a breach of the conditions of such bonds, suit may be prosecuted in the name of the State: and the commissioners shall receive all sums that may be recovered in such suit, and all sums that may be paid on such bonds, and apply them to the payment of work done on said road.

Sec. 10. Be it further enacted, That after the expiration of the term of six years, mentioned in the fourth section of this act, the said road shall be under the jurisdiction of the
county court of Watauga county, and shall be kept in repair of other public roads in this State.

Sec. 11. Be it further enacted, That the said commission-

ers shall, on or before the first Monday in June, in each and every year, render an account of all sums of money received from them under the provisions of this act, to the committee of finance of the county of Watauga, or such other committee as the county court of said county may appoint to audit and settle the accounts of said commissioners, in which they shall state how the moneys have been applied, to whom aid, and how much to each individual, and shall produce satisfactory vouchers for all such payments; and it shall be the duty of said committee to examine and pass upon said accounts and certify the same; which, when so certified, shall be filed in the office of the clerk of the county court of said county.

Sec. 12. Be it further enacted, That this act shall be in force from and after the ratification thereof. [Ratified the 10th day of February, 1853.]

AN ACT TO APPOINT COMMISSIONERS TO LAY OFF AND IMPROVE THE PUBLIC ROAD LEADING FROM BROWN'S FORD, ON THE YADKIN, IN WILKES COUNTY, TO WITHERSPOON'S FORD, IN CALDWELL COUNTY.

Chap. 215.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James C. Horton, John F. Furguson and Joseph W. Hackett, of Wilkes county, and William A. Le- bir and John B. Horton, of Caldwell county, be and they are hereby appointed commissioners to view and lay off such alterations and improvements in the road leading from Brown's Ford on Yadkin, in Wilkes county, to Witherspoon's Ford on the same stream, in Caldwell county, as they or a majority of them may deem advisable.

Sec. 2. Be it further enacted, That before the commissioners aforesaid shall enter upon the duties of their office, they shall take an oath before some justice of the peace of the counties above named, that they will lay off the said road the best and most convenient way, having due regard to private property as well as to the public good; and that the said commissioners shall have power to assess damages that any individual may sustain by the construction of said road, such damages to be paid by the county in which the lands damaged are situate, as other county debts are now paid.

Sec. 3. Be it further enacted, That the commissioners report to the legislature, when they shall have completed the duties hereinbefore assigned to them.
assigned them, shall make to the county courts of their respective counties, a full report in writing of all their proceedings, designating therein as nearly as practicable, all the alterations and improvements proposed by them.

Sec. 4. Be it further enacted, That the county courts of the respective counties aforesaid, a majority of the acting justices of the peace being present and concurring in said report, shall appoint as many overseers and designate as many hands as they may deem necessary to make the alterations and improvements suggested by the commissioners aforesaid, which overseers and hands shall be duly notified in the manner now prescribed by law, and for failure to work or perform their duties as required by this act, shall be subject to all the fines and forfeitures now imposed for similar failures by the existing law, which shall be recovered in the same way, and when so recovered, shall be applied to the improvement of the road hereinbefore named, as similar recoveries are now applied to the improvement of the public roads in this State.

Sec. 5. Be it further enacted, That when the alterations and improvements hereinbefore provided for shall be completed, they shall form a part of the public road between the points first above mentioned, and shall be kept in repair as other parts of the same road and as other public roads in this State are now kept in repair.

Sec. 6. Be it further enacted, That this act shall be in force from and after the first day of March next. [Ratified the 14th day of February, 1855.]

Chap. 216. AN ACT TO LAY OFF AND ESTABLISH A PUBLIC ROAD FROM THE STATE ROAD AT WM. WEAVER'S, IN THE COUNTY OF ASHE, TO INTERSECT THE GRADED ROAD ON PHOENIX CREEK, IN SAID COUNTY.

Commissioners

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That E. C. Bartlett, James Blevins and Wm. Weaver be, and the same are hereby appointed commissioners to view and lay off a road from Wm. Weaver's to the graded road, the most practicable route, which, in no place, shall be steeper than one foot perpendicular, for sixteen feet horizontal.

To take oath.

Sec. 2. Be it further enacted, That the said commissioners, before entering upon their duties required by this act, shall take an oath before some justice of the peace of the county aforesaid, to examine and lay off said road, the best and most practicable route, having due regard to private property, as well as public good.
Sec. 3. Be it further enacted, That when said road shall be laid off, it shall be the duty of the said commissioners to make a report thereof, to the next county court of said county, under their hands and seals.

Sec. 4. Be it further enacted, That the county court of the aid county, at least twelve justices of the peace being present, shall have power to appoint overseers, with suitable allotments and hands to construct said road: Provided, however, That no hands liable to work on the State road, shall be required to work on this road.

Sec. 5. Be it further enacted, That, should any damages be sustained by the owners of land over which the road may be located, the same shall be assessed as now provided by law in such cases. [Ratified the 14th day of February, 1855.]

AN ACT TO IMPROVE THE ROAD FROM JOHN KENEDY’S TO THE TOP OF THE BLUE RIDGE, NEAR THE FISHER’S GAP, IN THE COUNTY OF SURLY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That five hundred dollars be appropriated, out of any moneys in the public treasury not otherwise appropriated, for the completion of said road.

Sec. 2. Be it further enacted, That John Kenedy, Jackson Low and Ice Snow are hereby appointed commissioners to superintend said work, and that when they shall report to the public treasurer of this State that five hundred dollars in work has been expended on said road, under their hand and seal, it shall become the duty of the said treasurer to pay over to them the amount of five hundred dollars, for which same [sum] he shall be allowed in his settlement of public accounts.

Sec. 3. Be it further enacted, That it shall be the duty of the said commissioners to report to the committee of finance of said county how and where such money has been expended, and upon a settlement with said committee of finance, shall be entitled to a receipt for the same, otherwise shall be liable to the chairman of the county court in a suit of damage for the same, to be tried and determined by said court.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]
Chap. 218. AN ACT TO APPOINT COMMISSIONERS TO SURVEY AND ALTER THE PUBLIC ROAD FROM WILKESBORO' TO TRAP HILL, IN WILKES COUNTY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Hardin, Spiker, Thomas Bryon, Esq., James Robert, Esq., and William Walker, Sen. be appoint ed commissioners, and they or any three of them, shall survey the public road between Wilkesboro' and Trap Hill, in Wilkes county, for the purpose of determining the alterations and improvements necessary to be made in said road, and shall make such alterations, and locate and designate them by stakes and marks, and shall assess to the owners of the land over which they propose to establish such road, such damages as they shall sustain by such location of the road; and they shall make a plat of the route of the road they shall designate, and a particular and accurate description thereof, and a distinct and accurate statement of the damages assessed to each landholder; all which shall be in writing, signed with their seals, and be reported to the ensuing court of pleas and quarter sessions of Wilkes county, and when confirmed by the court, the said assessment shall be a claim against the county of Wilkes, to be paid as other county claims; and the county court of said county shall appoint the hands to mark out and make the said alterations, and appoint the necessary overseers, and make the orders proper to effecting the alterations and improvements proposed.

SEC. 2. Be it further enacted, That the said commissioners shall locate the altered route of said road so that no part thereof shall have an ascent of more than one foot vertical to sixteen feet horizontal; and they shall take an oath before some justice of the peace to perform the duties herein required of them faithfully, impartially and to the best of their skill and ability.

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

Chap. 219. AN ACT APPOINTING COMMISSIONERS IN WATAUGA AND YANCY COUNTIES, TO LAY OFF A PUBLIC ROAD FROM THE TENNESSEE LINE TO THE COUNTY LINE OF MCDOUGAL COUNTY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Michael Snider, Jourdin C. Hardin, for the county of Watanga, and Arthur Erwin, Alexander
Wiseman Juner and Ebin Childs, for the county of Yancey, be and are hereby appointed commissioners to view and lay off a public road from the line of the State of Tennessee, at Wm. D. Hose's, by the way of Cranberry Arthur, Erwin's, to the McDowell county line, near Charles McKinney's, so as to intersect the public road leading from Burnsville to Morganton.

Sec. 2. Be it further enacted, That it shall be the duty of said commissioners, at as early a time as practicable, to enter upon and discharge the duties assigned them, and make report thereof in writing to the county courts of Watauga and Yancey counties.

Sec. 3. Be it further enacted, That when the commissioners aforesaid shall have made report to the county courts aforesaid, and the same shall have been confirmed, it shall be the duty of the said county courts of Watauga any Yancey counties to appoint overseers, and assign to them such a number of hands now liable by law to work on public roads, as may be necessary to complete the said road.

Sec. 4. Be it further enacted, That the hands assigned under this, by the courts aforesaid, shall be notified by the overseers in the same manner that notices are now required to be given by law to hands liable to work on public roads, and in case of failure on the part of said hands to work, they shall be liable to the same penalties now imposed by law in other cases of failure to work on public roads.

Sec. 5. Be it further enacted, That it shall be the duty of the county courts of Watauga and Yancey counties to allow the commissioners named in this act such compensation for their services as to them may seem proper.

Sec. 6. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

AN ACT TO AID IN THE COMPLETION OF THE ROAD FROM VANOY'S MILL, THROUGH ASHE, TO THE VIRGINIA LINE.

Whereas, A road has been laid off and graded by the commissioners appointed by act of Assembly of 1852, from Enoch Vanoy's mill, in the county of Wilkes, across the blue ridge at the horse gap, through the county of Ashe, to the Virginia line,

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the sum of five hundred dollars be, and the same is hereby appropriated for the purpose of making and completing said road; and that the public treasurer is hereby authorized to pay the same, out of any money in
the treasury not otherwise appropriated, to the commissioners appointed by the act of Assembly of 1852, to view and lay off the road from Enoch Vanoy's mill, in the county of Wilkes, across the blue ridge at the Horse Gap, through the county of Ashe, to the Virginia line, near the mouth of Wilson: Provided, nevertheless, That said moneys shall not be paid over to said commissioners, until the sum of five hundred dollars, under the direction of said commissioners, shall have been laid out on said road, by the citizens of the counties of Wilkes and Ashe, either in labor, to be estimated by the said commissioners, or in money paid over or secured to them; and when that amount of labor has been expended on said road, and said commissioners or a majority of them shall certify that fact to the public treasurer, then he is directed to pay over to them for the purpose aforesaid, the sum of five hundred dollars. [Ratified the 14th day of February, 1855.]

Chap. 221. AN ACT TO ESTABLISH A PUBLIC ROAD IN THE COUNTY OF ROWAN.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John D. Johnson, Nimrod Dobbin and John G. Fleming, be, and they are hereby appointed commissioners to view and lay off a road from the town of Salisbury, in the county of Rowan, to the junction of Statesville and Wilkesboro' roads in said county.

SEC. 2. Be it further enacted, That before the commissioners shall enter upon the duties of their office, they shall take an oath before some justice of the peace of Rowan county, that they will lay off said road the best and most convenient way, having due regard to private property as well as public good, and said commissioners shall have power to assess any damage that any individual may sustain by the construction of said road, and such damage shall be paid by the county of Rowan.

SEC. 3. Be it further enacted, That it shall be the duty of said commissioners to report to the county court of Rowan, and if said court, (twelve magistrates being present,) concur in said report, their decision shall be final and conclusive, and no appeal shall be allowed therefrom, to the superior court of law of said county; said court shall have full power and authority, and it shall be their duty to appoint overseers, and order a sufficient number of hands to open the road, which may be laid off by the said commissioners, between the points above designated, and when said road shall be opened as required by this act, it shall be a public highway, and be kept in repair as other public roads.
in this State, under the same penalties and restrictions.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 9th day of January, 1855.]

AN ACT TO LAY OFF AND IMPROVE A PUBLIC ROAD FROM THE CHAP. 222. FORKS OF IVY TO THE TOP OF THE DIVIDING RIDGE IN MADISON COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State Commissioners of North-Carolina, and it is hereby enacted by the authority of the same, That Robert Patterson, John Ramsey, Abner Jervis, Berry Duck and Pinckney C. Anderson, all of Madison county, be and they are hereby appointed commissioners to view and lay off a road commencing at the fork of Ivy and running up or near little Ivy to Robert Pander's, Senr., thence across the Walnut mountain to Laurel creek, thence to the top of the dividing ridge at the Tennessee line so as to connect with the Jonesboro' road leading to Asheville, North-Carolina.

Sec. 2. Be it further enacted, That before said commissioners shall enter upon the duties of their appointment, they shall take an oath before some justice of the peace to lay off said road with due regard to private property as well as to the public good, and to select the most eligible route.

Sec. 3. Be it further enacted, That when said road shall be laid off and the survey completed, the said commissioners shall make report thereof to the county court of Madison county, under their hands and seals; and it shall then be the duty of the court of pleas and quarter sessions of said county to appoint the overseers and order out a sufficient number of hands liable to work on public roads, to complete the said road agreeable to the report of said commissioners, and to keep up said road as other public roads are kept up. [Ratified the 14th day of February, 1855.]

AN ACT TO LAY OFF A PUBLIC ROAD FROM UNION CHURCH ON LITTLE RIVER, IN ASHE COUNTY, TO THE COUNTY ROAD AT OR NEAR THE END OF GEO. REEVES' LANE.

Sec. 1. Be it enacted by the General Assembly of the State Commissioners of North-Carolina, and it is hereby enacted by the authority of the same, That T. M. Mitchell, Hugh Lawson and Allen Fender be, and the same are hereby appointed commissioners to view and lay off a road from Union Meeting House, on Little river, in the county of Ashe, by way of D. H. 28
Maxwell's Mills to the county road, at or near the end of Geo. Reeves' lane.

Sec. 2. Be it further enacted, That before the commissioners shall enter upon the duties of their office, they shall take an oath before some justice of the peace for said county, that they will lay off said road the best and most convenient way, having due regard to private property, as well as public good; and the said commissioners shall have power to assess the damages that any individual may sustain, by the construction of said road.

Sec. 3. Be it further enacted, That it shall be the duty of the said commissioners to report to the county court of said county, not less than twelve acting justices present, and if they shall concur in said report, they shall have power to appoint overseers, and order a sufficient number of hands to open said road; and when said road has been opened as required by this act, it shall be kept in repair, and be under the same penalties and restrictions as other public roads in this State.

Sec. 4. Be it further enacted, That this act take effect from and after its ratification. [Ratified the 14th day of February, 1855.]

Chap. 224. AN ACT CONCERNING PUBLIC ROADS IN THE COUNTY OF WATAUGA.

How constructed.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all public roads and highways hereafter to be built in the county of Watauga, where side cutting is necessary and used in building, the same shall not be required to be more than twelve feet wide; and that all such roads, where blasting of rock is necessary and used, shall not be required to be more than eight feet wide.

Indictments.

Sec. 2. Be it further enacted, That in all indictments in said county of Watauga against overseers of roads, the county and superior courts shall have concurrent jurisdiction. [Ratified the 9th day of January, 1855.]

RAILROADS.

Chap. 225. AN ACT TO INCORPORATE THE WILMINGTON AND CHARLOTTE RAILROAD COMPANY.

Formation of company.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of effecting a railroad com-
munication between Wilmington and Charlotte, by way of Lumberton, Rockingham, Wadesborough and Monroe, the formation of a corporate company, with a capital stock of two millions of dollars, is hereby authorized to be called "the Wilmington and Charlotte Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic, for the space of ninety-nine years.

Sec. 2. Be it further enacted, That the said company be, and the same is hereby authorized to construct a Railroad from Wilmington or Smithville, or from some point on the Wilmington and Manchester Railroad, in the county of Columbus, or from some point on the Wilmington and Raleigh Railroad, in the county of New Hanover, as the stockholders may determine, via Lumberton, Rockingham, Wadesborough and Monroe, to the town of Charlotte, in the county of Mecklenburg.

Sec. 3. Be it further enacted, That for the purpose of creating the capital stock of said company, the following persons be, and they are hereby appointed commissioners, viz: General Alexander McRae of Wilmington, Alfred Smith of Whitesville, Thomas N. Norment of Lumberton, James P. Leake of Rockingham, Walter R. Leak of Wadesborough, Daniel A. Covington of Monroe, and Charles J. Fox of Charlotte; that it shall be lawful to open books of subscription in the town of Wilmington, under the direction of George Davis, T. C. Worth, A. H. Van Bokelin, John C. Latta, Miles Costin, George R. French, J. H. Flanner, Edward Kidder, S. D. Wallace, A. J. DeRossett, Jr., John A. Taylor, H. L. Holmes and Robert H. Cowan, or a majority of them; at Whitesville, under the direction of Calvin Haynes, T. S. Memory, W. M. Baldwin, William Friuk and Thomas M. Smith, or a majority of them; at Fair Bluff, in Columbus county, under the direction of Alva Smith, Augustus Smith, John Coley and N. L. Williamson, or a majority of them; at Lumberton, under the direction of John T. Pope, Edward Lewis, Robert S. French, Robert E. Troy, Edmund McQueen, H. F. Pitman and J. M. Carmichael, or a majority of them; Floral College, under the direction of Archibald Smith, Malcolm Purcell, John Gilchrist, Sr., Dr. Neil McNair and William Sellers, or any three of them; at Laurenburg, in the county of Richmond, under the direction of Dr. John Malloy, John Fairly, John Gilchrist, Jr., Daniel C. McIntyre, Daniel McKennon, John L. Fairly, M. W. McNair, Duncan McLaurin and Rev. Thomas Gibson, or any three of them; at Rockingham, under the direction of Walter F. Leak, Meal Wall, William B. Cole, General Alfred Dockery, Stephen Cole, Col. John W. Covington and R. S. Donald, or any three of them; at Wadesborough, un-
under the direction of H. B. Hammond, George W. Little, S. W. Cole, E. F. Lilley, P. G. Smith, Joseph White, J. R. Hargrave, Prudei Richardson and Joseph Medley, or any three of them; at Elizabethtown, under the direction of John G. McDougald, John J. McMillan, John A. McDowell, Thomas C. Smith and Duncan Cromartie, or any three of them; at Monroe, under the direction of Hugh Houston, Samuel H. Walkup, Hugh Wilson, Moses Cuthbertson, Jonathan Trull and M. Stuart, or any three of them; at Charlotte, under the direction of William Johnston, John A. Young, John Irwin, Leroy Springs and John Walker, or any three of them; whose duty it shall be to direct the opening of books for subscription of stock, at such times and places, and under the direction of such persons as they, or a majority of them may deem proper, and the said commissioners shall have power to appoint a chairman of their body, treasurer, and all other officers; and to sue for, and recover all sums of money that ought under this act to be recovered by them.

Sec. 4. Be it further enacted, That all persons who are herein or may be hereafter appointed to open books of subscription to the capital stock of said company, shall open books at any time after the ratification of this act, twenty days previous notice having been given in one or more of the newspapers of this State, and that when said books are opened, they shall be kept open for the space of thirty days at least, and as long thereafter as the commissioners first abovenamed shall direct; that all subscriptions of stock shall be in sums of fifty dollars, the subscriber paying, at the time of making such subscription, two and a half dollars on each share thus subscribed, to the person or persons authorized to receive such subscription; and in case of failure to pay said sum, all such subscriptions shall be void and of no effect; and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash installment, shall be paid over to the general commissioners named in the third section of this act, by the persons receiving them; and for failure thereof such person or persons shall be personally liable to said general commissioners, before the organization of said company, and to the company itself after its organization, to be recovered in the superior court of law in this State, in the county where such delinquent resides, or if he reside in any other State, then in any court in such State having competent jurisdiction. The said general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time, as a majority of them may think proper, to make a return of the stock by them respec-
tively received, and to make payment of all sums of money made by the subscribers.

Sec. 5. Be it further enacted, That it shall be the duty of the said general commissioners to direct and authorize the keeping open of books for the subscription of stock, in the manner above described, until the sum of five hundred thousand dollars shall have been subscribed to the capital stock of said company, and as soon as the said sum of five hundred thousand dollars shall have been subscribed, and the first instalment of two and a half dollars per share in said sum shall have been received by the general commissioners, said company shall be regarded as formed, and the said commissioners, or a majority of them, shall sign and seal a duplicate declaration to that effect, with the names of the subscribers appended, and cause one of said duplicates to be deposited in the office of the secretary of State, and thenceforth, from the closing of the books of subscription as aforesaid, the said subscribers to stock shall form one body corporate and politic, in deed and in law, for the purposes aforesaid, by the name and style of the Wilmington and Charlotte Railroad Company.

Sec. 6. Be it further enacted, That whenever the sum of five hundred thousand dollars shall be subscribed, in manner and form aforesaid, the subscribers, their executors, administrators and assigns shall be and they are hereby declared to be incorporated into a company by the name and style of the Wilmington and Charlotte Railroad Company, and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates real, personal and mixed, and of acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of their charter, and no further; and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impounded in any court of law and equity in the State of North-Carolina; and may have and use a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy all other rights and immunities which other corporate bodies may and of right do exercise, and may make all such by-laws, rules and regulations as they may deem proper and necessary to their government and the interest of their company, not inconsistent with the constitution and laws of this State and of the United States.

Sec. 7. Be it further enacted, That notice of process upon the principal agent of said company, or the president, or any of the directors thereof, shall be deemed and taken to be due and lawful notice of service of process upon the company, so as to bring it before any court in North-Carolina.
SEC. 8. Be it further enacted, That so soon as the sum of five thousand dollars shall have been subscribed in manner aforesaid, it shall be the duty of the general commissioners appointed in the third section of this act, to appoint a time for the stockholders to meet at Wadesborough, in the county of Anson, which they shall cause to be previously published for the space of four weeks in one or more newspapers, as they may deem proper; at which time and place the said stockholders in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations and by-laws as may be necessary for the government of the corporation and the transactions of business. The persons elected at this meeting shall serve such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix upon the day and place or places, where the subsequent election of directors shall be held, and such election shall thenceforth be annually made; but if the day of election shall pass off without any election, it shall be lawful to hold an election on any other day, in such manner as shall be prescribed by the by-laws of the corporation.

How managed. SEC. 9. Be it further enacted, That the affairs of the company shall be managed and directed by a general board, to consist of nine directors, to be elected by the stockholders at the first annual meeting; and at subsequent annual meetings, such stockholders shall have as many votes as he has shares in the stock of the company, and the election shall be by ballot: the persons having a majority of the votes cast, shall be considered duly elected.

President. SEC. 10. Be it further enacted, That the president of the company shall be elected by the board of directors from among their number, in such manner as the regulations of the company shall prescribe.

First meeting. SEC. 11. Be it further enacted, That at the first general meeting of the stockholders, a majority of all the shares subscribed shall be represented in person or by proxy, before the meeting shall proceed with business; and if a sufficient number do not attend, those who do attend may adjourn from time to time, until a majority be represented. At this meeting, the stockholders may determine what amount of stock shall thereafter be necessary to constitute a quorum for the transaction of business in the regular or occasional meetings of the stockholders or directors.

Voting. SEC. 12. Be it further enacted, That at all elections and upon all votes taken in any general meeting of the stockholders, each share of stock shall be entitled to one vote, and any stockholder may vote by proxy, the proxy being a stockholder, and proxies shall be verified in such manner as the by-laws of the corporation may prescribe.
SEC. 13. Be it further enacted, That the general commissioners shall make their return of the shares of stock subscribed for at the first general meeting of the stockholders and pay over to the directors elected at said meeting or their authorized agent, all sums of money received from subscribers, and for failure thereof, shall be personally liable to said company, to be recovered at the suit of said company in the superior court of law in the county where such delinquent or delinquents reside, or in case of death from his or their executors or administrators.

SEC. 14. Be it further enacted, That the board of directors may fill all vacancies which may occur in it during the period for which it may have been elected, and in the absence of the president may elect a president, pro tempore, from among their number.

SEC. 15. Be it further enacted, That all contracts or agreements authenticated by the president and secretary of the board of directors, shall be binding on the company without a seal, or such mode of authentication may be used as the by-laws of the company may prescribe.

SEC. 16. Be it further enacted, That the company shall have power and may proceed to construct as speedily as possible, a railroad with one or more tracks to be used with steam or other power, which shall extend from Wilmington, or from some point on the Wilmington and Manchester railroad in Columbus county, by way of Lumberton, Rockingham and Wadesboro', taking, in all cases, the most feasible and advantageous route to Charlotte, in the county of Mecklenburg, and they may use any section of said road before the whole shall have been completed.

SEC. 17. Be it further enacted, That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce on said railroad to be constructed, at such charges as may be fixed upon by the board of directors.

SEC. 18. Be it further enacted, That the said company may, when they shall see fit, farm out the right of transportation on said railroad, subject to the rules above mentioned; and said company, and every person who may have received from them the right of transportation of goods, wares and produce on the said road, shall be deemed and taken to be a common carrier, as respects all goods, wares, merchandise and produce entrusted to them for transportation.

SEC. 19. Be it further enacted, That the board of directors may call for the payment of the sums subscribed as stock in said company, in such instalments as the interests of the company may in their opinion require; and the call for each payment shall be published in one or more newspapers in the State, for the space of one month before the time of
payment, and on failure of any stockholder to pay such instalment as required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if the sale of stock do not produce a sum sufficient to pay off the incidental expenses of the same, together with the entire amount owing by such stockholder to the company for stock subscribed, then, and in that case, the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder or his executor, administrators and assigns, at the suit of said company, either by summary jurisdiction in the county where the delinquent resides, on a previous notice of ten days to said subscriber, or by action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace, when the sum does not exceed one hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on said stock, both the original subscriber and the first or subsequent assignee shall be liable to the company, and the same may be recovered as above described.

Debits of stockholders.

Sec. 20. Be it further enacted, That the debt of stockholders due the company for stock therein, either as original proprietor or first or subsequent assignee, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder, by his legal representatives.

Certificates.

Sec. 21. Be it further enacted, That said company shall issue certificates of stock to its members; and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

May increase capital.

Sec. 22. Be it further enacted, That the said company may, at any time, increase its capital to a sum sufficient to complete the said road, not exceeding three millions of dollars, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same shall be done in either case, shall be prescribed by the stockholders in general meeting.

Reports.

Sec. 23. Be it further enacted, That the board of directors shall, at least once in every year, make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener, if required by a by-law; and shall have power to call a general meeting of the stockholders when the board may deem it expedient; and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.
Sec. 24. Be it further enacted, That said company may purchase, have and hold in fee, or for a term of years, any land, tenements or hereditaments which may be necessary for said road or the appurtenances thereof, or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for workshops or foundaries to be used for said company, or for procuring stone or other materials necessary to the construction of said road or for effecting transportation thereon, and for no other purpose whatever.

Sec. 25. Be it further enacted, That the company shall have the right, when necessary, to conduct the said road across or along any public road or water course: Provided, That the said company shall not obstruct any public road without constructing another equally good and convenient, nor without making a draw in any bridge of said road which may cross a navigable stream sufficient for the passage of such vessels as navigate such stream, which draw shall be opened by the company for the free passage of such vessels as navigate such stream.

Sec. 26. Be it further enacted, That when any lands or right of way may be demanded by said company, for the purpose of constructing their road, and for the want of agreement as to the value thereof, or from any other cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record, having common law jurisdiction, in the county where some part of the land or right of way is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage he, she, or they may receive from the erection or establishment of the railroad or work, and shall state particularly the amount and value of each, and the excess of loss and damage over the benefit and advantage, shall form the measure of valuation of said land or right of way: Provided, nevertheless, That if any person or persons over whose land said road may pass, should be dissatisfied with the valuation of said commissioners, then, and in that case, the person or persons so dissatisfied, may have an appeal to the superior court in the county where the said valuation has been made, or in either county in which the land lies, when it may lie in more than one county, under the same rules, regulations, and restrictions as in appeals from judgments of justices of the peace. The proceedings of the said commissioners accompanied with a full description of said land or right of way, shall be returned under the hands and seals.
of a majority of the commissioners to the court from which the commission issued, there to remain a matter of record; and the lands or right of way so valued by the said commissioners, shall vest in the said company so long as the same shall be used for the purposes of said railroad, so soon as the valuation may be paid, or when refused, may have been tendered: Provided, That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court, that at least ten days previous notice has been given by the applicant to the owner or owners of land so proposed to be condemned, or if the owner or owners be infants or non compos mentis, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be so found, then such appointment shall not be made, unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the court-house of the county, and shall have been posted at the door of the court-house, on the first day at least of the term of the court to which application is made: Provided, further, That the valuation provided for in this section, shall be made on oath by the commissioners aforesaid, which oath any justice of the peace, or clerk of the county court of the county in which the land or any part thereof lies, is hereby empowered to administer: Provided, further, That the right of condemnation herein granted, shall not authorize the said company to invade the dwelling-house, yard, garden, or burial ground of any individual without his consent.

Sec. 27. Be it further enacted, That the right of said company to condemn lands in the manner described in the 26th section of this act, shall extend to condemning of one hundred feet on each side of the main track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have the right to condemn so much in addition thereto as shall be necessary for construction of said road, and the company shall also have power to condemn any appropriate lands in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents, and persons employed on said road not exceeding two acres in any one lot or station.

Sec. 28. Be it further enacted, That in the absence of any contract or contracts in relation to the land through which said road or any of its branches may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land over which said road or any of its branches may be constructed, together with a space of one hundred feet on each side of the centre
of said road has been granted to said company by the owner or owners thereof; and the said company shall have good right and title thereto, and shall have, hold, and enjoy the same so long as the same shall be used for the purposes of said road and no longer, unless the person or persons owning the land at the time that part of the said road which may be on said land was finished or those claiming under him, her or them, shall apply for an assessment of the value of said lands as hereinbefore directed within two years next after that part of said road which may be on the said land was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall forever be barred from recovering said land, or having any assessment or compensation therefor: Provided, That nothing herein contained shall affect the rights of jurem coverts or infants until two years after the removal of their respective disabilities.

Sec. 29. Be it further enacted, That all lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one hundred feet of the centre of said road which may be constructed by said company, shall vest in the said company so soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Sec. 30. Be it further enacted, That if any person or persons shall intrude upon the said road, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission or contrary to the will of the said company, he, she or they may be indicted for misdemeanor, and upon conviction fined and imprisoned by any court of competent jurisdiction.

Sec. 31. Be it further enacted, That if any person shall wilfully and maliciously destroy, or in any manner hurt or damage or obstruct, or shall wilfully and maliciously cause or aid or assist, or counsel and advise any other person or persons to destroy, or in any manner hurt or damage, or obstruct or injure said railroad, or any bridge or vehicle used for or in the transportation thereon, any water-tank, warehouse or other property of said company, any person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than twelve nor less than one month, and pay a fine not less than twenty nor more than five hundred dollars, at the discretion of the court before which such conviction shall take place, and shall further be liable to pay all expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by giving in evidence that he was the owner, agent or
servant of the owner of the land where such destruction, damage, hurt or injury or obstruction was done, at the time the same was done or caused to be done.

Sec. 32. Be it further enacted, That every obstruction to the safe and free passage of vehicles on said road or its branches, shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of said company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

Sec. 33. Be it further enacted, That the said company shall have the right to take, at the storehouses they may establish on or annex to their railroad or branches thereof, all goods, wares, merchandise and produce intended for transportation; prescribe the rules of priority and charge, and receive such just and reasonable compensation for storage as they may by rules establish, which rates they shall cause to be published, or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: Provided, That the said company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have power to transport immediately.

Sec. 34. Be it further enacted, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock which each may own.

Sec. 35. Be it further enacted, That the following officers and servants and persons in the actual employment of said company, be and they are hereby exempt from the performance of jury and ordinary militia duty: the president and treasurer of the board of directors, the chief and assistant engineers, the secretaries and accountants of the company, keepers of the depositories, guard stationed on the road to protect it from injury, and such persons as may be working the locomotive engines, and travelling with the cars for the purpose of attending the transportation of goods, produce and passengers on said road.

Sec. 36. Be it further enacted, That the said road shall be divided into sections of twenty-five miles each, and shall be commenced at its eastern terminus, and built regularly on, section by section, to its western terminus, at Charlotte; and whenever the first section shall be completed, and in operation, the president and directors of said company, may make their bonds payable to the public treasurer of the State of North Carolina, for the sum of two hundred thousand dollars, and no more, which said bonds are to be signed by the president, and under the seal of the corporation, and made for any sum not under five hundred dollars each, and
to bear interest at the rate of six per cent. per annum, which interest is to be paid semi-annually, to wit: On the first Monday in January and July, in each and every year, and the principal of said bonds, and all other bonds by this act authorized to be made, to be made payable on the first day of January, eighteen hundred and eighty, at such place as the president and directors of said company may agree upon; and that when the second section of said road shall be completed, and in operation, the president and directors of said company may make other bonds of like character, to the amount of two hundred thousand dollars, to be endorsed by the public treasurer, in like manner, as the first bonds authorized to be made and indorsed as aforesaid, and so on in like amounts, and under the same provisions, as often as each section shall be completed: Provided, That when the section before the last shall be completed, the president and directors of said company may make their bonds payable to the public treasurer, to be indorsed by him, as is herein provided, for the sum of four hundred thousand dollars, unless the last section shall be less than twenty-five miles, and then a deduction shall be made in the amount of the said last mentioned bonds, in the proportion of two hundred thousand dollars, to twenty-five miles of road.

Sec. 37. Be it further enacted, That the public treasurer shall not indorse any of the bonds as provided for in the 33th section of this act, until after the completion of each section of the road, it shall be made to appear to him, by a certificate under the seal of the company, signed by the president, and countersigned by the treasurer of said company, that the same has been completed, and is in operation, which said certificate shall be filed with the public treasurer, but whenever upon the completion of any section of said road, such certificate shall be filed, then it shall be the duty of the public treasurer to endorse the bonds of said company, as provided in the 36th section of this act as follows, to wit: Pay to —— or order, and this indorsement pledges the State of North-Carolina as security for the payment of the sum named in the bond, according to the provisions in this act, which indorsement is to be signed by the public treasurer in his official capacity, and countersigned by the comptroller; the public treasurer after endorsing the bonds as before mentioned, shall duly number and register them at large, in a book prepared and kept for that purpose.

Sec. 38. Be it further enacted, That it shall be the duty of the public treasurer, on the endorsement being made as before directed; and the bonds being numbered and registered, and the mortgage as hereinafter directed, being made and delivered to the Governor, to deliver the same to the president and directors of said company, from time to time
as they may call for the same, and they are at liberty to fill up the blank in said endorsement, with the name or names of the person or persons, or company, or corporation, to whom the same may be sold or transferred, and when so filled up, shall be binding on the State of North-Carolina, as if the same was done by the public treasurer, at the time of making the endorsement as aforesaid.

Sec. 39. Be it further enacted, That the president and directors, from time to time, as they shall sell or transfer the said bonds and fill up the blanks with the name or names of the person, company or corporation to whom they are sold or transferred, shall cause a statement to be filed with the public treasurer, setting forth the time of the transfer or sale, the person, company or corporation to whom payable, to be by him registered in the books to be kept for the registration of the bonds aforesaid.

Sec. 40. Be it further enacted, That for the payment of the interest semi-annually at the rate of six per centum per annum, on the principal debt due on the bonds hereby authorized to be made, the credit and faith of the State is pledged to the holders of said bonds; and on failure of the president and directors to pay the principal and interest as it accrues, the public treasurer is authorized to pay the same out of any money in the treasury at the time; for the full and entire payment and redemption of said principal, the General Assembly doth hereby guarantee the principal due on the bonds hereby authorized to be created.

Sec. 41. Be it further enacted, That whenever the first section of said road shall be completed and in operation and the same shall be duly certified to the public treasurer as is herein required, the president and directors of said company shall make, execute and deliver to the governor of the State a deed of mortgage, under the seal of said company, wherein and whereby shall be conveyed to the said governor and his successors in office, for the use and benefit of the State, all the estate, both real and personal, belonging to said company, or in any manner pertaining to the same, conditioned for indemnifying and saving harmless the State of North-Carolina from the payment of the whole or any part of the bonds of two hundred thousand dollars authorized, to be first endorsed by the public treasurer; and also from the payment of the whole or any part of the bonds authorized by this act to be made by the company and endorsed by the public treasurer; also, make, execute and deliver under the seal of said company to the governor for the use and benefit of the State, a pledge of so much of the profits of said company as shall be sufficient to pay semi-annually the interest which may accrue on said bonds, until the final payment and redemption of the principal of said bonds; which
said deed of mortgage and pledge shall be approved by the attorney general of the State, then it shall be the duty of the public treasurer, and he is hereby required to deliver to the president and directors of the said railroad company, the whole of the said bonds of two hundred thousand dollars; and again when the second section of said road shall be completed and in operation and the same shall be certified as is herein provided, to deliver to the president and directors of said road, the other bonds to the amount of two hundred thousand dollars provided for in this act; and so on from time to time as often as each section of said road is completed, and the same shall be certified to the public treasurer until the final completion of said road, agreeable to the 36th and 37th sections of this act: Provided, The endorsements of the company's bonds under this act by the State shall in no event exceed the sum of sixteen hundred thousand dollars.

Sec. 42. Be it further enacted, That in case of failure by the president and directors of said company to pay and discharge semi-annually the interest which may accrue on the bonds hereby authorized to be made and executed, it shall be the duty of the Governor of the State to apply in behalf of the State to the superior court of equity for the county of Wake, for a sequestration of the receipts of transportation on said road, and for the appointment of a receiver or receivers of the said receipts; which court, on the proof of the failure to pay such interest by the president and directors of said railroad company, shall have power to order such sequestration, and appoint a receiver or receivers accordingly; and in case of such sequestration, and the appointment of a receiver or receivers of the profits for transportation on the said road, it shall be the duty of such receiver or receivers to apply so much thereof as shall be sufficient to pay the interest on said bonds semi-annually, and to pay the excess to the president and directors of said railroad company.

Sec. 43. Be it further enacted, That from and after the first day of January, one thousand eight hundred and eighty, it shall be the duty of the president and directors of the said company, to pay and redeem the principal of the bonds hereby authorized to be issued by the president and directors of said company and endorsed by the public treasurer, and delivered by him to the said company at such times and in such manner annually, as may be prescribed and directed by act of the General Assembly of this State; and in case of failure of the president and directors of said company, to pay off and redeem the principal of said bonds at such times and in such amounts as shall be prescribed by the General Assembly, then it shall be the duty of the Governor of the State, to cause the mortgage made and execut
ted by the president and directors of said company to be foreclosed in the superior court of equity for Wake county, which court is hereby authorized and empowered to take jurisdiction of the same; and the decree of foreclosure being made by said court, it shall be the further duty of the Governor of said State to cause the whole estate, real and personal, so conveyed by mortgage, to be sold at such time and in such way as shall most effectually protect and save harmless the State against any loss or damage by reason of its liability for the payment of said bonds or any part thereof, and out of the proceeds of such sale or sales to pay off and redeem the whole amount of the principal of said bonds, and to pay the excess to the president and directors of said company.

Sec. 44. Be it further enacted, That the mortgage hereby authorized and directed to be made and executed, shall create a lien on behalf of the State upon all the personal and real property of said company, as well that which they may own at the time of the execution of said mortgage, as that which they may acquire in the progress of the construction of said road till its final completion, and that said lien shall have preference to all others of whatsoever nature.

Sec. 45. Be it further enacted, That the president and directors of said company shall not dispose of any of the bonds by this act authorized to be made by the company and endorsed by the public treasurer for a less sum than their par value.

Sec. 46. Be it further enacted, That for the purpose of continuing said road to a point at a near the town of Rutherfordton, the said capital stock of said company shall be increased one million of dollars.

Sec. 47. Be it further enacted, That subscriptions to raise said capital stock shall be opened in the town of Charlotte, by W. W. Elms, William Johnston, C. J. Fox, Gen. John A. Young and William R. Myers, or a majority of them; at Lincoln, by Henry Casler, John F. Hoke, L. D. Childs, J. T. Alexander, Benjamin Johnson, or a majority of them; at Dallas, by James H. White, Alexander Hoyle, David Jenkins, Jasper Stowe and Dr. William Sloan, or a majority of them; at Shelby, by Dr. W. T. J. Miller, Dr. Thos. Williams, Charles Blanton, William Roberts, C. C. Durham, or a majority of them; at Rutherfordton, by W. H. Miller, Sam'l Wilkins, Robert G. Twitty, T. B. Justice and A. G. Logan, or a majority of them; and at such other places, and by such other persons, as a majority of the commissioners in the town of Charlotte may direct, which said subscriptions shall be made under the same conditions and restrictions as are prescribed in the preceding sections of this act.
SEC. 48. Be it further enacted, That as soon as the amount of one-third of said increased capital stock shall be paid in and expended, in the construction of said road from Charlotte to Rutherfordton, and when the company shall have complied with the terms and conditions in every particular, as prescribed in the 36th, 37th, 38th, 39th, 40th, 41st, 42d, 43d and 44th sections of this act, then the public treasurer shall endorse the bonds of the company for the remaining two-thirds of the increased capital, under [the] same restrictions, liabilities and conditions as prescribed in the said before enacted sections of this act.

SEC. 49. Be it further enacted, That the subscriptions authorized in the 47th section of this act shall be solely for the continuation of the road from Charlotte to a point at or near Rutherfordton, and shall be expended for no other purpose whatever; and if the said one-third amount of the subscribed capital stock is not raised, then the said Wilmington and Charlotte Railroad Company shall be under no obligation to continue said road beyond the town of Charlotte.

SEC. 50. Be it further enacted, That any other railroad company, incorporated by the General Assembly of this State, shall have power to make a connection with said Wilmington and Charlotte Railroad, and at the point or points of connection shall have leave to erect the necessary buildings for receiving and forwarding produce, merchandise and passengers, to be transported on such intersecting road or roads. [Ratified the 13th day of February, 1855.]

AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY, ENTITLED AN ACT TO INCORPORATE THE WILMINGTON AND CHARLOTTE RAILROAD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the name of the Wilmington and Charlotte Railroad Company shall be altered, and the said company shall be known and styled the “Wilmington, Charlotte and Rutherford Railroad Company,” and by said name shall sue and be sued, and in said name transact and perform all the acts and duties, and exercise all the privileges and powers contained in the said act incorporating the Wilmington and Charlotte Railroad Company.

SEC. 2. Be it further enacted, That the capital stock of the Wilmington, Charlotte and Rutherford Railroad Company shall be three millions of dollars, to be raised in the manner and for the purposes prescribed in the above recited act.

SEC. 3. Be it further enacted, That the said company shall
have power, and they are hereby authorized to commence the construction of said railroad, at Charlotte, and extending west in the direction of Rutherfordton, as soon as the requisite amount shall have been subscribed for that purpose: Provided, That nothing herein contained shall be so construed as to require said Wilmington, Charlotte and Rutherford Railroad Company to expend any money upon the construction of the road west of Charlotte, except such funds as may be subscribed for that purpose, in the manner prescribed in the before recited act.

SEC. 4. Be it further enacted, That the bonds authorized to be issued by the said company, to be endorsed by the public treasurer, shall be bonds with coupons attached; and shall be payable at such place as the president and directors of said company may direct.

SEC. 5. Be it further enacted, That said company may commence the construction of said road, at its eastern terminus, at any point on the Wilmington and Manchester Railroad in the State of North Carolina, or at any point on the Wilmington and Weldon Railroad in the county of New-Hanover. [Ratified the 14th day of February, 1855.]

Chap. 227. AN ACT TO INCORPORATE THE ATLANTIC, TENNESSEE AND OHIO RAILROAD COMPANY.

Whereas, The General Assembly of the State of Tennessee on the 26th day of February, 1852, passed an act in the words and figures following, to wit:

"SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That for the purpose of establishing a communication by railroad, between the waters of the Atlantic and the Ohio river, through the States of North-Carolina, Tennessee, Virginia and Kentucky; the formation of a company to be called the Atlantic, Tennessee and Ohio Railroad Company, is hereby authorized, which, when formed, shall have corporate existence in each of the States aforesaid.

"SEC. 2. Be it further enacted, That books of subscription for sixty thousand shares of the capital stock of said company, of fifty dollars each, shall be opened on the first Monday in July, 1854, and shall be kept open for twenty days, (Sundays excepted,) between the hours of ten o'clock, A. M., and four o'clock, P. M., at the following places, and by the following commissioners on each of those days: At Charleston, in the State of South-Carolina, by James Gadsden, George A. Trenholm, Junius S. Bowie, Kerr Boyce and Samuel Farrar; at Charlotte, Lincolnton, Morganton, Statesville, Salisbury, Taylorsville, Wilksboro', Contord, Le Noir and Boon, in the State of North-Carolina, and at such
other places and by such commissioners at each of said places, as the legislature or Governor of said State shall appoint; at Taylorsville, M. M. Wagner, Isaac W. McQueen, A. D. Smith, Green Moore and E. L. Dugger; at Elizabethton, Nathaniel G. Taylor, William Stem, Isaac P. Tipton, William Rockhold and Jacob Cameron; at Jonesborough, John A. Wilds, John T. Deadrick, Landon C. Haynes, Wm. H. Crouch and Seth J. Luckey; at Broyles Store, Washington county, Adam A. Broyles, Jacob Klipper, Samuel Mitchell, Soam G. Waddle and Wm. Tyler; at Middleton, Sullivan county, Abram McClelland, Michael Massengill, Elkaney Millard, Jesse Cross and David McClelland; at Paperville, Wm. Ham- mer, John R. Dulaney, John King, James Ruder and Valentine Ridleman; at Blomtsville, Samuel Rhea, Wm. And- erson, Wm. Gammon, Abram Tipton and W. W. James; at Kingsport, Wm. Lynn, James H. Vance, Armstead Wall, Griffith Rogan and Robert Patton; at Rogersville, Joshua Phips, Wm. Lyons, Joseph Heiskill, Dix Alexander and Orville Rive; at Fall Branch, James A. Wells, Thomas H. Crough, John Easley, George James and John Vincent; at Greeneville, Alexander Williams, Wm. Lowry, James P. McDowell, John McGaughey and Joseph Brown; at Rhea- town, Joseph Henderson, Joseph Earnest, Loyd A. Cox, James Johnson and Jacob Naff; at Graysburg, Nathan Morelock, Wm. Stoncyphur, James Perry, Robert Thompson and Wm. Crawford, in the State of Tennessee; at Abing- don, Saltville, Marion, Estreville, Jonesville, and such other places in the State of Virginia, and by five such commis- sioners at each of said places, as the legislature or Governor of the last mentioned State, shall designate or appoint; at Maysville, Lexington, Frankfort, Springfield, Catlettsburg, Greenupslburg, Catlettsburg, Prestonsburg, Pantville, Perry C. L., Louisville, Piketon and Litchery, and such other places in the State of Kentucky, and by five such commis- sioners, at each of said places, as the legislature or Governor of the last mentioned State, shall designate and appoint.

"Sec. 3. Be it further enacted, That the said commissio- nors or a majority of them at each of the aforesaid places, or so as aforesaid to be designated, shall receive subscriptions of stock in the railroad company during the time the said books are directed to be kept open; and on each share so subscribed, may call for and receive the sum of one dollar, but should the sum of one dollar not be required to be paid at the time of making said subscription, it shall in no wise vitiate said subscription, but the commissioners or their suc- cessors may call for and receive the said one dollar at any time thereafter.

"Sec. 4. Be it further enacted, That as soon as the time of receiving subscriptions so as aforesaid shall have expired,
the said commissioners shall deposit the money so received in some incorporated bank, redeeming its notes in specie, to the credit of the Atlantic, Tennessee and Ohio Railroad Company; but should it not be practicable or convenient to deposit the money in some incorporated bank, the said commissioners may be authorized to retain said advance payment of one dollar, and shall also forward a correct list of all the subscribers to the said stock with the number of shares each subscriber has taken, noting what has been paid, by whom, and from whom the one dollar has not been collected, to a central commission to be composed of the following persons: Wm. A. Lenoir, of Lenoir, North-Carolina, A. E. Jackson, of Washington county, and John S. Gaines, of Sullivan county, Tennessee; Samuel Goodson, of Washington county, Virginia, and Wm. Brasheares, of Brashearesville, Kentucky, who, or a majority of whom, shall meet at Jonesborough on the first Monday of October, 1854, ascertain the whole number of shares taken in said company, and if the number of five thousand shares shall have been taken, the Atlantic, Tennessee and Ohio Railroad Company shall be regarded as formed, but if the number of five thousand shares shall not have been subscribed, the central commission may forthwith direct the individuals composing the first named committee to re-open said books of subscription on the first Monday of November, 1854, at the places designated in the 2d section of this act, and keep them open for the space of ten days, from the hours of 10 o'clock, a. m. and 4 o'clock, p. m., on each of those days at the places and by the persons in each of the States mentioned in said 2d section; and the said commissioners or any of them, may, by themselves, or agents, receive subscriptions of stock to the said company, at any other places than those mentioned in said second section, during the specified period of ten days, at the expiration of which, it shall be their duty to forward a correct list of the subscriptions so obtained on the second opening of the books of said railroad company, and shall deposit the money so received on said subscriptions as before directed, and report the same to the central commission, who or a majority of whom, shall again assemble at Jonesborough, Tennessee, on the first Monday of January following, to ascertain the number of shares taken on the re-opening of the books of subscription; and if it shall be found upon adding the number last obtained to those received on the first opening the books, that five thousand shares shall have been subscribed, the Atlantic, Tennessee and Ohio Railroad Company shall be regarded as formed, and the said central commission or a majority of them shall sign and seal four duplicate declarations to that effect, with the names of all the subscribers appended, and cause one of the duplicates to be
forwarded to the secretary of State, in each of the States of North-Carolina, Tennessee, Virginia and Kentucky, by them to be filed in their office, and thenceforth, and from the day of closing the books of subscription as aforesaid, the said subscribers to the stock shall form a body politic and corporate in deed and in law, in all the States aforesaid by the name and for the purpose aforesaid.

"Sec. 5. Be it further enacted, That in case any of the persons forming the said central commission should not attend at Jonesboro', on the said first Monday of October, 1854, or secondly, on the said first Monday in November, 1854, or attending, should refuse or be unable to act, the remaining number or numbers of the said central commission, shall forthwith fill the vacancy, and the person or persons so appointed, shall constitute a part of said commission.

"Sec. 6. Be it further enacted, That, if on closing the books aforesaid, the number of five thousand shares shall not have been subscribed, then, and in that case, the said central commission by themselves or their agents, may receive subscriptions from any of the States of Ohio, Kentucky, Virginia, Tennessee, North-Carolina or South-Carolina, and also from individuals or bodies corporate, till the number of five thousand shares shall have been subscribed: Provided, The same be done on or before the first day of January, 1855, and when the said number of five thousand shares shall have been subscribed, if the same shall have been done on or before the day last aforesaid, and on that day if a less number, but amounting to three thousand shares or more, shall then have been subscribed, the said books of subscription shall be closed, the subscribers shall thenceforth form a body politic as aforesaid, and the declaration thereof shall be made and deposited in the office of the secretary of State in manner aforesaid.

"Sec. 7. Be it further enacted, That, if on closing the books on the first day of January, 1855, the number of three thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by one or more of the commissioners after first deducting therefrom whatever expense may have occurred in the opening of the books of subscription, either by giving a check for the amount if deposited in some bank, or an order on the person in whose hands it may have been retained, which the said bank or persons holding the money shall be bound to pay, only in case the central commission, or a majority of them shall have published a declaration that the formation of the company has failed for the want of three thousand shares having been subscribed.

"Sec. 8. Be it further enacted, That the said Atlantic, Tennessee and Ohio Railroad Company so formed as aforesaid,
shall have perpetual succession of members; may have a common seal; may sue and be sued, plead and be impleaded in any court of law or equity in the States of Kentucky, Virginia, Tennessee or North-Carolina; and may make all such regulations, rules, and by-laws as are necessary for the government of the corporation, or affecting the object for which it was created: *Provided,* Such rules and by-laws shall not be repugnant to the laws or constitution of the said States, or of the United States.

How managed.

"Sec. 9. Be it further enacted, That the affairs of the said company shall be managed and directed by a board to consist of fifteen directors, of whom four shall be elected from the State of North-Carolina, five from the State of Tennessee, three from the State of Virginia, and three from the State of Kentucky, each of whom shall be the owner in his own name and right of at least ten shares of the stock of said railroad company, and shall have so held it at least three months previous to the election at which he shall have been elected a director, except in the election of the first board of directors. The president shall be elected from among their own number, in such manner as the regulations of the company may prescribe.

"Sec. 10. Be it further enacted, That as soon as the number of three thousand shares shall have been subscribed, it shall be the duty of the central commission, or a majority of them, to declare the same, to appoint a time for the stockholders to meet at Jonesboro', in the State of Tennessee, which they shall cause to be published in one or more newspapers in the several States of North-Carolina, Tennessee, Virginia and Kentucky, or such other States as they may think proper; at which time and place the stockholders in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws as may be necessary for the government of the corporation, and the transaction of its business; but should they fail to enact such by-laws for the government of the board of directors, it may be lawful for the board to enact such rules and by-laws for their own government as to them may seem needful and proper, provided two thirds of the board may concur therein; but it shall be lawful for the stockholders, when in convention assembled, to rescind, alter, or amend any such by-law as to them may seem inequitable or improper, that may have been adopted by the board of directors. The persons elected at the first meeting of the stockholders directors, shall serve for a period not exceeding twelve months, and such elections shall thenceforth be annually held at the town of Jonesboro', in the State of Tennessee; but if the day of the annual election shall pass without any election being made, the corporation shall not
thereby be dissolved, but it shall be lawful on any other day
to hold and make such election in such manner as may be
prescribed by a by-law of the corporation, and the old board
shall continue to serve until the new board shall be elected.

"Sec. 11. Be it further enacted, That the board of direc-
tors, a majority of the whole number concurring, may expel
a member for any wanton violation of the rules and by-
laws of the corporation, and any member's seat may be de-
clared forfeited who continues to absent himself from the
meetings of the board; and all such vacancies, and those
that occur by death or resignation, may be filled by the
board during the period for which they were elected, and
in the absence of the president may fill his place by electing
one of their number president pro tempore.

"Sec. 12. Be it further enacted, That the board of direc-
tors, at each annual meeting, may appoint an executive com-
mittee, to be composed of not less than three nor more than
five persons, who shall be stockholders in each of the States
through which the Atlantic, Tennessee and Ohio Railroad
may pass, who may be authorized to transact such local busi-
siness as may be entrusted to them by the board of direc-
tors, under such rules and regulations as may be prescribed,
of which number, before proceeding to act, they shall elect
a chairman and secretary, a minute of whose proceedings
shall be kept in a book, and shall report every three months
their proceedings to the board of directors, and should they
fail at any time to carry out the instructions of the board,
or be incompetent, may be removed and others appointed.

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

"Sec. 14. Be it further enacted, That the board of direc-
tors shall have power to construct, as speedily as their means
will permit, a railroad, with one or more tracks, to be used
with steam, animal or other power, between Charlotte,
North-Carolina, and some point on the East Tennessee and
Virginia Railroad, at or near Jonesboro', in Washington
county, and form such connection by the way of Moccasin
Gap of Clinch mountain, in the State of Virginia, by the
most practicable line to the head waters of Big Sandy River,
thence the most eligible route to the Ohio River, and may
put under contract any portion of the road, at either or both
ends, or its intersection with the East Tennessee and Virginia
Railroad, and shall be required to build only so much of the
said road as the means of the company will permit; the loca-
tion to be fixed by the board of directors, subject to the
control of the stockholders at a general meeting. The said
company may use any section of said railroad before the whole shall be completed, subject to the rates hereinafter mentioned.

"SEC. 15. Be it further enacted, That said company may construct branches, provided such branches shall not conflict with any chartered rights existing at the time of their construction, and provided they shall be attended with no exclusive privileges, except the exclusive right of transportation of goods, wares, merchandise, produce and persons thereon, subject to the rates hereinafter mentioned.

"SEC. 16. Be it further enacted, That the said company shall have the exclusive right of transportation, or conveyance of persons, goods, merchandise and produce over the said Railroad, by them to be constructed: Provided, The charges of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, or ten cents per cubic foot on articles of measurement for every hundred miles, and five cents a mile for every passenger: And provided also, That the said company may, when they see fit, farm out their right to transportation on the said road, subject to the rates above mentioned.

"SEC. 17. Be it further enacted, That the said company, and every person who may have received from them the right of transportation of goods, wares and produce on the said road, shall be deemed and taken to be a common carrying as respects all goods, wares, merchandise and produce entrusted to them for transportation.

"SEC. 18. Be it further enacted, That the board of directors may call for the payment of forty-nine dollars on each share of the stock, in sums not exceeding five dollars in every three months. The call for such instalment shall be advertised in one or more newspapers in North-Carolina, Tennessee, Virginia and Kentucky, and in such other States, and in such other manner as they may think proper, at least one month before the time the same is to be paid; and failure to pay or secure to be paid, according to the rules of the company, shall induce a forfeiture of the share or shares on which default shall be so made, and the board of directors may, at their option, declare the same forfeited, or they may take such steps for the collection of the amount in default as to them may seem right and proper; and should they declare the share or shares forfeited, whatever payments may have been made thereon shall vest in and belong to the company, and may be appropriated as they shall see proper; and the stock so forfeited may be sold to any other person.

"SEC. 19. Be it further enacted, That the said company may, at any time, increase its capital to a sum sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening
parts of said mortgage books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, or on the mortgage of its charter and works.

"Sec. 20. Be it further enacted, That the stock of the company may be transferred in such manner and form as may be directed by the by-laws of the company.

"Sec. 21. Be it further enacted, That it shall be lawful for said company from time to time to vest so much or such parts of their capital, or of their profits, as may not be required for immediate use, until it may be so required, in the public stocks, or in the stock of any branch or other road connecting with said railroad in the States of North Carolina, Tennessee, Virginia, Kentucky, or Ohio, or in any incorporated bank in the said States: Provided, The same shall at no time exceed one million of dollars, and the same be submitted to the stockholders at a general meeting, and be approved by them, provided one-half of the stock of said company be represented in said general meeting.

"Sec. 22. Be it further enacted, That the board of directors shall once in every year at least make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener if directed by a by-law, and shall have the power to call a general meeting of the stockholders, when the board may deem it expedient, and the company may provide for in their by-laws for additional meetings being called, and prescribe the mode thereof, and the company may provide by a by-law for the votes of stockholders at more than one place, and also for taking their votes on any question relative to the repeal, alteration or amendment of, or addition to any of the rules, regulations or by-laws of the company proposed by the board of directors.

"Sec. 23. Be it further enacted, That no person but a citizen of the United States and a bona fide stockholder in his own right of at least ten shares, which he shall have held at least three months previous to his election (except at the first election) shall be a director of said company, nor shall any stockholder vote in person or by proxy at any general or other election (except the first) who shall not have held in his own right the share or shares on which he offers to vote, at least three months previous to such election, nor shall any stockholder vote in person or by proxy who has failed or refused to pay any of the installments made by said company, in proof of which the person so offering to vote may be required to produce his receipt, or take an oath or affirmation that the same has been paid, or if he shall tender the amount then due on said shares at the time of offering to vote, his vote shall be received.

"Sec. 24. Be it further enacted, That the stockholders may provide by a by-law as to the number of stockholders,
and the amount of stock to be held by them which shall constitute a quorum for transacting business at any regular or occasional meeting of stockholders or directors.

"Sec. 25. Be it further enacted, That no member of the general board, or of the executive committee, or agent of the company shall be directly or indirectly interested in any contract for work, nor shall any director vote on the passage of any bill for materials, in which he is directly or indirectly concerned, and every officer, director, or agent violating this provision may be removed from the board, his office or employment by vote of the directors.

"Sec. 26. Be it further enacted, That any stockholder in the company may vote by proxy, who must be a resident of the United States, and before he votes, he may be required by any stockholder to swear, that to his belief, the stock bona fide belongs to the person whom he represents; before any stockholder votes in his own right, or for an estate, he may be required by any stockholder to swear, that he is the bona fide owner of the said stock, in his own right, or is the legal representative of the testator or intestate whom he represents, and that no other person but himself, or the estate is directly or indirectly interested therein, to his belief; any State or county holding stock, may vote by such person or persons, as the legislature or Governor thereof may appoint, or as may be appointed in any other way, pursuant to the laws of the State, made for that purpose.

"Sec. 27. Be it further enacted, That in the election of directors, and in voting on all questions which may come before the meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale; the owner of one or two shares, shall be entitled to one vote; the owner of not less than three nor more than four, shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more than eight shares, shall be entitled to four votes; the owner of not less than nine nor more than ten shares, shall be entitled to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen nor more than twenty shares, shall be entitled to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, shall be entitled to eight votes; and the owner of not less than twenty-seven nor more than thirty-three shares, shall be entitled to nine; and the owner of not less than thirty-four or more than forty shares, shall be entitled to ten votes; and the owner of every ten shares above forty, shall be entitled therefor, to one vote: Provided, That no individual, corporation or State, holding stock in said com-
pany, shall be entitled to more than five hundred votes, and one vote for every fifty shares over five thousand shares.

"Sec. 28. Be it further enacted, That the said company may purchase, have, and hold in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for the said road, or for the erection of depostories, store-houses, houses for officers, servants or agents of the company, or for workshops, or for foundries, to be used for the said company or for procuring timber, stone, or other materials to be used in the construction of said road, or for effecting transportation thereon.

"Sec. 29. Be it further enacted, That the said company shall have the right where necessary, to conduct the said road across or along any public road or water-course: Provided, That the said road and the navigation of such water-course, shall not be thereby obstructed.

"Sec. 30. Be it further enacted, That the said company may purchase, have, and hold any bridge or turnpike over which or along which it may be necessary to carry said road, and when purchase is made, to hold said bridge or turnpike road on the same terms, and with all the rights which belong to the individual, individuals or corporations from which such purchase may be made: Provided, The said company shall not obstruct any public road, without constructing another as convenient as may be.

"Sec. 31. Be it further enacted, That the president and directors of said company, or a majority of them or their authorized agents, may agree with the owner of any land, earth, timber, or stone or any other materials or improvements which may be wanted for the construction or repair of any of said road or any of their works, for the purchase or use and occupation of the same; and if they cannot agree, and if the owner or owners or any of them be *feme covert under age, non compositus ortis, or out of the county in which the property wanted may lie, where such land or material may be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant under his hand, directed to the sheriff of such county, requiring him to summon a jury of five freeholders, not related to any of the parties or in any wise interested, to meet on the land or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of his warrant; and if at the time and place any of said jurors do not attend, said sheriff shall forthwith summon as many jurors as may be necessary with the jurors in attendance, who shall act as the jury of inquest of damages, and before they act as such, the said sheriff or other authorized person, shall administer to each of them an oath or affirmation, that he
will justly and impartially fix the damages which the owner or owners shall sustain by the use and occupation of said property required by the company; and the said jury in estimating such damages, shall take into consideration the benefits resulting to the owner from conducting said road by, through or near the property of said owners, but only in extinguishment of damages; and said jury or a majority agreeing, shall reduce their verdict to writing, and shall sign the same, and it shall be returned by the sheriff to the clerk of the county court, and by such clerk shall be filed in his office, and shall be confirmed by the court of said county at its next session, if no sufficient cause to the contrary be shown, and when so confirmed, shall be recorded by said clerk at the expense of the company; but if set aside, or on the application of either party, the court shall direct another inquisition to be taken, and shall nominate five other persons or commissioners, and direct the sheriff to summon them to appear on the premises within twenty days, and proceed to discharge their duty in the same manner as above prescribed for the first named jury, and shall report their award to the circuit court held for said county at its first session, the judgment of which court shall be final and conclusive, unless appealed from by one of the parties; but that the work may not be delayed or the progress of the road hindered, it shall be lawful for the president and directors of said company by themselves or their agents, after the assessment of damages by the first jury of inquest, to enter upon the premises and appropriate to the use of the company any land, earth, timber, stone, or other materials necessary for the construction of said railroad, subject to the payment of whatever damages may be awarded by the court to which an appeal may be taken. The jury of inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the company in the report; and such valuation when tendered or paid to owner or owners of said property, or his, her, or their legal representative, shall entitle said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, and the valuation if not received when tendered, may be deposited in the office of the clerk of the court where the judgment was recorded.

"Sec. 32. Be it further enacted, That after the closing of the books of subscription, and an experimental survey being made of the route from Charlotte, North-Carolina, to the point of intersection with the East Tennessee and Virginia Railroad, or from such intersection to the Ohio River, or any part thereof, the company shall have five years to commence the graduation of any part of said road, and shall
be allowed fifteen years thereafter to finish and put in operation either branch of the road.

"Sec. 33. Be it further enacted, That if any person shall wilfully and maliciously destroy or in any manner hurt, damage or obstruct the said road, or any bridge or vehicle used for or in the transportation thereon, such person shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine of not less than fifty dollars, and shall be further liable to pay all the expenses of repairing the same; it shall not be competent for any person, so offending against the provisions of this clause, to defend himself by pleading or giving in evidence that he was the owner, agent or servant of the owner of such land when such destruction, damage or obstruction was done, at the time the same was caused or done: and every obstruction to the free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated by any officer or agent of the company, and the person creating such shall be liable to indictment.

"Sec. 34. Be it further enacted, That the said company shall have the right to take at their storehouses they may establish and annex to their railroad, all goods, wares, merchandise and produce intended for transportation, prescribe rules of priority, and charge and receive such just and reasonable compensation for storage, as they by rules may establish and publish, or as may be by agreement with the owners, which may [be] distinct from the rates of transportation: Provided, That the said company shall not charge or receive storage on goods, wares and merchandise or produce which may be delivered to them at their regular depositories for immediate transportation, and which the said company may have the power immediately to transport.

"Sec. 35. Be it further enacted, That the profits of the company, or so much thereof as the board of directors may deem advisable, when the affairs of the company may permit, shall be semi-annually divided among the stockholders, in proportion to the stock each may hold.

"Sec. 36. Be it further enacted, That the said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work: this charter, however, may be amended from time to time by the legislatures of the several States interested, whenever two-thirds of the board of directors shall petition for amendments; and when such amendments shall be adopted by the legislatures, and submitted to the directory to be accepted and adopted by a vote of two-thirds of the then existing board of directors, they shall be obligatory on the company, and not otherwise.
Sec. 37. Be it further enacted, That the president, directors, clerks, agents, officers and servants of said company shall be exempt from military duty, except in cases of invasion or insurrection, and shall also be exempt from serving on juries and working on public roads; and the capital stock of this company shall forever be free from taxation; the road, with all its fixtures and appurtenances, including workshops, warehouses and vehicles for transportation, shall be exempt from taxation for the period of twenty years from the completion of said railroad, and no longer; the company shall have full power and authority to purchase and own such number of shares as may be necessary for the construction of said road, and keeping the same in repair, which shall likewise be exempt from taxation.

Sec. 38. Be it further enacted, That the said company may connect with the East Tennessee and Virginia Railroad, at any point that may be agreed upon by the two companies, and it may be lawful, should the connection not be made at any regular depot, to use the track of the said East Tennessee and Virginia Railroad, in running to the nearest depot in either direction from the point of intersection, on such terms as may be fair and equitable, and may be agreed upon by the companies, and so as not to interfere with the running of the trains of cars on the East Tennessee and Virginia Railroad; and it shall be the duty of this company, when required, to extend the same privileges to other roads, and to receive on their road the full loaded freight cars of the East Tennessee and Virginia Railroad Company, and such branches as may be constructed, and transport the same to their destination without changing the loads thereof; or charging for the goods, wares and merchandise and produce therein any greater rate of freight than is charged for similar goods, wares and merchandise and produce in their own cars, and return the cars so received: Provided, the tracks are of corresponding width, and that similar privileges are extended to this company.

Sec. 39. Be it further enacted, That in the event any of the States through which the Atlantic, Tennessee, and Ohio railroad may pass shall fail to re-enact this charter, it may be lawful to distribute the portion of the directory provided for said State in the 9th section of this act among the other States according to the amount of their subscriptions, or may be given to other States when considerable subscriptions have been obtained; and should the citizens of South Carolina, Ohio or other States subscribe for two hundred thousand dollars in the stock of this company, it may be lawful for them to be entitled to the election of one director from said stockholders, and for every additional two hundred and fifty thousand dollars, they shall be entitled to one other
director, which may be provided for by a by-law of the company.

"Sec. 40. Be it further enacted, That it may be lawful upon the enactment of this charter by the State of North Carolina for the commissioners named in the 2nd section of this act in the States of North Carolina and Tennessee to open books of subscription in the several places and counties in said States designated in said section for the capital stock of this company at any time prior to the first Monday of July, 1854, which may be designated by the then central commissioners designated for said States in the 3rd section of this act, and shall report to them at such time and place as they may designate, the amount obtained by the opening of said books of subscription, and if it shall appear that the number of three thousand shares shall have been subscribed, they may forthwith declare the company formed as before stipulated, and may give notice for an election of nine directors to be held at the town of Jonesboro', Tennessee, at such time as they may designate, and after organizing as herein before directed they may proceed to employ such number of competent engineers and force as may be necessary to survey so much of said line of the Atlantic, Tennessee, and Ohio railroad that lies between Charlotte, North Carolina, and the East Tennessee and Virginia railroad, and when carefully surveyed may proceed to locate the same on the most practicable line between those points, and when the subscriptions may justify they may put under contract the graduation of the whole or any part of said line: Provided, They do not exceed the amount of the subscriptions in the contracts they may make.

"Sec. 41. Be it further enacted, That the said board of directors may have the power in contracting for the construction of said road, or any part thereof, to pay any portion of the same in the stock of the company or in bonds redeemable in the stock, or in money, provided the same shall not draw a greater amount of interest than six per centum per annum, and provided the same be not used at a discount below their par value. And the said board of directors shall be authorized to receive subscriptions to the stock of this company payable in labor, materials or provisions, should they deem it advisable, at such prices as may be agreed upon between the individuals making the subscriptions and the board: Provided, That the same be tendered or paid at such time and place, in the line of said railroad as the board may stipulate. If no price agreed upon, the subscriber shall not be entitled to a credit for more than the cash market price for the labor done, or the articles furnished, or the prices paid by the board to contractors, or other persons furnishing similar articles.
“Sec. 42. Be it further enacted, That if by decree or otherwise the said corporation shall be dissolved, the president and directors of the company are created trustees, with such powers only as may be necessary to collect the debts due the company, preserve the property, pay the debts, and distribute the property and effects to those who may be entitled thereto under the charter: Provided, The Governor of this State shall not, in any case, endorse the bonds of said company.”

Whereas, under said act of incorporation, and according to its provisions, a company hath been formed and organized in the State of Tennessee: Therefore

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said Atlantic, Tennessee and Ohio Railroad Company shall be a body corporate in this State, and with the powers and privileges in said act of incorporation granted, shall also have power to extend their railroad to some point on the North-Carolina Western Railroad, or to some point on the North-Carolina Railroad.

Sec. 2. Be it further enacted, That said company shall not have power to construct branches in this State, or to extend their road further than herein mentioned, without the consent of the General Assembly of this State.

Sec. 3. Be it further enacted, That said Atlantic, Tennessee and Ohio Railroad Company shall have power to reopen books of subscription for additional shares to the capital stock of said company, under the superintendence of the commissioners herein named under the advertisement, and at the places named or under the superintendence of other commissioners and other places, as said company or its directors may provide and direct.

Sec. 4. Be it further enacted, That the said company shall have the same power of surveying, locating and condemning property that is allowed in the State of Tennessee; also all the powers and privileges in constructing, equipping and running their said road, that is by the said act granted to them in the said State of Tennessee.

Sec. 5. Be it further enacted, That the said company shall have five years to commence the graduation of any part of said road, and shall be allowed fifteen years from the passage of this act, to finish and put in operation their said road in this State.

Sec. 6. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 15th day of February, 1855.]
AN ACT TO INCORPORATE THE WESTERN NORTH-CAROLINA RAIL-ROAD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of constructing a railroad to effect a communication between the North-Carolina railroad and the valley of the Mississippi, the formation of a corporate company, is hereby authorized under the name and style of the Western North-Carolina Railroad Company, and when formed in compliance with the conditions hereinafter prescribed, shall have a corporate existence as body politic for the term of ninety-nine years.

SEC. 2. Be it further enacted, That the said company shall have power to construct a railway with one or more tracks from the town of Salisbury, on the North-Carolina railroad, passing by or as near as practicable to Statesville, in the county of Iredell, to some point on the French Broad river beyond the Blue Ridge, and if the legislature shall hereafter determine, to such point as it shall designate at a future session.

SEC. 3. Be it further enacted, That for the purpose of creating the capital stock of said company, the following persons be and they are hereby appointed general commissioners, viz: E. J. Erwin, Wm. M. Shipp, John F. Hoke, Wm. A. Lenoir, John I. Shaver, Samuel F. Bell and John Wilfong, and books for receiving subscriptions for the capital stock aforesaid, shall be opened at the following places and under the directions of the following persons, to wit: at Salisbury under the direction of J. W. Ellis, D. A. Davis, J. H. Jenkins, Wm. Murphy, A. Henderson, or any three of them; at Lincolnton, L. E. Thompson, C. C. Henderson, H. W. Guion, Wm. J. Hoke and Henry Cansler, or any three of them; at Newton, M. L. McCorkle, Geo. Setzer, Jonas Bost, Dr. Campbell and Geo. Wilkie, or any three of them; at Statesville, R. F. Simonton, J. F. Alexander, C. A. Carlton, A. M. Jamison, W. P. Caldwell, or any three of them; at Taylorsville, A. C. McIntosh, W. G. James, R. Watts, Alfred Carson, Devault Little, or any three of them; at Morganton, J. J. Erwin, R. C. Pearson, C. M. Avery, James M. Smyth, Thos. G. Walton, or any three of them; at Marion, Saml. Deal, J. C. Whitson, J. S. Brown, A. Higgins, Logan Bargin, or any three of them; at Rutherfordton, Wm. Miller, Robert Twitty, Edmund Bryan, O. Bartlett, David Miller, or any three of them; at Shelby, Wm. T. Miller, Doct. Thomas Williams, Albert Holmesby, Wm. Green, A. W. Benton, or any three of them; at Mocksville, B. Bailey, A. M. Booe, Thos. M. Young, J. F. Martin, E. Gaither, or any three of them; at Asheville, N. W. Woodfin, James W.
Patton, James M. Smith, W. W. McDowell, Montraville Patton, or any three of them; at Hendersonville, John Baxter, V. Riply, D. B. Miller, J. H. Allen, M. M. Patton, or any three of them; at Lenoir, under the direction of C. C. Jones, R. B. Bogle, E. P. Miller, W. W. Lenoir and James Harper, or any three of them; at Boon, under the direction of Jonathan Horton, Jordan Council, George N. Foulke, John Horton and E. F. Clewell, or any three of them.

Sec. 4. Be it further enacted, That all persons who are or may be hereafter authorized to open books for subscription of stock by the commissioners herein appointed for that purpose, shall open said books at any time after the ratification of this act, twenty days previous notice being given in some one or more of the public newspapers in this State, and that said books when opened, shall be kept open for the space of thirty days at least, and as long thereafter as the commissioners first above named shall direct; and that all subscriptions of stock shall be in shares of one hundred dollars, the subscribers paying at the time of making such subscription, the amount of five per cent. on the same, to the person or persons authorized to receive such subscription, and in case of failure to pay said sum, all such subscriptions shall be void if the commissioners choose to so declare it, or they may direct it to be recovered by suit or otherwise, and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash installment, shall be paid over to the general commissioners herein before mentioned, by the persons receiving them, and for failure thereof, such person or persons, shall be personally liable to said general commissioners, before the organization of said company, and to the company itself, after its organization, to be recovered in the superior court of law within this State, in the county wherein such delinquent resides, or if he reside in any other State, then in any court in such State having competent jurisdiction; that the said general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums made by the subscribers; that all persons receiving subscriptions of stock, shall pass a receipt to the subscriber or subscribers, for the payment of the first installment, as heretofore required to be paid, and upon their settlement with said general commissioners aforesaid, it shall be the duty of said general commissioners in like manner, to pass their receipt for all sums thus received, and such receipts shall be taken and held to be good and sufficient vouchers for the persons holding the same.

Sec. 5. Be it further enacted, That it shall be the duty of
said general commissioners, to direct and authorize the keeping open of books for the subscription of stock in the manner above described, until the sum of three hundred thousand dollars, shall have been subscribed to the capital stock of said company, and the said commissioners or a majority of them, shall sign and seal a duplicate declaration to that effect, with the names of the subscribers appended, and cause one of the said duplicates to be deposited in the office of the secretary of State.

Sec. 6. Be it further enacted, That whenever the sum of [§300,000] three hundred thousand dollars shall be subscribed in manner aforesaid; the subscribers, their executors, administrators and assigns, shall be, and they are hereby declared to be incorporated into a company by the name and style of "the Western North-Carolina Railroad Company," and by that name, shall be capable in law and equity, of purchasing, holding, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter, and no further, and shall have perpetual succession, and by their corporate name, may sue and be sued, plead and be impleaded in any court of law and equity in the State of North-Carolina, and may have and use a common seal, which they may alter and renew at pleasure, and may have and enjoy all other rights and immunities, which other corporate bodies may, and of right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or for effecting the object for which it is created, not inconsistent with the constitution and laws of the State of North-Carolina.

Sec. 7. Be it further enacted, That as soon as the sum of (§300,000) three hundred thousand dollars shall have been subscribed in the manner aforesaid, it shall be the duty of the general commissioners appointed herein to appoint a time for the stockholders to meet at Salisbury, which they shall cause to be previously published for the space of thirty days in one or more newspapers, as they may deem proper, at which time and place the said stockholders, in person or by proxy, shall proceed to elect four directors of the company, and to enact all such by-laws, rules and regulations as may be necessary for the government of the corporation and the transaction of its business; the persons elected directors at this meeting shall serve for the term of one year, and at this meeting the stockholders shall fix on the place or places where the subsequent election of directors shall be made; but if the day of annual election should pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold
and make such election, in such manner as may be prescribed by the rules and by-laws of the corporation.

Sec. 8. *Be it further enacted,* That whenever it shall appear to the board of internal improvements of this State by a certificate signed and sealed by said general commissioners, or a majority of them, that the sum of three hundred thousand dollars has been subscribed for and taken, and the five per cent. paid in thereon, the said board of internal improvements shall be and they are hereby authorized and required to direct the treasurer of the State to subscribe on behalf of the State for the stock in said company to the amount of six hundred thousand dollars in the capital stock of said company.

Sec. 9. *Be it further enacted,* That upon the subscription of six hundred thousand dollars as hereinbefore provided, by the treasurer, under direction of the board of internal improvement, the State shall appoint eight directors in said company, who shall be appointed by the governor, by and with the advice and consent of the council of State.

Sec. 10. *Be it further enacted,* That as soon as the company shall be organized as aforesaid, the board of directors shall proceed to locate and have constructed, as speedily as possible, on the route they may deem best, a railroad with one or more tracks, to be used with steam power, which may thereafter be extended in the manner hereinafter provided, [from] the town of Salisbury, on the North-Carolina railroad, connecting with the same and of the same gauge, and proceeding westward to the terminus aforesaid, and as soon as the first division of said road shall have been completed, it shall be equipped for the transportation of passengers and freight, and all necessary warehouses, water stations and buildings shall be erected, so that such division shall be put in full operation before the State shall be called upon to subscribe any further sum; and two-thirds of the nett proceeds of such part so completed shall be paid into the treasury semi-annually, to be applied in discharge of the interest on the bonds issued by the State for said road, and the other third of nett proceeds shall be paid to the individual stockholders in proportion to the stock of each; and whenever such division shall have been completed and in full operation, and one-third of the estimated cost of the second division shall have been subscribed by solvent persons, and so certified as provided in section eight of this act, the State shall subscribe the remaining two-thirds of the estimated cost of such division, and shall pay *pro rata* with individual stockholders, (such payment by them being in cash or labor); and when said second division shall have been completed and in full operation, the nett proceeds shall be applied as hereinbefore prescribed: when the said first and
second divisions shall have been completed and in full operation, and one-third of the estimated cost for completing the remaining division shall have been subscribed by solvent persons, certified as aforesaid, two-thirds of the estimated cost thereof for completing the said road to its western terminus shall be subscribed by the State; and when the same shall be put in full operation, the nett proceeds shall be applied as aforesaid, and the State shall pay her share of the subscription pro rata as aforesaid.

Sec. 11. Be it further enacted, That the manner and time of the payment of the subscription on the part of the State shall be as follows, namely: the one-fourth part as soon as the private stockholders shall pay, either in cash or labor, the one-fourth part of their subscription, and the payment thereof is duly certified to the board of internal improvements by a certificate under the seal of said company, signed by their treasurer and countersigned by their president, and the balance either in part or in whole whenever the payment of a pro rata amount, either in cash or labor, shall be made by the private stockholders, and duly certified to the board of internal improvements in manner and form aforesaid: Provided, that the State shall not be called upon to pay an amount, at any one time, of less than fifty thousand dollars.

Sec. 12. Be it further enacted, That the affairs of the company shall be managed and directed by a general board to consist of twelve directors to be elected and appointed as hereinafter provided, at the first and subsequent general annual meetings: Provided, That no person shall be eligible as president or director of said company, unless he be a resident citizen of this State, and the bona fide owner of at least five shares of stock in said company.

Sec. 13. Be it further enacted, That the election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of said company, and the person having a majority of all the votes polled, shall be considered duly elected: Provided, That no person shall be eligible to serve as director in said board, who is not a holder of five shares of stock in said company.

Sec. 14. Be it further enacted, That the president of the company shall be elected by the directors from among their own number, in such manner as the regulations of the company shall provide.

Sec. 15. Be it further enacted, That at the first general meeting of the stockholders, directed to be called under the seventh section of this act, a majority of all the shares subscribed shall be represented before proceeding to business; and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from
time to time, until a regular meeting shall thus be formed; and at such meeting the stockholders may provide by a by-law, as to the number of stockholders and amount of stock to be held by them, which shall constitute a quorum for the transaction of business at all subsequent regular or occasional meetings of stockholders.

Sec. 16. Be it further enacted, That all elections, and upon all votes taken in any general meeting of the stockholders upon any by-law, or any of the affairs of said company, each share of stock shall be entitled to one vote; and that any stockholder in said company may vote by proxy, and proxies may be verified in such manner as the stockholders by law may prescribe.

Sec. 17. Be it further enacted, That the general commissioners shall make their return of the shares of stock subscribed for at the first general meeting of stockholders, and pay over to the directors elected at said meeting or their authorized agent, all sums of money received from subscribers; and for failure thereof, shall be liable to said company to be recovered at the suit of said company in any of the superior courts of law in this State, within the county where such delinquent or delinquents may reside, and in like manner from said delinquent or delinquents' executors or administrators in case of his death.

Sec. 18. Be it further enacted, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence of the president, may appoint one pro tempore from among their number.

Sec. 19. Be it further enacted, That all contracts or agreements authenticated by the president and secretary of the board of directors shall be binding on the company without a seal, or such a mode of authentication may be used as the company by their by-laws may adopt.

Sec. 20. Be it further enacted, That the board of directors may call for the payment of the sums subscribed as stock in said company, in such instalments as the interests of said company may in their opinion require; the call for payment shall be published in one or more newspapers published in this State for at least one month before the day of payment, and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if the said sale of stock do not produce sufficient to pay off the incidental expenses of said sale and the entire amount due to said company for such subscription of stock, then, and in that case, the whole balance shall be held as due at once to
said company, and may be recovered of such stockholder or his executors, administrators or assigns, at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where the delinquent resides, on a previous notice of ten days to such delinquent subscriber, or by action of assumpsit in any court of competent jurisdiction, or by a warrant before a justice of the peace, when the sum does not exceed one hundred dollars; and in case of the assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscribers and the first, and all subsequent assignees, shall be liable to the company, and the same may be recovered as above described.

SEC. 21. Be it further enacted, That the debt of stockholders due to the company for the stock therein, either as original proprietors or as first or subsequent assignees, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his personal representatives.

SEC. 22. Be it further enacted, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

SEC. 23. Be it further enacted, That said company may at any time increase its capital to a sum sufficient to complete said road, not to exceed [§6,000,000.] six millions of dollars.

SEC. 24. Be it further enacted, That the board of directors shall once in every year at least, make a full report of the state of the company and its affairs, to a general meeting of the stockholders, and oftener if required by law, and said report shall be laid before the board of internal improvements, and said board of directors shall have power to call a general meeting of the stockholders when the board may deem it expedient, and the company may provide by their by-laws for occasional meetings being called, and prescribe the mode thereof.

SEC. 25. Be it further enacted, That the said company shall have the exclusive right of conveyance, transportation of persons, goods, merchandise and produce, over the said railroad, to be by them constructed, at such charges as may be fixed on by the board of directors.

SEC. 26. Be it further enacted, That said company may, when they see fit form [farm] out their right of transportation over said railroad, subject to the rules above mentioned; and the said company and every one who may have received from the right of transportation of goods, wares and merchandise, over the said railroad, shall be deemed and taken

Dues of stockholders.

Certificates.

Reports.

Exclusive right of transportation.

May farm right of transportation.
to be, a common carrier, as respects all goods, wares, produce and merchandise, entrusted to them for transportation.

SEC 27. Be it further enacted, That the said company may purchase, have and hold in fee, or for a term of years, any lands, tenements and hereditaments, which may be necessary for the said road, or the appurtenances thereof, or for the erection of depositories, store houses, houses for the officers, servants, or agents of the company, or for work shops, or foundries to be used for the said company, or for procuring stone or other materials, necessary for said company, in the construction or repairs of the road, or for effecting transportation thereon, and for no other purpose.

SEC 28. Be it further enacted, That the company shall have the right, when necessary, to construct the said road across, or along any public road, or water course: Provided, the said company shall not obstruct any public road without constructing another equally as good, and other roads may hereafter connect with or cross the same, upon such terms as the General Assembly may prescribe.

SEC 29. Be it further enacted, That when any lands for right of way may be required by said company for the purpose of constructing their road, or for any of the uses described in section 27 of this act, and for the want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the said company shall have the same powers to condemn all such lands belonging to individuals or corporations as may be needed for the aforesaid purposes, as were granted to and conferred upon the North-Carolina Railroad Company by their act of incorporation, and shall proceed to condemn such lands in the same manner and to the same extent under the like rules, restrictions and conditions as are prescribed in the charter aforesaid, for the government of the said company, and the said company shall be entitled to hold in fee simple all lands belonging to the State, over and through which the said road may pass to an extent not exceeding one hundred feet on either side of said road; and in the absence of any contract or contracts in relation to lands through which said road may pass, it shall be presumed that the land over which said road may be constructed, together with one hundred feet on each side thereof, has been granted by the owner or owners to the company, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same so long as it shall be used for the purposes of said road and no longer, unless the owner or owners shall apply for an assessment of the value of said lands as hereinafore directed, within two years next after that part of said road has been located; and in case the owner or owners of such lands or those claiming under him, her or
them shall not apply within two years from the time aforesaid, he, she, or they shall be forever barred from recovering the same or having an assessment or compensation therefor: Provided, That nothing herein contained shall affect the rights of infants, *feme coverta*, persons *non compos*, or beyond seas, until two years after the removal of their respective disabilities, and the same and all the estate aforesaid, shall be exempt from taxation until the dividends of profits of said company shall exceed six per centum per annum.

**Sec. 30. Be it further enacted**, That if any person or persons shall intrude upon said railroad by any manner of use thereof, of the rights and privileges connected therewith without permission or contrary to the will of said company, he, she or they may be indicted for misdemeanor, and upon conviction, may be fined and imprisoned by any court of competent jurisdiction in this State.

**Sec. 31. Be it further enacted**, That if any person shall wilfully and maliciously destroy or in any manner hurt or damage, or obstruct, or shall wilfully and maliciously cause, aid or assist, or counsel any other person or persons to destroy, or in any manner to hurt, damage or obstruct the said railroad, or any bridge, watertank, warehouse, or any other property of said company, or any locomotive or car used for or in transportation thereon, such person or persons so offending, shall be liable to be indicted therefore, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty dollars, at the discretion of the court before which said conviction shall take place, and shall be further liable to pay all expenses of repairing the same, and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence, that he was the owner, agent or servant of the owner of the land where such destruction, damage, injury or obstruction was done at the time the same was caused to be done.

**Sec. 32. Be it further enacted**, That every obstruction to the safe and free passage of vehicles on said road or its branches, shall be deemed a public nuisance, and may be abated as such, by any officer, agent or servant of said company, and the person causing such obstruction, may be indicted and punished for a misdemeanor.

**Sec. 33. Be it further enacted**, That the said company shall have the right to take, at the store houses erected by them on said railroad, or connected therewith or its branches, goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority, and charge and receive such just compensation for storage as they, by
rules may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation.

Sec. 34. Be it further enacted, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will admit, be quarterly or semi-annually divided among the stockholders, in proportion to the stock each may own.

Sec. 35. Be it further enacted, That as soon as it may become necessary to borrow the money for the payment of the subscription by this act authorized, the public treasurer shall issue coupon bonds, signed by himself, and countersigned by the comptroller, in sums not less than five hundred dollars each, pledging the State for the payment of the sum therein mentioned, with interest thereon at the rate of interest not exceeding six per cent. per annum, payable semi-annually, at such times and places as the treasurer may appoint, the principal of which bonds, shall be redeemable at the end of thirty years from the time the same are issued; but no greater [number] of such certificates shall be issued at any one time, than may be sufficient to meet the instalments required to be paid by the State at that time.

Sec. 36. Be it further enacted, That the comptroller shall register such bonds at large, in a book to be kept for that purpose, at the time he countersigns the same, and when he delivers the same to the public treasurer, he shall charge him in his books with the amount thereof, and also with all sums, if any, which the public treasurer may obtain by way of premium on the sale of said bonds, an account of which the public treasurer shall render to the comptroller, so soon as negotiations, from time to time for the sale of said bonds are closed.

Sec. 37. Be it further enacted, That so soon as it shall become necessary to issue the bonds aforesaid, the public treasurer shall advertise in one more newspapers as he may think best, and invite sealed proposals for such amount of the aforesaid subscription as may be wanted at any one time, and it shall be his duty to accept those terms which may be most advantageous to the State; Provided, That in no event shall any of the said bonds be sold for less than their par value; and any premium which may be obtained on the sale of said certificates, shall be placed in the public treasury and used as other public funds, and kept or invested to pay the interest on the debt hereby authorized.

Sec. 38. Be it further enacted, That as security for the redemption of said bonds, the public faith of the State of North-Carolina is hereby pledged to the holders thereof; and in addition thereto, all the stock held by the State in the Western North-Carolina Railroad Company hereby created,
shall be and the same is hereby pledged for that purpose, and any dividends of profits which may from time to time be declared, shall be applied to the payment of the interest accruing on said bonds; but until such dividends of profits may be declared, it shall be the duty of the treasurer, and he is hereby authorized and directed to pay all such interest as the same may accrue, out of any money in the treasury not otherwise appropriated.

Sec. 39. *Be it further enacted*, That the bonds hereby authorized to be issued, shall have coupons attached to them expressing on the face of them the amount of the semi-annual interest due on such bond, and the said bonds shall and may be transferable by the holders thereof by delivery only.

Sec. 40. *Be it further enacted*, That it shall be the duty of the public treasurer to enter in a book to be kept for that purpose, a memorandum of such bonds as may be issued by virtue of this act, the number and date of issue, when and where payable, to whom issued or to whom sold, and what premium, if any, the same was sold by him.

Sec. 41. *Be it further enacted*, That at all general meetings of the stockholders after the subscription hereinbefore provided to be made on the part of the State, shall be made, the State shall be represented by an agent or proxy appointed by the governor; and such agent or proxy shall be entitled in the general meeting aforesaid, to vote on all questions according to the State’s stock, except in the election of directors by the individual stockholders; and any stockholder or person acting by proxy, who may offer to vote on any stock transferred, may be required if a stockholder present to swear that he is, or if by proxy, that the person he represents he believes to be the bona fide owner of such stock, otherwise such vote shall not be received, and on the death of any stockholder, his legal representative shall be entitled to vote either in person or by proxy: *Provided*, That the State shall be entitled to a *pro rata* vote on her stock of one third, according to the representation of individual stock in the meeting.

Sec. 42. *Be it further enacted*, That whenever the said company shall have completed, equipped and in full operation, with one or more tracks, for the transportation of passengers and freight, the first division of said road, and all necessary warehouses, water stations and buildings, and the aforementioned subscription of nine hundred thousand dollars by the stockholders and the State expended, the board of directors shall at once proceed to cause books to be opened by such persons as they may appoint, and at such places as they may deem best, to secure the further subscription of three hundred thousand dollars to the capital stock of said company, which may be made under such rules, require-
ments and conditions as shall be prescribed by the board of directors; and the persons so appointed shall make their return to the board of directors.

Sec. 43. Be it further enacted, That whenever it shall appear to the board of internal improvements of this State, by a certificate under the seal of said company, signed by their secretary, and countersigned by their president, that the said further sum of three hundred thousand dollars has been subscribed to the capital stock of said company, the said board of internal improvements shall be and they are hereby authorized and required to direct the treasurer of the State to make the further subscription on behalf of the State for stock in said company, to the amount of six hundred thousand dollars in the capital stock of said company.

Sec. 44. Be it further enacted, That the manner and time of payment of the further subscription on the part of the State, shall be the same as are prescribed in section twelve of this act, and under the same conditions, restriction and certification as therein prescribed for the payment of the subscription before provided to be made on the aforesaid first subscription of said amount on behalf of the State to the capital stock in said company.

Sec. 45. Be it further enacted, That whenever and as soon as the said company shall have completed, equipped and in full operation, with one or more tracks for the transportation of passengers and freight, the second division of said railway, the board of directors of said company shall proceed in the same manner, and under the same provisions, regulations, restrictions and conditions as are prescribed in sections forty-two, forty-three and forty-four of this act, to effect the construction of each and every consecutive division of said railway, throughout the line located as provided in section ten of this act, and the same provisions, regulations, restrictions and conditions expressed in said sections forty-two, forty-three and forty-four of this act as aforesaid, shall be in full force when applied for the construction of each and every consecutive division of said railway, throughout said line, located as provided in section ten of this act:

Provided, however, That should the first subscription provided for in the seventh section of this act to be taken by individuals, on the first division, be four hundred thousand dollars, and the five per cent. thereon paid, and the certificate thereof made as in said seventh section mentioned, then and in that case the first subscription on the part of the treasurer of the State, for the first division, shall be eight hundred thousand dollars.

Sec. 46. Be it further enacted, That the following officers, servants and persons in the actual employment of the said company, be, and they are hereby exempted from the per-
formance of jury and ordinary military duty: The president and treasurer of the board of directors, the chief and assistant engineers, the secretaries and accountants of the company, keepers of depositories, guards stationed on the road to protect it from injury, and such persons as may be working the locomotive engines, and traveling with the cars, for the purpose of attending to the transportation of passengers, produce and merchandise on the road.

Sec. 47. Be it further enacted, That any county through which the said road passes, may subscribe for any amount of the capital stock in said company, as a majority of the voters of said county may approve, for which purpose the court of pleas and quarter sessions of said counties, are hereby authorized to hold an election at the usual time and places of voting for members of the General Assembly.

Sec. 48. Be it further enacted, That it shall be the duty of the president and directors of said company, during the first week in December, of each and every year, to transmit to the Governor, to be by him laid before the General Assembly, at each biennial session, a correct statement of the receipts and expenditures of said company, during the year preceding, and also the amount of its debts. [Ratified the 15th day of February, 1855.]

AN ACT TO INCORPORATE THE GREENVILLE AND FRENCH BROAD RAILROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of establishing a communication by railroad from some of the railroads now built or in course of construction in South-Carolina, along the French Broad Valley across the western part of this State, so as to effect a direct communication between one of said roads in South-Carolina and the East Tennessee and Virginna Railroad in East Tennessee, the formation of a company is hereby authorized, which, when formed, shall have corporate existence in each of the States aforesaid, and have all the rights, privileges and immunities hereinafter granted.

Sec. 2. Be it further enacted, That for the purpose of creating the capital stock of said company, Wm. M. Lowry, A. W. Walker, Wm. Gardiner, David F. Patterson and Wm. Maloney, of the State of Tennessee; N. W. Woodfin, Wm. D. Rankin, James W. Patton, John A. Fagg, Columbus Mills and John Baxter, of the State of North-Carolina; Benjamin F. Perry, Simpson Bobo, Gabriel Cannon, C. J. Elford and James H. Irby, of the State of South-Carolina, are hereby appointed commissioners, with power to open
books of subscription of stock, at such times and places, and under the direction of such persons as they or a majority of them may think proper; and the said commissioners shall have power to appoint a chairman of their body, treasurer and all other officers, and to sue for and recover all sums of money that ought, under this act, to be received by them.

Sec. 3. Be it further enacted, That all persons who may be authorized to open books for the subscription of stock by the commissioners herein appointed for that purpose, shall open said books at any time after the ratification of this act, twenty days previous notice having been given in one or more public newspapers of the State, in which they propose to open said books; and that the said books when opened, shall be kept open for the space of thirty days at least, and as long thereafter as the commissioners first above named shall direct, and all subscription of stock shall be in shares of fifty dollars, the subscriber paying at the time of making the subscription if required by the commissioners, one dollar on each share subscribed to the person or persons authorized to receive such subscription; and in case of failure to pay the said sum, all such subscriptions shall be void if the commissioners choose to declare it so, or they may direct it to be recovered by suit or otherwise; and upon closing the books, all such sums as shall have been thus received of subscribers, shall be paid over to the general commissioners hereinbefore named, by the person receiving the same, and for failure thereof, such person or persons shall be personally liable to said general commissioners before the organization of said company, or to the company itself after its organization, to be recovered in any court in the county in which such delinquent resides, having competent jurisdiction. Said general commissioners shall have power to require all persons empowered to receive subscription of stock at any time, and from time to time, as a majority of them may think proper, to make a return of stock by them respectively received, and to make payments as heretofore required to be paid; and upon their settlement with said general commissioners as aforesaid, they shall take receipts in like manner, which receipts shall be good and sufficient vouchers for the persons holding the same.

Sec. 4. Be it further enacted, That it shall be the duty of said general commissioners to direct and authorize the keeping open of books for the subscription of stock in the manner above described, until the sum of two hundred thousand dollars shall have been subscribed to the capital stock of said company, when the company shall be considered as formed, and may take measures for complete organization; to this end, said general commissioners or a majority of them,
shall sign and seal declarations to that effect, with the names of the subscribers appended, and cause a copy thereof to be filed in the office of secretary of State, in each of the States of Tennessee, North-Carolina and South-Carolina, and appoint a time and place for the meeting of stockholders, and shall cause the same to be published in one or more public newspapers, for four weeks previous to the day of meeting, at which time and place the subscribers of stock may attend in person or by proxy; and the meeting having assembled, and a proper registry made of all the subscribers who may be in attendance in person or by proxy; said general commissioners or a majority of them attending, shall present a ballot box, in which the subscribers may vote by ballot for a president and nine directors, to serve for one year, and until others are duly elected, and enter upon the duties of their several offices, and said commissioners shall count the ballots, declare the election, and make and deliver proper certificates, under the hands of the same.

Sec. 5. Be it further enacted, That in said election and all future elections of president and directors, and in the making, altering and repealing of by-laws, and in determining on questions involving the interest of the company at any stated or occasional corporate meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following: The owner of one of two shares shall be entitled to one vote, the owner of three or four shares shall be entitled to two votes, the owner of five or six shares shall be entitled to three votes, the owner of seven or eight shares shall be entitled to four votes, the owner of not less than nine nor more than eleven shares shall be entitled to five votes, the owner of not less than twelve nor more than fifteen shares to six votes, the owner of not less than sixteen nor more than twenty shares to seven votes, the owner of not less than twenty-one nor more than twenty-six shares to eight votes, the owner of not less than twenty-seven nor more than thirty-three shares to nine votes, the owner of not less than thirty-four nor more than forty shares to ten votes, the owner of not less than forty-one nor more than one hundred shares to ten votes for forty shares, and one vote for every eight shares thereafter, the owner of more than one hundred and not more than two hundred shares to vote as herein provided for one hundred shares, and one vote for every ten shares above that number, and the owner of more than two hundred shares to vote as herein provided for two hundred shares, and one vote for every twenty shares above that number. No one but a stockholder shall be capable of being a proxy, and the appointment of a proxy shall be in writing and verified as may be required by the by-laws of the company; and any person offering to vote as proxy...
may be required by any stockholder, to swear that he has no interest directly or indirectly in the stock on which he or she proposes to vote as proxy.

Sec. 6. Be it further enacted, That the president and directors shall be elected annually, according to the by-laws to be made for that purpose, and in case any vacancy occurs in the board of directors, between the periods of general elections, a majority of the board of directors, at any general or stated meeting of the board, may elect by ballot, from the stockholders, a person to fill said vacancy until the next general election of directors; but if it happens that the day of the annual election of president and directors shall pass without the election of all or any of them being effected, the corporation shall not be dissolved or discontinued thereby, but said company may make such election on any other day, and in such manner as may be prescribed by the by-laws of the corporation.

Sec. 7. Be it further enacted, That the said company when organized as aforesaid, should be called "the Greenville and French Broad Railroad Company," and have and continue succession of members, may make and have a common seal, and break and alter it at pleasure, may sue and be sued, and answer unto by their corporate name aforesaid, in any of the courts of law and equity, in either of the States aforesaid, and shall be capable at all times, of making and establishing, altering and revoking all such regulations, rules and by-laws, for the government of said corporation, and its directors, as they may find necessary and proper for effecting the ends and purposes intended by the association contemplated by this act: Provided, That such regulations and by-laws be not repugnant to the constitution of this or any other State through which the road hereby authorized to be built will pass.

Sec. 8. Be it further enacted, That said company is hereby authorized to construct a railroad with one or more tracks, along the valley of the French Broad, so as to connect the points mentioned in the first section in this act, and for this purpose they shall have power and capacity to purchase, to take and hold, in fee simple, or for years, to them and their successors, any lands, tenements and hereditaments, that they may deem necessary for the site, on and along which to locate, run and establish the railroad aforesaid, and in like manner to purchase, take and hold, any lands contiguous to, or in the vicinity of said railroad, that they may find necessary for the procuring, and from time to time, readily obtaining all proper materials, of what kind soever, for constructing, repairing, grading and sustaining said railroad, and in like manner, to purchase all private rights of way or water courses that may lie on or across the route through
which the said railroad may pass, and also, of all lands contiguous thereto, that may be found necessary for the erection of toll houses, store houses, work shops, barns, stables, residences and accommodations for servants, agents and mechanics, and for the stabling and maintaining all animals of labor, and the said company shall have power if necessary, to conduct their railroad across and over any public road, river, creek or water course, that may be in their route: Provided, That the passage of the road or the navigation of the stream be not obstructed thereby.

SEC. 9. Be it further enacted, That the road hereby authorized, shall correspond in guage with the North-Carolina Railroad, and if the same is constructed, the chartered rights and privileges of the company in that portion of said road between the point at which any connection may hereafter be made by any road, from the North-Carolina Railroad, to said Greenville and French Broad Railroad, and the East Tennessee and Virginia Railroad, shall cease and determine, if the General Assembly shall so require, as soon as such connection shall be made, and the same shall be subscribed by said company at its prime cost, to the capital stock of the company authorized to make the connection aforesaid, and shall thereafter constitute a part of the said last mentioned road, and be under the control and direction of said company; and such subscription shall confer on said Greenville and French Broad Railroad Company, or their assigns, all the rights and privileges belonging to other stockholders in the same, when the chartered rights of the said Greenville and French Broad Railroad Company shall be limited to a railroad having for its north-western terminus the aforesaid point of intersection.

SEC. 10. Be it further enacted, That in any case where lands or private rights of way may be required by the company aforesaid, and the same cannot be purchased of the owner or owners, for the want of agreement of the parties as to price or from any other cause, the same may be taken by the company at a valuation to be made by five commissioners or a majority of them, to be appointed by the superior court of the county in which any part of said land or right of way may be situated; and the said commissioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duties assigned them; and in making the said valuation, the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land or right of way being taken, and the advantage from the establishment or erection of the railroad or works, and shall state, particularly, the nature and amount of each, and the loss thus sustained shall form the measure.
of damages for land or right of way, and the proceedings of
the said commissioners, accompanied with a full description
and plat of said lands, shall be returned under the hand of a
majority of said commissioners, to the court from which the
commission issued, there to remain of record; and if either
party is dissatisfied with the decision of said commissioners,
he, she or they may appeal to the next term of the court
granting the commission, giving a reasonable notice to the
opposite party of such appeal, and the court, on satisfactory
proof that the appellant has been injured by such valuation,
shall order a new valuation to be made by a jury who shall
be charged therewith in the same term, and their verdict
shall be final and conclusive between the parties, unless a
new trial be granted; and the lands and rights of way so
valued by the commissioners or jury, shall rest in said com-
pany in fee simple, so soon as the valuation thereof is paid,
or tendered and refused: where there shall be an appeal as
aforesaid, from the valuation of the commissioners by either
of the parties, the pendency of such appeal shall not prevent
the company from proceeding in the construction of their
work, in and upon said land or way; but when the appeal
shall be taken by the company requiring the surrender, they
shall be at liberty to proceed in their work only on condi-
tion of giving to the opposite party, a bond with good se-
curity, to be approved by the clerk of the court where the
valuation is returned, in a penalty equal to double the valu-
ation, conditioned for the payment of said valuation and in-
terest, in case the same be sustained; and in case it be re-
versed, for the payment of the valuation thereafter to be
made by the jury and confirmed by the court; and in all
assessments to be made by the commissioners or jury, as
aforesaid, after the construction of the road, or the part
thereof upon the land to be valued, reference shall be had
to the true value of the land at the time of the erection of
said road or part thereof; and the use thereof by said com-
pany for the purposes of said road, shall be considered an
actual possession of said land covered by said road, and the
space of one hundred feet on both sides thereof.

Sec. 11. Be it further enacted, That in the absence of
any written contract between the company and any owner
or owners of said land through which the said railroad may
be constructed, in relation to said land, it shall be presumed
that the land upon which the said railroad may be constructed,
together with one hundred feet on each side of the centre of
said road, has been granted to the said company by the ow-
er or owners thereof; and the said company shall have
good right and title to the same, and shall have, and hold
and enjoy the same, unto them and their successors, so long
as the same may be used only for the purposes of said road,
and no longer, unless the person or persons to whom any right or title to such lands, tenements or hereditaments descend or come, shall prosecute a suit for the same within two years next after the construction of such part or portion of said road as may be constructed upon the lands of the person or persons so holding or acquiring such right to the title as aforesaid; and if any person or persons to whom any right or title to said lands, tenements or hereditaments belong, or shall hereafter descend or come, do not prosecute a suit for the same within two years next after the construction of the part of said road upon the lands of the person or persons so having or acquiring said right or title as aforesaid, then he or they, and all claiming under him or them, shall be forever barred to recover the same: Provided, That nothing herein contained shall affect the rights of bonae covertis, infants, persons non componere mentis, or beyond the seas, until two years after the removal of their respective disabilities.

SEC. 12. Be it further enacted, That all lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one hundred feet of the centre of said road that may be constructed, be and they are hereby vested in said company and their successors, so long as the same is used for the purposes of said company, and no longer.

SEC. 13. Be it further enacted, That the said company shall at all times have the exclusive right of conveyance or transportation of persons, merchandise and produce over the railroad to be by them constructed, while they see fit to exercise such rights; and said company is hereby authorized to fix and determine the rates of charge for the transportation of persons, merchandise and produce, so as to secure a reasonable and adequate return upon their capital invested, not to exceed the average annual yield on such capital, after paying all expenses, of twenty per cent. The said company may, at their discretion, let or farm out all or any part of their exclusive part [right] of transportation of persons, merchandise and produce, with their privileges, to any individual or individuals, or other company, and for such term as may be agreed upon, subject always to the provisions contained in this section in relation to the rates of charge; and the said company, in the exercise of their right of conveyance and transportation of persons or property, and the persons so taking from the company the right of conveyance or transportation, so far as they act on the same, shall be regarded as common carriers; and the said company may use or employ any section of their proposed road before the whole shall be complete, which may afford public accommodation for the conveyance of persons, merchandise and produce; and the said company shall have power to take, at their storehouses which they may establish or annex.
to said road, all goods, wares, merchandise and produce intended for transportation or conveyance, prescribe the rules of priority, and charge such reasonable prices and compensation for services and storage as they may, by public regulation, establish, or as may be agreed upon with the owner.

Sec. 14. Be it further enacted, That whenever the said company shall see fit to farm out as aforesaid, to any person or persons or body corporate any part of their exclusive right of conveyance and transportation, or shall deem it expedient to open said railroad or any part thereof to public use, they shall and may adopt and enforce all rules and regulations, prescribe the construction and size or burthen of all carriages and vehicles, and the materials of which they shall be made, that shall be used on said road, and the locomotive power that shall be applied or used with them.

Sec. 15. Be it further enacted, That if any person or persons shall intrude on said railroad or any part thereof, by any manner of use thereof, or of the rights, or privileges connected therewith, without the permission and contrary to the will of the said company, he, she, or they shall forfeit to the company all vehicles, articles, and animals that may be so intrusively introduced and used thereon; and the same may be seized by the company or its agents, or recovered by suit at law; and moreover the person or persons so intruding, shall and may be indicted as for a misdemeanor, and upon conviction, may be fined and imprisoned in the discretion of the court before which he, she, or they shall be tried and convicted; and if any person shall wilfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct said railroad, or any vehicle, edifice, right or privilege granted by this act, and constructed and employed under the authority thereof, such persons so offending may be indicted as for misdemeanor therefor, and on conviction fined and imprisoned in the discretion of the court, and shall be further liable to pay the said company all damages occasioned by such injury, and the expenses of repairing the same; and one half of all fines that may be imposed by the court under this act, shall be paid to the informer, and the other half to the company; and the provisions of this section shall be extended as well to the owners of the lands through which said road may be constructed, as to other persons; and no owner or other person claiming under him or her shall avoid said provisions under the plea of liberum tenementum, or by any other plea whatever.

Sec. 16. Be it further enacted, That the president and directors of said company, a majority of them being present, shall have power and authority to nominate and appoint a secretary and treasurer and all other officers, agents, and servants that they may deem necessary, or that may be pre-
scribed in the by-laws of the said company, and to remove the same at pleasure; and also to require and take from all the officers, agents and servants such bond or bonds and security as the board or the by-laws may prescribe for securing the fidelity, obedience, and accountability of said officers, agents and servants, and their punctual surrender and delivery of all money and property on the termination of their offices by resignation, removal, expiration of their term, or otherwise.

Sec. 17. Be it further enacted, That every subscriber or holder of stock in said company, shall pay to the company the amount of shares by him or her subscribed or held, in such instalments not exceeding one per centum, at any one time, and at such periods, with intervals of not less than sixty days, as shall be prescribed and called for by the directors, of which periods of payments, and the sums required, the board of directors shall cause public notice to be given for at least four weeks before such periods of payment, by advertisement in one or more public newspapers; and on failure of any subscriber or stockholder to pay up any instalment so called for by the directors, the shares upon which default shall be made, together with any part thereon, shall be forfeited to the company, and be appropriated as they shall see fit; and the said company shall and may prescribe in and by their by-laws, rules and regulations, the mode of issuing the evidence of stock, and the manner, terms and conditions of assigning and transferring the same.

Sec. 18. Be it further enacted, That the president and directors shall have power to call for all instalments, declare all dividends of profits, make all contracts and agreements in behalf of the company, and to do and perform all other lawful acts and deeds which, by the by-laws of the corporation, they may be authorized and required to do and perform; and the acts and contracts of said board, authenticated by the signatures of the president and secretary, shall be binding on the company without a seal. The directors shall not exceed in the contracts, the amount of capital in the company, and in case they do so, the president and directors who are present at the meeting when any such contract, exceeding the capital, shall be made, shall be jointly and severally liable for the excess, as well to the contractors as to the company: Provided, That any one may discharge himself from liability by voting against such contract, and causing such vote to be recorded in the minutes of the directors, and giving notice thereof to the next general meeting of the stockholders. The president and directors shall keep minutes of all their meetings, and the acts there done, and they shall make a full report of the state of the company and its affairs, to a general meeting of the stockholders, at
least once a year; and oftener if so directed by the by-laws, and they shall have power to call a general meeting of the stockholders when they deem it expedient: and the company may provide in their by-laws for the occasional meeting of the stockholders, and prescribe the mode of calling the same.

Sec. 19. Be it further enacted, That the following officers and persons, while in the actual employment of said company, shall be exempt from the performance of military duty and from service on juries, viz: the chief engineer and assistant engineers, the commissioner and superintending officer, the secretary and treasurer, keepers of depositories, guard stationed on the road to protect it from injuries, and all persons actually employed in working the locomotive engines, and in travelling with cars for the purpose of attending to the transportation of passengers or goods on said road.

Sec. 20. Be it further enacted, That said company may at any time increase their capital stock to an amount sufficient to complete and equip the road hereby authorized to be built, and for this purpose may levy an assessment of not more than twenty per cent. on the stock subscribed, or cause books to be opened for further subscription of stock, under such rules, regulations and restrictions as they may prescribe.

Sec. 21. Be it further enacted, That the franchise hereby granted shall vest in, belong to and be enjoyed by said company and their successors for the period of one hundred and ninety years, and the profits thereof shall be divided among the stockholders in proportion to the stock owned by them respectively, during which time the stock of said company, and the real estate which may be purchased by them, and connected with or subservient to their works hereby authorized, shall be exempt from taxation: Provided, That nothing herein contained shall be so construed as to deprive the General Assembly of this State of the right of imposing taxes on the dividends and profits accruing from the stock of said company, whenever in their discretion it may be deemed necessary or expedient: And provided further, That the tax which may be levied on the same shall not be greater than that levied on similar property of this State.

Sec. 22. Be it further enacted, That on failure of any stockholder to pay his instalments or any one of them, as called for, and his or her stock shall be sold by the company as herein provided; and if the same does not produce a sufficient sum to pay off the incidental expenses of said sale and the entire amount due to said company for such subscription of stock, then and in that case the whole of such
balance shall be held due at once to said company, and may be recovered of such stockholder, or his executors or administrators, at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where such delinquent resides, on a previous notice of ten days to such delinquent subscribers, or by an action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace when the same does not exceed one hundred dollars; and in case of the assignment of stock before the whole amount has been paid to the company, then for all sums due on said stock, both the original subscriber and the first and all subsequent assignees shall be liable to the company, and the same may be recovered as above prescribed.

SEC. 23. Be it further enacted, That the instalments due the company from any of the stockholders, either as original proprietor or as subsequent purchaser or assignee, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his personal representative.

SEC. 24. Be it further enacted, That in case a vacancy shall happen between two periods of general election in the office of president of the company by resignation, removal, death or otherwise, another shall be appointed by the directors from among themselves or the stockholders of the company, who shall have and exercise all the powers, privileges and authority pertaining to said office, until another is duly elected and enters upon the duties thereof.

SEC. 25. Be it further enacted, That in all annual or occasional meetings of the stockholders, a majority of stock, and in all meetings of the directors, a majority of the directors shall constitute a quorum to do business.

SEC. 26. Be it further enacted, That no share shall at any time be sold, conveyed, transferred or held in trust for the use and benefit of another, whereby the said company or any member thereof shall be made to answer any such trust; but that every such person appearing to be the owner of stock, shall as to all others of the company, be to every intent and purpose taken absolutely as such; but between the trustees and the persons for whose benefit such trust shall be executed, the common remedy shall be pursued.

SEC. 27. Be it further enacted, That the said company shall be entitled to all the rights, privileges and immunities therein granted in each of the States of Tennessee, North-Carolina and South-Carolina, whenever said States shall respectively pass an act similar to this, so that this act of incorporation shall enure, and be in force in each and every of the States aforesaid: Provided, This State may at any future time cross the same or connect therewith at any one
May borrow money.
or more points, any other road at the discretion of the General Assembly.

Sec. 28. Be it further enacted, That the said Greenville and French Broad Railroad Company, shall have power to borrow on the credit of said company, any amount they may see fit, not exceeding two millions of dollars; and may give a mortgage or lien on said road or any other portion thereof, which money shall be expended only in the construction of said road: Provided, That nothing in this act contained, shall be so construed as to impair in any manner vested chartered rights of any turnpike company, over which said railroad may be built, without a reasonable compensation, to be ascertained in the same manner provided for the condemnation of land.

Sec. 29. Be it further enacted, That this act shall be regarded as a public act, and given in evidence as such, and shall be in force from and after its ratification. [Ratified the 13th day of February, 1855.]

Chap. 230.

AN ACT TO INCORPORATE THE CHATHAM RAILROAD COMPANY.

Company to be formed.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of effecting a railroad communication between Deep river at or near the Coalfields in the county of Chatham and the City of Raleigh, or some point on the North-Carolina Railroad, at some point west of the city of Raleigh in this State, the formation of a corporate company with a capital stock of eight hundred thousand dollars, is hereby authorized to be called the "Chatham Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity.

Location.

Sec. 2. Be it further enacted, That said company be and the same is hereby authorized to construct a railroad from Deep river at or near the Coalfields in the county of Chatham through the said county to the city of Raleigh, or to some point on the North-Carolina Railroad, at some point west of the city of Raleigh.

Commissioners

Sec. 3. Be it further enacted, That for the purpose of creating the capital stock of said company, the following persons be and the same are hereby appointed commissioners, to wit:—Henry A. London, Isaac Hall, Benjamin J. Houze, Robert Faucet, Nathaniel Clegg, Peter Evans, Spencer McClenahan and Brooks Harris, whose duty it shall be to direct the opening of books for subscriptions of stock either by individuals or corporations, at such times and places, and
under the direction of such person or persons as they or a majority of them may deem proper.

Sec. 4. Be it further enacted, That all persons who may hereafter be authorized to open books for the subscription of stock by the commissioners herein appointed for that purpose, shall open said books at any time after the ratification of this act, twenty days previous notice being given in some one or more of the public newspapers in this State; and that said books, when opened, shall be kept open for the space of thirty days at least, and as long thereafter as the commissioners first above named shall direct: that all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying at the time of making such subscription five dollars on each share thus subscribed to the person or persons authorized to receive such subscription, and in case of failure to pay said sum, all such subscriptions shall be void and of no effect if the commissioners choose so to declare it, or they may direct it to be recovered by suit or otherwise; and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalment, shall be paid over to the general commissioners named in the third section of this act, by the persons receiving them; and for failure therefor, such person or persons shall be personally liable to said general commissioners before the organization of said company, and to the company itself after its organization, to be recovered in the superior court of law within the State, in the county where such delinquent resides; or if he reside in any other State, then in any court in such State having competent jurisdiction: that said general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time as a majority of them think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money made by the subscribers: that all persons receiving subscriptions of stock shall pass a receipt to the subscriber or subscribers for the payment of the first instalment as heretofore required to be paid; and upon their settlement with the general commissioners as aforesaid, it shall be the duty of the said general commissioners, in like manner, to pass their receipt for all sums thus received to the persons from whom received; and such receipt shall be taken and held to be good and sufficient vouchers to the persons holding them: that subscriptions of stock shall be thus received to an amount not exceeding eight hundred thousand dollars.

Sec. 5. Be it further enacted, That it shall be the duty of said general commissioners to direct and authorize the keeping open of books for the subscription of stock in the man-
ner above described, until the sum of three hundred thousand dollars shall have been subscribed to the capital stock of said company, and so soon as the said sum of three hundred thousand dollars shall have been subscribed and the first instalment of five dollars per share on said sum shall have been received by the general commissioners, said company shall be regarded as formed, and the said commissioners or a majority of them, shall sign and seal a declaration to that effect, with the names of all the subscribers appended, and cause the said declaration to be deposited in the office of the secretary of State, and thenceforth from the closing of the books of subscription as aforesaid, the said subscribers to the stock shall form one body politic and corporate in deed and in law in said State, and for the purposes aforesaid, by the name and style of "The Chatham Railroad Company."

Sec. 6. Be it further enacted, That whenever the sum of three hundred thousand dollars shall be subscribed for in manner and form aforesaid, the subscribers, their executors, administrators and assigns, shall be and they are hereby declared to be incorporated into a company by the name and style of the Chatham Railroad Company, and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates real, personal, and mixed, and acquiring the same by gift or devise so far as shall be necessary for the purposes embraced within the scope, object and intent of their charter and no further; and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, in any court of equity and law in North-Carolina, and may have and use a common seal, which they may alter and renew at pleasure, and shall have and enjoy all other rights and immunities which other corporate bodies may and of right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or effecting the objects [for which] it is created, not inconsistent with the constitution and laws of the United States and of the State of North-Carolina.

Sec. 7. Be it further enacted, That notice of process upon the principal agent of said company, or the president or any of the directors thereof, shall be deemed and taken to be due and lawful notice of service of process upon the company so as to bring it before any of the courts of this State.

Sec. 8. Be it further enacted, That as soon as the sum of three hundred thousand dollars shall have been subscribed in manner aforesaid, it shall be the duty of the general commissioners appointed under the third section of this act to appoint a time for the stockholders to meet at Pittsboro', in the county of Chatham and State of North-Carolina, which
they shall cause to be previously published for the space of thirty days in one or more newspapers published in the State of North-Carolina, at which time and place the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, and enact all such regulations and by-laws as may be necessary for the government of the corporation and the transaction of its business: The persons elected directors at this meeting shall serve such period not exceeding one year as the stockholders may direct, and at this meeting the stockholders shall fix on the day and place or places where the subsequent election of directors shall be held, and such election shall henceforth be annually made, but if the day of the annual election should pass without any election of directors, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such election in such manner as may be prescribed by a by-law of the corporation.

Sec. 9. Be it further enacted, That the affairs of said company shall be managed and directed by a general board to consist of twelve directors to be elected by the stockholders from among their number at their first and subsequent general annual meeting as prescribed in section eighth of this act.

Sec. 10. Be it further enacted, That the election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of said company, and the person having a majority of all the votes polled, shall be considered as duly elected.

Sec. 11. Be it further enacted, That the president of the company shall be elected by the directors from among their number in such manner as the regulations of the company shall prescribe.

Sec. 12. Be it further enacted, That at the first general meeting of stockholders, directed to be called under section eighth of this act, a majority of all the shares subscribed, shall be represented before proceeding to business, and if a sufficient number do not appear on the day appointed, those who do attend, shall have power to adjourn from time to time, until a regular meeting shall be thus formed, and at said meeting the stockholders may provide by a by-law, as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business at all subsequent regular or occasional meetings of stockholders and directors.

Sec. 13. Be it further enacted, That at all elections and upon all votes taken in any general meeting of stockholders upon any by-law or any of the affairs of said company, each share of stock shall be entitled to one vote; and that any stockholder in said company may vote by proxy, and
Returns.

Sec. 14. Be it further enacted, That the general commissioners shall make their returns of the shares of stock subscribed for at the first general meeting of the stockholders, and pay over to the directors elected at said meeting, or their authorized agents, all sums of money received from subscribers, and for failure therefor, shall be personally liable to said company to be recovered at the suit of said company, in any of the superior courts of law in the State, within the county where such delinquent or delinquents may reside, and in like manner from said delinquent or delinquents' executors or administrators, in case of his or her death.

Vocancies.

Sec. 15. Be it further enacted, That the board of directors may fill up all vacancies which may occur in it during the period for which they have been elected, and in the absence of the president, may fill his place by electing a president pro tempore, from among their number.

Contracts.

Sec. 16. Be it further enacted, That all contracts or agreements authenticated by the president and secretary of the board of directors, shall be binding on the company, without a seal, or such mode of authentication may be used as the company by their by-laws may adopt.

Powers.

Sec. 17. Be it further enacted, That the company shall have power, and may proceed to construct as speedily as possible, a railroad with one or more tracks, to be used with steam power, which shall extend from Deep river, at or near the coal fields, in the county of Chatham, through said county of Chatham, to the city of Raleigh, or at some point on the North-Carolina Railroad, at some point west of the city of Raleigh: said company may use any section of the railroad constructed by them, before the whole of said road shall be completed.

Exclusive right

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

May farm rights.

Sec. 19. Be it further enacted, That the said company may, when they see fit, farm out their rights of transportation over said railroad, subject to the rules above mentioned, and said company, and every person who may have received from them the right of transportation of goods, wares and produce, on the said railroad, shall be deemed and taken to be, a common carrier, as respects all goods, wares and produce, and merchandise, intrusted to them for transportation.

Instalments.

Sec. 20. Be it further enacted, That the board of directors may call for the payment of the sums subscribed, as stock in said company, in such instalments as the interest of
said company may in their opinion require; the call for each payment shall be published in one or more newspapers in the State, for the space of one month before the day of payment, and on failure of any stockholders to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company, by such stockholder, and convey the same to the purchaser at said sale, and if such sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case, the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, his executors, administrators and assigns at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where the delinquent resides, on a previous notice of ten days to said subscriber, or by the action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace, where the sum due does not exceed one hundred dollars, and in all cases of assignment of stock before the whole amount has been paid to the company; then for all such sums due on such stock, both the original subscribers, and the first and all subsequent assignees, shall be liable to the company, and the same may be recovered as above described.

Sec. 21. *Be it further enacted*, That the debt of stockholders due the company for stock therein, either as original proprietor, or as first or subsequent assignee, shall be considered as of equal dignity with judgments, in the distribution of assets of a deceased stockholder, by his legal representatives.

Sec. 22. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Sec. 23. *Be it further enacted*, That the said company may at any time increase its capital to a sum sufficient to complete said road, not [exceeding] eight hundred thousand dollars, either by opening books for new stock, or by selling such new stock, or by borrowing money upon the credit of the company and the mortgage of its charter and works; and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders at a general meeting.

Sec. 24. *Be it further enacted*, That the board of directors shall, once in every year at least, make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener if directed by a by-law, and
shall have power to call a general meeting of the stockholders when the board may deem it expedient, and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.

Sec. 25. Be it further enacted, That the said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for the said road, or the appurtenances thereof; or for the erection of depositories, storehouses, houses for the officers, servants or agents of the company, or for workshops or foundries to be used for the said company, or for procuring stone or other materials necessary to the construction of the road or for effecting transportation thereon, and for no other purpose whatever.

Sec. 26. Be it further enacted, That the said company shall have the right, when necessary, to conduct the said road across or along any public road or water course: Provided, That the said company shall not obstruct any public road, without constructing another equally as good and as convenient as may be, nor without making a draw in any bridge of said road which may cross a navigable stream sufficient for the passage of vessels navigating said stream, which draw shall be opened by the company for the free passage of vessels navigating such stream.

Sec. 27. Be it further enacted, That when any land or right of way may be required by said company, for the purpose of constructing their road, and for the want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record having common law jurisdiction in the county where some part of the land or right of way is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land being taken or the right of way surrendered, and also the benefit and advantage he, she or they may receive from the erection or establishment of the railroad or work, and shall state particularly the value and amount of each; and the excess of loss and damage over and above the advantage and benefit, shall form the measure of valuation of the said land or right of way: Provided, nevertheless, That if any person or persons over whose land the road may pass, should be dissatisfied with the valuation of said commissioners, then and in that case the person or persons so dissatisfied may have an appeal to the superior court in the county where said valuation has been made, or in either county in which the land lies, when it may lie in more than one county, under the
same rules, regulations and restrictions as in appeals from judgments of justices of the peace. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain a matter of record; and the lands or right of way so valued by the commissioners shall vest in the said company so long as the same shall be used for the purposes of said railroad, so soon as the valuation may be paid, or when refused may have been tendered: Provided, That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days previous notice has been given by the applicant to the owner or owners of the land so proposed to be condemned, or if the owner or owners be infants or non compos mentis, then to the guardians of such owners if such guardian can be found within the county, or if he cannot be so found then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding in some newspaper printed as convenient as may be to the courthouse of the county, and shall have been posted at the door of the courthouse on the first day at least of the next succeeding term of said court: And provided further, That the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath any justice of the peace, or clerk of the court of the county in which the land or a part of it lies, is hereby authorized to administer: Provided further, That the right of condemnation herein granted shall not authorize said company to invade the dwelling-house, yard, garden or burial ground of any individual without his consent.

Sec. 28. Be it further enacted, That the right of said company to condemn land, in the manner described in the twenty-seventh section of this act, shall extend to the condemning of land one hundred feet on each side of the main track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much, in addition thereto, as may be necessary for the purpose of constructing said road; and the company shall also have power to condemn and appropriate lands in like manner, for the constructing and building of depots, shops, work-houses, buildings for the officers, servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

Sec. 29. Be it further enacted, That in the absence of any contract or contracts with said company, in relation to lands through which the said road or its branches may pass, signed
by the owner thereof or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said railroad or any of its branches may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner or owners thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same, as long as the same be used for the purpose of said road and no longer, unless the person or persons owning the said land, at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said lands, as hereinafore directed, within two years next after that part of said road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: Provided, Nothing herein contained shall affect the rights of _feme coverts_ or infants, until two years after the removal of their disabilities.

Sec. 30. _Be it further enacted_, That all lands, not herefo reverse granted to any person nor appropriated by law to the use of the State, within one hundred feet of the centre of the road which may be constructed by the said company, shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant thereafter shall he void.

Sec. 31. _Be it further enacted_, That if any person or persons shall intrude upon the said railroad by any manner of use thereof, or of the right and privileges connected therewith, without the permission or contrary to the will of said company, he, she, or they shall forthwith forfeit to the said company all the vehicles that may be intruded on the said road, and the same be recovered by suit at law; and the person or persons so intruding may also be indicted for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Sec. 32. _Be it further enacted_, That if any person shall wilfully and maliciously destroy or in any manner hurt, damage or obstruct, or shall wilfully and maliciously cause, or aid, or assist, or counsel and advise any other person or persons to destroy or in any manner to hurt, damage or destroy, injure or obstruct the said railroad, or any bridge or vehicle used for or in the transportation thereon, any water-tank, ware-house or any other property of said company, such person or persons so offending, shall be liable to be in-
dicted therefor, and on conviction, shall be imprisoned not
more than six nor less than one month, and pay a fine not
exceeding five hundred dollars nor less than twenty, at the
discretion of the court before which said conviction shall
take place, and shall be further liable to pay all expenses of
repairing the same, and it shall not be competent for any
person so offending against the provisions of this clause, to
defend himself by pleading or giving in evidence, that he
was the owner or agent or servant of the owner of the land
where such destruction, hurt, damage, injury or obstruction
was done, at the time the same was done or caused to be
done.

Sec. 33. Be it further enacted, That every obstruction to
the safe and free passage of vehicles on the said road or its
branches, shall be deemed a public nuisance, and may be
abated as such by any officer, agent, or servant of the com-
pany, and the person causing such obstruction, may be in-
dicted and punished for erecting a public nuisance.

Sec. 34. Be it further enacted, That the said company
shall have the right to take at the store-houses they may es-

tablish on or annex to their railroad or the branches there-
of, all goods, wares, merchandise and produce intended for
transportation, prescribe the rules of priority and charge,
and receive such just and reasonable compensation for stor-
age as they by rules may establish, which they shall cause
to be published, or as may be fixed by agreement with the
owner, which may be distinct from the rates of transporta-
tion: Provided, That the said company shall not charge or
receive storage on goods, wares, merchandise or produce
which may be delivered to them at their regular depositions
for immediate transportation, and which the company may
have the power of transporting immediately.

Sec. 35. Be it further enacted, That the profits of the
company or so much thereof as the general board may deem
advisable, shall, when the affairs of the company will per-
mit, be semi-annually divided among the stockholders in
proportion to the stock each may own.

Sec. 36. Be it further enacted, That the capital stock in
said company, and all the property real and personal belong-
ing to the said company, shall be exempt from taxation by
the State of North-Carolina, or any corporate or municipal
police or other authority thereof, or any town, city or coun-
ty for the term of fifteen years: Provided, That it shall be
competent for the legislature of North-Carolina, but for no
municipal town, county or corporate authority, at any time
after the expiration of the period aforesaid, to impose such
tax upon the estate, both real and personal, of the said com-
pany, as they may deem reasonable and just, not exceeding,
however, in any event the tax imposed on the respective
citizens of said State, or property owned by them of a similar character.

Sec. 37. Be it further enacted, That the following officers and servants and persons in the actual employment of the said company, be and are hereby exempted from the performance of jury and ordinary militia duty: the president and treasurer of the board of directors, and chief assistant engineers, the secretaries and accountants of the company, keepers of the depositories, guard stationed on the road to protect it from injury, and such persons as may be working the locomotive engines and traveling with the cars for the purpose of attending to the transportation of produce, goods and passengers on the road.

Sec. 38. Be it further enacted, That said company shall have power to connect one terminus of their said road with the North-Carolina road in such manner as to prevent any drayage or any unnecessary transportation of goods, produce, merchandise and passengers by horse power between said roads, not, however, interfering with or hindering the rightful exercise of the privileges of the North-Carolina railroad company under their present charter.

Sec. 39. Be it further enacted, That the company shall begin the construction of the said railroad within two years from the first day of January, eighteen hundred and fifty-five, and complete it within ten years thereafter, otherwise the privileges here granted shall be forfeited and cease except for so much of said road as shall then be actually constructed and in operation; and for the part thus actually constructed, the said company shall be entitled to all the privileges of this act of incorporation in as full a measure as if the whole line of said road had been constructed and put in operation as at present contemplated.

Sec. 40. Be it further enacted, That any incorporated company shall and may have authority to subscribe such sum to said railroad as a majority of its members may determine upon.

Sec. 41. Be it further enacted, That this act shall be regarded as a public act and may be given in evidence as such in all cases without special pleading.

Sec. 42. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]
AN ACT TO INCORPORATE A COMPANY TO CONSTRUCT A RAILROAD FROM SOME POINT ON THE WATERS OF BEAUFORT HARBOR, (TO BE HEREAFTER DETERMINED.) TO THE TOWN OF FAYETTEVILLE, THROUGH THE COUNTIES OF CARTERET, OWNSLOW, DUPLIN, SAMPSON AND CUMBERLAND.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of establishing a communication by railroad, from the most eligible point on the waters of Beaufort Harbor, in the county of Carteret, with the town of Fayetteville, the formation of a company, with a capital of two millions of dollars, is hereby authorized, to be called "the Central Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, to have a body politic in perpetuity.

Sec. 2. Be it further enacted, That the said company be, and they are hereby authorized to construct a railroad from such point on the waters of Beaufort Harbor, (to be determined by said company, after the same shall have been formed,) to the town of Fayetteville, then to some point on the North-Carolina Railroad, or upon the Wilmington and Charlotte road, at such point as the company may select, after the company is formed.

Sec. 3. Be it further enacted, That for the purpose of creating the capital stock of said company, it shall be lawful to open books in the county of Onslow, under the direction of J. H. Foy, John A. Everill, Jr., Owen Huggins, E. W. Fonville, G. J. Ward, Robert White and L. W. Humphrey; in the county of Carteret, under the direction of M. F. Arendell, J. F. Bell, Levi J. Oglesby, Bridge Arendell, Levi Oglesby, H. S. Bell and William N. Davis; in the county of Duplin, under the direction of Owen R. Kenan, David Reid, Isaac B. Kelly, William E. Hill, William J. Houston and Stephen Graham; in the county of Sampson, under the direction of Thomas I. Faison, Thomas Bunting, William McKoy, Patrick Murphy, William Faison, J. R. Beaman and Alfred Johnson; in the county of Cumberland, under the direction of George McNeill, Thomas R. Underwood, D. G. McRae, Randall McDaniel, Jesse G. Shepherd, Edward L. Winslow and John C. Blocker; and at such other places, and under the direction of such other persons as a majority of the commissioners named for the county of Onslow may deem proper, for the purpose of receiving subscription to an amount not exceeding two millions of dollars, in shares of one hundred dollars each.

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

Sec. 5. Be it further enacted, That whenever the sum of one hundred thousand dollars shall be subscribed, in manner and form aforesaid, the subscribers, their executors, administrators or assigns, shall be and they are hereby declared incorporated into a company, by the name and style of the “Central Railroad Company,” and by that name may be capable, in law and equity, of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift or devise, so far as shall be necessary for the purpose embraced in the scope, object and intent of their charter and no further, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, in any court of law and equity in this State, may have and use a common seal, which they may alter and renew at pleasure, and shall have and enjoy all other rights and immunities which other corporate bodies may and of right do exercise, and make all such by-laws, rules and regulations, as are necessary for the government of the corporation, for effecting the object for which it was created, not inconsistent with the constitution and laws of this State.

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

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

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

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

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

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

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

Sec. 13. Be it further enacted, That the said company shall have power of using any section of the said road constructed by them before the whole of said road shall be completed, and may charge for transportation thereon.

Sec. 14. Be it further enacted, That all contracts or agreements authenticated by the president and secretary of the board, shall be binding on the company with or without a seal; such a mode of authentication shall be used as the company by their by-laws may adopt.

Sec. 15. Be it further enacted, That the said company may purchase, have and hold in fee or for a term of years, any lands, tenements or hereditaments which may be necessary for the said road, or for the erection of depositories, storehouses, houses for the officers, servants or agents of the company, or for workshops or foundries to be used by the company, or for procuring stone or other materials necessary to the construction of the road, or effecting transportation.

Sec. 16. Be it further enacted, That the company shall have the right, when necessary, to construct the said railroad across any public road or along the side of any public road: Provided, That the said company shall not obstruct any public road, without first constructing one equally as good and as convenient as the one taken by said company.

Sec. 17. Be it further enacted, That when any lands or right of way may be required by the said company for the purpose of constructing their road, building warehouses, water-stations, workshops or depositories, and for want of agreement as to the value thereof or from any other cause the
same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by a jury of good and lawful men, to be summoned by the sheriff of the county in which the land required by the company may lie, and in making said valuation the said jury shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage he, she or they may receive from the erection of the said road, &c., and shall state particularly the value and amount of each, and the excess of loss or damage over and above the advantages and benefits shall form the measure of valuation of said land or right of way: Provided, nevertheless, That if any person or persons over whose land the said road may pass, or the company should be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the court of the county to be held thereafter, and the sheriff shall return to the said court the verdict of the jury, with all their proceedings theron; and the lands or rights of way, so valued by the jury, shall vest in the said company so long as the same shall be used for the purpose of said railroad, so soon as the valuation may be paid, or if refused, paid over to the clerk of the county court: Provided, That the right of condemnation shall not authorize said company to invade the dwellinghouse, yard, or garden or graveyard of any individual, without his consent.

Sec. 18. Be it further enacted, That the right of said company to condemn land, in the manner described in the above section, shall extend to the condemnation only of one hundred feet on each side of the main track of the road, measuring from the centre of the same, unless in case of deep cuts and filling, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the company in like manner shall have power to condemn any appropriate lands for the constructing and building of depots, shops, &c., not exceeding ten acres in any one lot or station.

Sec. 19. Be it further enacted, That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise, produce and minerals over said road, at such charges as may be fixed on by a majority of the directors.

Sec. 20. Be it further enacted, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be annually or semi-annually divided among the stockholders, in proportion to the stock each may own.

Sec. 21. Be it further enacted, That notice of process upon the president, or any of the directors thereof, shall be
Branches.

Sec. 22. Be it further enacted, That said company shall have power to construct branches to said road, or to connect with any other railroad that may be constructed; and any contract that may be entered into with any other railroad company, by the president and directors of said company, after the consent of a majority of the stockholders first obtained, shall be binding on the said company.

Bonds.

Sec. 23. Be it further enacted, That it may and shall be lawful for the said Central Railroad Company to make and issue bonds to an amount not exceeding four hundred thousand dollars, to be signed by the president of said company, under the common seal of the same, in sums of one thousand dollars each, bearing interest at the rate of seven per cent. per annum, to be paid semi-annually in the city of New York or Boston, at their option, and redeemable in 1880.

Sec. 24. Be it further enacted, That to secure the faithful payment of the said bonds, it shall and may be lawful for the president and directors of the Central Railroad Company to make, execute and deliver to such persons, either in the city of New York or Boston as the said company may select and appoint, a deed of trust or mortgage, under the common seal of said company, wherein shall be conveyed to the person thus appointed trustee, the road, property, income and franchises of said company acquired or to be acquired, conditioned for the payment of the interest and final redemption of said bonds.

Sec. 25. Be it further enacted, That all the officers of the company, and servants and persons in the actual employment of the company, be and they are hereby exempt from performing ordinary militia duty, working on public roads and serving as jurors.

Sec. 26. Be it further enacted, That all the work hereby required shall be executed with due diligence, and if it be not commenced within four years after the ratification of this act, then this charter shall be void.

Sec. 27. Be it further enacted, That it shall and may be lawful for any incorporated town, or any county through which said railroad may pass, to subscribe for such amount of stock in said company as they or either of them shall be authorized to do by the inhabitants of said town or the citizens of such county, in manner and form as hereinafter provided.

Sec. 28. Be it further enacted, That the corporate authorities of such town, or the justices of the peace of such county, (a majority of the justices of said county concurring,) are authorized to make an order requiring the constable of such town, and the sheriff of such county, at such time and on such notice as they shall direct, to open a poll and take the
sense of the voters of such town qualified to vote for town officers, and of the voters of such county qualified to vote for members of the House of Commons of the General Assembly, whether the officers of said town and the justices of the peace of said county shall subscribe to the stock of said company for such sum as the order shall propose, and the constable shall make return of the number voting for and against it to the magistrate of police of said town, or the presiding officer thereof; and the sheriff in like manner shall make return as to the vote in his county to the first court thereafter, to be held for said county, and it shall be the duty of the sheriff to notify such justice of his county to attend at the court to which he shall make said return.

Sec. 29. Be it further enacted, That if upon the return of such constable or of such sheriff, it shall appear that a majority of votes are in favor of the subscription, then the corporate authorities of such town shall make the subscription for such town; and in like manner, if a majority of the votes of such county shall be in favor of the subscription, then the justices of said county shall appoint an agent to make the subscription in behalf of said county, the subscriptions to be paid for in the bonds of said town or in cash, as the authorities may elect; and the agents shall pay the county subscription in like manner, or on such terms as may be agreed upon by the parties with whom he may negotiate.

Sec. 30. Be it further enacted, That for the purpose of paying the quota on said stock as they may be called for, or the instalments on such subscriptions as may fall due, the town authorities on their part, and the justices of the county for themselves, shall have power to appoint an agent or agents to negotiate a loan or loans for and in the name of such town and for such county; and it shall be the duty of the authorities of such town and the authorities of such county, to lay such tax or taxes annually on the persons, land and other property within such town and within such county, as may be sufficient to pay their respective quota or instalments as they become due, or the interest on such loan or loans with the interest thereon, as said town authorities and justices of said county may deem necessary, and make such order or orders for the due, collection and payment of the same; and the stock thus subscribed either by the town or by the county, shall stand pledged for the payment of the loan thus authorized to be contracted on their parts respectively. [Ratified the 16th day of February, 1855.]
AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE ATLANTIC AND NORTH-CAROLINA RAILROAD COMPANY, AND THE NORTH-CAROLINA AND WESTERN RAILROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the act incorporating the Atlantic and North-Carolina Railroad Company, be, and the same is hereby amended in the following particulars; a majority of the stockholders in general meeting concurring, to wit: the capital stock of said Atlantic and North-Carolina Railroad Company shall be sixteen hundred thousand dollars.

Sec. 2. Be it further enacted, That the said company at any time, may increase its capital to a sum sufficient to complete said road, by opening books for new stock, or selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works, and the manner in which the same shall be done in either case, shall be prescribed by the stockholders at a general meeting.

Sec. 3. Be it further enacted, That the affairs of the company shall be managed and directed by a general board, to consist of twelve directors, eight of whom shall be appointed annually by the board of internal improvement, and may be removed in like manner, and four to be elected by the stockholders at their next general meeting, provided no one but a stockholder of at least five shares, shall serve as a director.

Sec. 4. Be it further enacted, That in all elections, and upon all questions taken in any general meeting of the stockholders, in which a vote by stock may be had, the vote shall be taken according to the following scale: the owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares, shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven shares nor more than eight shares, to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen shares nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven shares nor more than thirty-three shares, to nine votes; the owner of thirty-four shares nor more than forty shares, to ten votes; and the owner of every ten shares above forty, shall be entitled therefor, to one vote: Provided, That no individual or company holding stock in said company, shall be entitled to more than two hundred votes, ex-
tion to that shall be paid until one-fourth part has been satisfactorily paid of two-thirds of the capital of this company, the said board of internal improvements shall be authorized and required to subscribe on behalf of the State for two-thirds of the capital stock of said company, and the subscription shall be paid in the following manner, to wit: the one-fourth part as soon as the said company shall commence work, and one-fourth part thereof every six months thereafter, until the whole subscription in behalf of the State shall be paid: Provided, The treasurer and president of said company shall, before they receive the aforesaid instalments, satisfactorily assure the board of internal improvement by certificates, under the seal of said company, that an amount of the private subscription has been paid in equal proportion to the payment required of the State.

Sec. 6. Be it further enacted, That in case the present legislature shall not provide the necessary and ample means to pay the aforesaid instalments on the stock subscribed for on behalf of the State, as provided for in the fifth section of this act, in that event the board of internal improvements is hereby authorized and empowered to borrow on the credit of the State to the amount of two-thirds of the capital stock of said company as the same may be needed by the requirements of this act.

Sec. 7. Be it further enacted, That in case it shall become necessary to borrow the money by this act authorized, the public treasurer shall issue the necessary bonds with coupons attached, signed by the governor and countersigned by the public treasurer and sealed with the great seal of the State, and made payable to ———, or bearer, and the principal shall be payable at the end of thirty years from the date of the same, and coupons of interest payable semi-annually in such form as may be prescribed by the public treasurer, shall
be attached to the bonds, and the bonds and coupons attached, shall be made payable at such bank or place in the city of New-York or at the office of the public treasurer in Raleigh, as he, the public treasurer, may think proper: Provided, however, That no such bonds shall be issued for a sum less than five hundred dollars, and no bond shall be sold for a less sum than par value, and it shall be the duty of the public treasurer to enter in a book to be kept for that purpose, a memorandum of the bonds issued by virtue of this act, the number and date of issue, when and where payable, to whom issued and to whom sold, and at what premium, if any, the same was [were] sold by him.

Sec. 8. Be it further enacted, That the comptroller shall register the said bonds at large in a book to be kept by him for that purpose, and shall charge the public treasurer with the amount thereof, and also with all such sums, if any, as the public treasurer may obtain by way of premium on the sale of said bonds; an account of which the public treasurer shall render to the comptroller, as soon as negotiations from time to time for the sale of said bonds are closed.

Sec. 9. Be it further enacted, That if it shall become necessary to issue the coupon bonds aforesaid, the public treasurer shall advertise in one or more newspapers as he may think best, and state in the advertisement thereof that said bonds have coupons attached, and invite sealed proposals for such an amount of the capital stock owned by the State in said company as may be wanted at any one time; and it shall be his duty to accept those terms which may be most advantageous to the State: Provided, That in no event shall any of the said coupon bonds be sold for less than their par value, and any premium which may be obtained on the sale of said coupon bonds shall be placed in the public treasury and used as other public funds in the payment of interest on the debts hereby created, or shall be added to a sinking fund which may be established by the General Assembly.

Sec. 10. Be it further enacted, That as security for the redemption of said certificates of debt, the public faith of the State of North-Carolina is hereby pledged to the holders thereof, and in addition thereto, all the stock held by the State in the "Atlantic and North-Carolina Railroad Company," hereby created, shall be pledged for that purpose; and any dividends of profit which may from time to time be declared on the stock held by the State as aforesaid, shall be applied to the payment of the interest accruing on said coupon bonds; but until such dividends of profit may be declared, it shall be the duty of the treasurer, and he is hereby authorised and directed to pay all such interest, as
the same may accrue out of any moneys in the treasury not otherwise appropriated.

Sec. 11. Be it further enacted, That the following officers and servants, and persons in the actual employment of the said company, are hereby exempted from the performance of jury and ordinary militia duty: the president and treasurer of the board of directors, and the chief and assistant engineers, the secretary and accountants of the company, keepers of the depositories, guard stationed on the road to protect it from injury, and such persons as may be working the locomotive engineers [engines] and travelling with cars for the purpose of attending to the transportation of produce, goods and passengers on the road.

Sec. 12. Be it further enacted, That the directors to be appointed by the board of internal improvements, shall not enter upon their duties as members of the board of directors, before the next annual meeting of the stockholders, after the subscription made by the State, in the manner by this act prescribed.

Sec. 13. Be it further enacted, That nothing contained in this act shall be so construed as to prevent the crossing of, or intersection of any other railroad authorized by the General Assembly, with the aforesaid Atlantic and North-Carolina Railroad, and at such point or points to erect the necessary building for receiving and forwarding produce, merchandise, passengers, &c., to be transported on such intersecting road or roads.

Sec. 14. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of February, 1855.]

AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1852-'53, Chap. 233. TO INCORPORATE THE CHARLESTON BLUE RIDGE AND CHATTANOOGA RAILROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act be continued in force, and the commissioners or a majority of them named in the act, shall have power under such rules and regulations as they may adopt, to open books at any time within the next three years, for the subscription of stock in said company, and that they be authorized to appoint one or more agents at Duck Town, Tennessee, and in London, England, to open books and receive subscription of stock in said company. [Ratified the 16th day of February, 1855.]
Chap. 234. AN ACT TO AUTHORIZE THE RALEIGH AND GASTON RAILROAD COMPANY TO TAKE STOCK IN THE ROANOKE VALLEY RAILROAD COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Raleigh and Gaston Railroad Company be, and is hereby authorized to receive payment for the sills sold by said company to D. Shelton, to an amount not to exceed $12,000, in shares of the stock of the Roanoke Valley Railroad Company, and to hold, sell, or otherwise dispose of said stock, as the president and directors of said Raleigh and Gaston Railroad Company may from time to time direct. [Ratified the 20th day of January, 1855.]

Chap. 235. AN ACT CONCERNING THE WILMINGTON AND RALEIGH RAILROAD COMPANY.

Preamble.

Whereas, the State of North-Carolina has transferred to the Wilmington and Manchester Railroad Company one-third of the shares of the capital stock of the Wilmington and Raleigh Railroad Company, originally subscribed for by the State:

Voting.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all general meetings of the stockholders of said Wilmington and Raleigh Railroad Company, the number of votes to be given by any representative of the State, shall be reduced one-third below the number which such representative is by law authorized and entitled to give; and in the event of a transfer of any number of the shares of the capital stock of said Wilmington and Raleigh Railroad Company, now held by the State, the number of votes to which the representative of the State shall be entitled at the general meetings of the stockholders of said company shall be reduced pro rata, so that the votes given by the representative of the State shall bear the same relative ratio to the number of shares of the capital stock of said company held by the State, as is now provided by law.

Name.

SEC. 2. Be it further enacted, That the Wilmington and Raleigh Railroad Company shall hereafter be known by the corporate name of the Wilmington and Weldon Railroad Company. [Ratified the 14th day of February, 1855.]
AN ACT TO AMEND THE CHARTER OF THE CHARLOTTE AND SOUTH-CAROLINA RAILROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall [and] may be lawful for the stockholders of the Charlotte and South-Carolina Railroad Company, assembled at their general annual meeting, to make subscriptions to the capital stock of other railroad companies in such sums and upon such terms as a majority of two-thirds of the stock represented in such annual meeting may prescribe: Provided, That no such subscription shall be valid unless there be a concurrent stock vote representing two-thirds of the whole capital stock of said company in favor of such subscription in such annual meeting. [Ratified the 15th day of February, 1855.]

AN ACT TO PROVIDE FOR THE ISSUE OF ADDITIONAL STOCK BY THE SEABOARD AND ROANOKE RAILROAD COMPANY.

Whereas, It is an object that the debts of the Seaboard and Roanoke Railroad Company should be converted into stock, and the company thereby be placed on a more secure foundation, and be better prepared to provide for the increasing trade and travel on the road: therefore

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Seaboard and Roanoke Railroad Company be, and they are hereby authorized to sell, in such mode as they may deem advisable, and for such prices as they may deem it for the interest of the company, to accept as many additional shares of capital stock as may be requisite to meet any portion or the whole of the liabilities of the company: Provided, That such additional shares shall not be sold for less than fifty dollars per share.

Sec. 2. Be it further enacted, That this act shall be in force from and after its acceptance by the stockholders in general meeting. [Ratified the 9th day of January, 1855.]

SAVINGS INSTITUTES.

AN ACT TO INCORPORATE THE BRUNSWICK SAVINGS INSTITUTION.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Owen D. Holmes, Dr. John Hill, Samuel Langdon, S. L. Freemont, Wesley Galloway, Joseph Bryan,
John Mercer, H. H. Watters, Daniel Russell, Jackson Galloway, D. D. Allen, Salter Lloyd, S. R. Robbins and John Mercer, and all and every person hereafter becoming members of the above named institution, to be located in the town of Smithville, in the county of Brunswick, shall be, and are hereby created and made a body politic, by the name and style of "the Brunswick Savings Institution," and by that name shall have succession, and be capable in law, to [hold] and dispose of real and personal property, by deed or otherwise, to sue and be sued, plead and be impleaded, answer and defend and be answered and defended, in courts of law and equity, or in any other place whatsoever, and to receive and make all deeds, transfers, contracts, conveyances and grants whatsoever, and to make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act: Provided, the said corporation shall purchase and hold only such lands, tenements, rents and hereditaments, as shall be requisite for the transaction of its business, or shall have been bona fide, mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales, upon judgments which shall have been obtained for such debts.

SEC. 2. Be it further enacted, That there shall be a meeting of the members of the Brunswick Savings Institution, at such time and place as the persons named in the first section of this act, or any three of them, may appoint and give at least ten days notice in some one or more newspapers, published in the town of Wilmington, and at such place annually thereafter as the by-laws of said institution shall provide, for the purpose of choosing among the members, nine directors, to manage the affairs of the said institution for twelve months thereafter, and until a new election shall take place: Provided, That each election shall be made within one month from the expiration of the term for which the preceding directors shall have been elected; and the three members first above named, or upon their refusal or neglect to act, any three named in this act shall be judges of the first election of directors, and the judges of all future elections shall be appointed, and notice of such election given in such manner as the by-laws shall provide.

SEC. 3. Be it further enacted, That the directors for the time being, or a majority of them, shall have power to elect a president from their own body or from among the other members; to appoint all such officers, agents and servants as they shall deem necessary to conduct or expedite the business of said institution; to fix their compensation, and in their discretion to dismiss them; to provide for the taking
of bonds to said institution from all or any of the officers, agents or servants by them so appointed, with security, conditioned in such form as they shall prescribe for the faithful execution of their several duties, and to secure the corporation from loss; to regulate the manner of making and receiving deposits, the form of certificates to be issued to depositors, and the manner of transferring stock in said institution; to provide for the investment of the funds of the corporation in such manner as they may deem most safe and beneficial; to provide for the admission of members, and furnishing proof of such admission; to provide for paying all necessary expenses incurred in conducting the affairs of the corporation, and generally to pass all such by-laws as shall or may be necessary to the exercise of the said powers and of the powers vested in said corporation by their charter, and the same by-laws to alter or repeal, provided that all such by-laws as may be made by the directors may be altered and repealed by a majority of the members of said corporation assembled at any annual meeting, or of any general meeting called in pursuance of any by-law made for that purpose; and a majority of the members may, at any general or annual meeting, pass by-laws which shall be binding on the directors: Provided, Such by-laws shall not be contrary to the laws of this State or the United States.

Sec. 4. Be it further enacted, That said corporation shall be capable of receiving from any person or persons, or bodies politic or corporate, any deposit or deposits of money; and that all moneys so received shall be invested in public stocks or other securities, at the discretion of the directors, in the manner deemed by them most safe and beneficial: Provided, That no part of the funds of said institution shall be loaned to any officer or directors of said institution: And provided always, That nothing herein contained shall be so construed as to authorise their corporation to issue any bill, note or other device in the nature of a bank note.

Sec. 5. Be it further enacted, That such deposits shall be repaid to each depositor when required, and at such times, and with such interest, and under such regulations, as the board of managers shall from time to time prescribe; which regulations shall not be altered [so] as to effect any one who may have been a depositor previous to such alteration; and all certificates or evidences of deposit made by the proper officer shall be as effectual to bind the corporation, as if they were under the common seal thereof.

Sec. 6. Be it further enacted, That whenever any deposit shall be made by any person being a minor, the said corporation may pay to such depositor such sum or sums as may be due to him or her at their discretion, not exceeding two hundred and fifty dollars, although no guardian shall have
been appointed for such minor; and the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor.

Sec. 7. Be it further enacted, That it shall be the duty of the directors, at least once in every six months, to appoint five competent members of said corporation as a committee of examination, whose duty it shall be to investigate the affairs of said corporation, and make and publish a report thereof, in one or more newspapers published in the county of Brunswick or town of Wilmington; and it shall be the duty of the directors, on the first day of January and on the first day of July in each and every year, to make and declare a dividend of the interest and profits of the said corporation after paying its expenses, and the same to pay over unto the depositors or their legal representative within ten days thereafter, if called on.

Sec. 8. Be it further enacted, That no stockholder who is a debtor to their institution, shall be permitted to transfer his stock until such debt be paid or otherwise secured to the satisfaction of the directors.

Sec. 9. Be it further enacted, That in all discounts or loans to be made by said corporation, it shall not take more than six per cent. per annum, which interest shall be taken in advance at the time of making such loans.

Sec. 10. Be it further enacted, That the concerns of the institution hereby intended to be incorporated, shall at all times be subject to the inspection of the treasurer of the State, or of such other officer or agent of the State, as may be selected for that purpose by the General Assembly.

Sec. 11. Be it further enacted, That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, until an additional capital is authorized by the General Assembly, and that the power is hereby reserved to the General Assembly from and after the year 1875 to dissolve said corporation. [Ratified the 16th day of February, 1855.]

---

Chap. 239. AN ACT TO INCORPORATE THE SALEM SAVINGS INSTITUTION.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Edw’d Belo, H. A. Lemy, R. W. Wharton, Francis Fries and J. G. Lash, and all and every other person or persons hereafter becoming members of the Salem Savings Institution, to be located in the town of Salem, in the county of Forsythe, shall be and are hereby created and made a corporation and body politic, by the name and style of the Salem Savings Institution; and by that name shall have succes-
and be capable by law to hold and dispose of real and personal property by deed or otherwise, to sue and be sued, to plead and be impleaded, answer and defend, and be answered and defended in courts of law and equity, or in any other places whatsoever, and to receive and make all deeds, transfers, contracts and agreements and conveyances whatsoever, and to make, and use and have a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act: Provided, the said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall be requisite for the convenient transaction of its business, or shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgment which shall have been obtained for such debts.

Sec. 2. Be it further enacted, That there shall be a meeting of the members of the Salem Savings Institute on the first Saturday in April next, and the first Monday in January thereafter annually, at such places as the by-laws of said institution shall provide, for the purpose of electing five directors to manage the affairs of said institution for the succeeding year, and until a new election shall take place.

Sec. 3. Be it further enacted, That the directors for the time being, or a majority of them, shall have power to elect a president from their own body, and to appoint all such officers and agents as they may deem necessary to conduct and expedite the business of said institution, to fix their compensation, and in their discretion to dismiss them, to provide for taking of funds to said institution from all or any of the officers or agents by them so appointed, with security conditioned in such form as they shall prescribe for the faithful execution of their several duties, and to secure the corporation from loss; to regulate the manner of making and receiving deposits, the form of certificates to be issued to the depositors, and the manner of transferring stock in said institution; to provide for the investment of the funds of the corporation, in such manner as they shall deem most safe and beneficial; to provide for the admission of members, in furnishing proofs of said admission; to provide for paying all necessary expenses incurred in conducting the affairs of said corporation, and generally to pass all such by-laws as shall or may be deemed necessary to the exercise of the said powers, and the powers vested in the said corporation by this charter, and the same by-laws to alter or repeal: Provided, That all such by-laws as may be made by the directors may be altered or repealed by a majority of the members representing a majority of the stock of said corporation, at any annual or general meeting called in pursuance of any by-laws made for that pur-
pose, and a majority of the members representing a majority of the stock, may pass by-laws which shall be binding upon the directors: Provided, That such by-laws shall not be contrary to the laws of this State or the United States.

Sec. 4. Be it further enacted, That said corporation shall be capable of receiving from any person or persons or bodies corporate or politic, any deposit or deposits of money, and that all money so received shall be invested in public stocks or other securities at the discretion of the directors, in the manner deemed most safe and beneficial: Provided, That nothing herein contained shall be construed to authorize this corporation to issue any bill, note, or other device in the nature of a bank note.

Sec. 5. Be it further enacted, That such deposits shall be repaid to each depositor when required at such times and with such interest and under such regulations as the board of managers shall from time to time prescribe, which regulations shall not be altered so as to effect any one who may have been a depositor previous to such alteration, and all certificates or evidences of deposits made by the proper officer, shall be as effectual to bind said corporation as if they were made under the common seal thereof.

Sec. 6. Be it further enacted, That when any deposit shall be made by any person being a minor, the said corporation may pay to such depositor such sum or sums of money as may be due to him or her at their discretion, not exceeding two hundred and fifty dollars, although no guardian shall have been appointed for such minor, and the receipt or acquittance of such minor, shall be as valid as if executed by a guardian of said minors.

Sec. 7. Be it further enacted, That it shall be the duty of the directors, at least once in every year, to appoint three competent members of said corporation as a committee of examination, whose duty it shall be to investigate the affairs of said corporation, and to make and publish a report thereof; and it shall be the duty of the directors on the first Monday in January and July in each and every year to make and declare a dividend of the profits of said corporation after paying its expenses, and the same to pay over to the stockholders or their legal representatives within ten days thereafter if called upon.

Sec. 8. Be it further enacted, That in all discounts or loans to be made by said corporation, it shall not take more than six per cent. per annum, which interest shall be taken in advance at the time of discount.

Sec. 9. Be it further enacted, That the concerns of the institution hereby intended to be incorporated, shall, at all times, be subject to the inspection of the treasurer of this State, or of such other officer or agent as may be elected by the General Assembly for that purpose,
SEC. 10. Be it further enacted, That the capital stock of the said institution shall be divided into shares of one hundred dollars each, and that the same shall be invested in such bonds of the State of North Carolina as are exempt from taxation, and after one hundred shares shall have been subscribed and paid in, said institution shall go into operation and continue for the space of thirty years. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE WASHINGTON SAVING INSTITUTION, Chap. 240. IN BEAUFORT COUNTY.

SEC. 1. Be it enacted by the General Assembly of the State Body politic. of North-Carolina, and it is hereby enacted by the authority of the same, That Wm. Farrow, U. H. Rich, Frederic Gardner, Jas. H. Williams, David R. Brooks, Benj. F. Hanks, E. J. Warren, Jesse R. Stubbs, O. W. Telfair, Lockwood Hynatt, Justin Jones, David T. Tayloe, Wm. Shaw, Jr., Henry Dimmock, Isaiah Respess, Allen Grist and D. B. Perry, and such other persons as may associate with them and their successors, be and are hereby incorporated into a company, by the name and style of the "Washington Saving Institution, of Beaufort County," and by that name may hold and possess property, sue and be sued, plead and be impleaded in any of the courts of this State, and have perpetual succession and a common seal, which they may change and reverse at pleasure.

SEC. 2. Be it further enacted, That the capital stock of the said company shall not exceed two hundred thousand dollars, including such property as they may at any time hold; and it shall be lawful for the said company to loan such sums of money as they may have on hand from time to time, at a rate of interest not exceeding one-half of one per cent., for thirty days: and it shall furthermore be lawful for the said company to receive on deposits, such sum or sums of money as may be offered, and to issue a certificate of deposit to each depositor, promising to pay the amount of such certificate, twenty days after date, and upon ten days previous notice being given of such application, such certificate, bearing such interest as may be agreed upon between the parties: and if, upon demand of payment of any such certificates, the notice aforesaid having been duly given, the same shall be refused or neglected, the said company shall be liable, in damages, to the owner of such certificate, for the payment of two per cent. upon the amount thereof, over and above the interest on the same; the amount of which certificate, damages and interest, shall be recoverable before any jurisdiction having cognizance of the same.
Sec. 3. Be it further enacted, That the said company shall have full power to invest their funds in notes, bonds, bills of exchange and other securities, according to the rules and regulations which may be prescribed by a board of directors, as hereinafter provided: And provided further, That the said company shall not make a deduction upon such notes and bonds, and other securities, exceeding one-half [of] one per cent., for thirty days.

Sec. 4. Be it further enacted, That said company shall have power and authority to hold a meeting of the stockholders in the town of Washington, on the third Monday of March, 1855, at which meeting, a majority of the stockholders being present, they shall proceed to elect from their number, a president and seven directors, who shall hold their office for one year, and until others are elected in their stead; it shall be the duty of the president and directors to manage the affairs of said company, and report annually or oftener if required by members owning a majority of the capital stock of the said company, the actual condition of the affairs of said company, and the profits which may have been made; which profits it shall be lawful for said company to divide among themselves, when they think proper.

Sec. 5. Be it further enacted, That the president and directors of said company, shall have power and authority to elect annually a treasurer for said company, who shall enter into bond with good security, in such sum as may be deemed proper, payable to said Washington Saving Institution, in Beaufort county, conditioned for the faithful discharge of his duties, and punctual accounting for such sums of money as shall or may come into his hands by virtue of his office, and they shall furthermore have authority to call a meeting of the stockholders of said company, whenever they may consider the same expedient, upon five days previous notice by advertisement, as may be provided by the rules and regulations of said company.

Sec. 6. Be it further enacted, That it shall be the duty of the president and directors, to issue a certificate of stock to each stockholder, for the sum he may vest in the said company; which shall not be transferred without the consent of a majority of the stockholders; but any stockholder may at any time withdraw the amount of his investment upon giving twenty days notice of his intention to do so.

Sec. 7. Be it further enacted, That the said company shall have power and authority to make all such by-laws for the good management of their affairs, as they may deem proper and expedient: Provided, the same be not repugnant to the constitution and laws of this State, and of the United States.

Sec. 8. Be it further enacted, That said corporation shall
[have] the power and authority to receive deposits of money or other evidences of debt, from minors and married women in their own names, and to their own sole and separate use, and the said corporation may pay to such depositors, from time to time, all such sums as may be due them according to the previous provisions of this charter; and the receipt of such minor shall be a valid acquittance in law and equity, without the intervention of either parent or guardian, as likewise shall be that of such married women without the intervention or assent of her husband. [Ratified the 13th day of February, 1855.]

AN ACT TO AMEND THE CHARTER OF THE MILTON SAVINGS INSTITUTION.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the second section of the act incorporating the Milton Savings Institution, passed in 1850 and 51, be and the same is hereby amended, so that five directors shall manage said institution, instead of eight. [Ratified the 10th day of February, 1855.]

TOWNS.

AN ACT TO PROVIDE FOR THE BETTER GOVERNMENT OF THE TOWN OF LOUISBURG, IN THE COUNTY OF FRANKLIN.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John G. King, Thomas T. Clifton, R. R. S. Lawrence, William G. Collins and Joseph J. Davis, and their successors in office, be, and they are hereby appointed commissioners for the town of Louisburg, in the county of Franklin, and the said commissioners and their successors in office are hereby incorporated into a body corporate and politic, by the name of the “Commissioners for the Town of Louisburg,” and by that name shall have succession, may sue and be sued, and have a common seal, and by said name shall have power from time to time, and at all times hereafter to adopt such rules and regulations, and pass such by-laws and ordinances as by them or a majority of them may be deemed necessary and proper for the order and good management of said town; and such rules, regulations, by-laws or ordinances so passed, shall be as binding, until repealed by said commissioners or their successors, as if they were herein especially enacted: Provided, they be not in-
consistent with the constitution of the United States, or of this State. A majority of said commissioners shall constitute a quorum for the transaction of business, and the rules, regulations, by-laws and ordinances adopted by a majority of such quorum, shall be as binding in all respects as if the same had been unanimously adopted in full meeting.

Sec. 2. Be it further enacted, That hereafter the board of commissioners for said town of Louisburg, shall be composed of a magistrate of police and four commissioners, who shall be elected annually, and hold their offices until their successors are elected and qualified; the magistrate of police shall be ex officio president of the board of commissioners, and be entitled to one vote in all their deliberations.

Sec. 3. Be it further enacted, That no person shall be eligible to the office of magistrate of police or commissioner of said town, unless he shall have resided therein for at least six months immediately preceding his election, and for six months preceding said election, shall have possessed and continue to possess within the corporate limits of said town a freehold of lands and tenements of the value of not less than three hundred dollars, according to the value of the same for taxation; and no person shall be entitled to vote at any election for magistrate of police and commissioners of said town, except free white men of the age of twenty-one years, who shall have resided in said town for one month immediately preceding such election.

Sec. 4. Be it further enacted, That the election of magistrate of police and commissioners for the town of Louisburg shall be held at the courthouse, or at such other place in said town as may be appointed and advertised by the commissioners on the first Monday in February in each and every year; that the town constable, (hereinafter provided for) or a deputy by him appointed for the purpose, or in case of vacancy in the office of town constable, a commissioner to be appointed by the board of commissioners shall advertise said election at two or more public places in said town, at least fifteen days before said first Monday in February of each and every year, and shall attend at said courthouse or other place as appointed and advertised on the said day of election, and at the hour of ten o'clock in the morning shall open the polls for election in the presence of two inspectors appointed and qualified as hereinafter provided for, shall receive the tickets, and shall put those for commissioners of said town in one box, and those for magistrate of police of said [town] in another box provided for that purpose; each inspector shall personally, or by agent appointed by him, and duly sworn before the magistrate of police or some justice of the peace, take down in one list the names of persons voting for commissioners of said town,
and in another list the names of persons voting for magistrate of police for said town; and the said constable, deputy or commissioner, shall, in the presence of said inspectors, at the hour of four in the afternoon close the said polls, and at the said courthouse, or other place appointed and advertised as aforesaid, in the presence of such of the electors as may choose to attend, open the boxes containing the tickets, and examine and number the ballots, and read aloud what appears upon each; and shall declare the person receiving the highest number of votes for the office of magistrate of police duly elected magistrate of police of said town, and shall give him a certificate to that effect; and shall declare the four persons receiving the highest number of votes for commissioners duly elected commissioners of said town, and shall give them certificates to that effect: when two or more persons shall receive the same number of votes either for magistrate of police or commissioner, and there shall be no election by reason thereof, the constable, deputy or commissioner holding the election shall give the casting vote; and the said constable, for every neglect or refusal to comply with the requirements of this section, by himself or deputy, or in the event of a vacancy in the office of constable, the said commissioner appointed as aforesaid, for every such neglect or refusal, shall forfeit and pay one hundred dollars to any person who shall sue for and recover the same in any court having jurisdiction thereof, one-half to his own use, the other half to the use of the town of Louisburg: Provided, said suit be brought within six months after the cause of action occurred. The said inspectors of polls shall be appointed by the board of commissioners at least fifteen days before the holding of said election; and in case of neglect by said commissioners to appoint, or of neglect or refusal by said inspectors or either of them to attend and act on the day of election, then substitutes; or in case one only shall refuse to attend and act a substitute for the one so refusing shall be appointed on the day of election by any justice of the peace for said county, and said inspectors shall, before entering on the discharge of their duties, take an oath before the magistrate of police or some justice of the peace for the faithful discharge of their duties; any person wilfully neglecting or refusing to act as inspectors when appointed in either of the ways aforesaid, shall forfeit and pay ten dollars to any person who shall sue for and recover the same before the magistrate of police for said town, one-half to his or her own use, the other half to the town of Louisburg: Provided, Suit be brought within six months next after the cause of action shall have occurred.

Sec. 5. Be it further enacted, That if a vacancy shall at any time occur in the office of magistrate or police or com-
missioner, by the refusal of the elect to qualify, by death, resignation or otherwise, it shall be the duty of the board of commissioners, within one month after such vacancy occurs, to elect some suitable person legally qualified to fill the same; and any such magistrate of police or commissioner so elected, shall have the same powers, privileges and emoluments as if chosen by the voters of the town.

Sec. 6. Be it further enacted, That on or before the Monday next after the day of their election, the magistrate of police and commissioners elected shall meet at the court house or some other place agreed upon by them, and shall there qualify by taking each an oath to support the constitution and laws of this State, and to discharge the duties of magistrate of police and commissioners, with fidelity and integrity, and to the best of their ability; which oath shall be administered to the magistrate of police by some justice of the peace for the county of Franklin, or by the former magistrate of police, and to the commissioners by the magistrate of police, or in case of neglect or refusal by him, then by some justice of the peace for said county; and any person so elected magistrate of police or commissioner as aforesaid wilfully neglecting or refusing to qualify within the time above prescribed, shall forfeit and pay the sum of twenty dollars to any person who may sue for and recover the same before the magistrate of police for said town, or before any justice of the peace for the county of Franklin: Provided, Suit be brought within six months after cause of action shall have occurred, said recovery to be one-half to the use of the person suing for the same, the other half to the use of the town of Louisburg.

Sec. 7. Be it further enacted, That it shall be the duty of the magistrate of police to see that the laws of the State and the ordinances and by-laws of said commissioners are obeyed and executed within said town, to issue warrants for their infraction in the name of the commissioners for the town of Louisburg; he shall issue warrants to the town constable hereinafter provided for, or to the sheriff or to any constable for the county of Franklin, founded on a complaint of a breach of said laws or any of the ordinances of said commissioners, or for the recovery of any penalty or penalties given by said laws or ordinances, for the arrest of the person or persons complained against, to have and determine said complaints on the return of the warrant or warrants under the same rules and regulations as are by law provided for trials before single justices of the peace, to give judgment on said warrants and issue execution thereon; and said judgment shall be final, unless appealed from in the manner hereinafter provided for; the said magistrate of police shall be a peace officer, and shall have within the limits of said town, all the
powers of a justice of the peace and of a constable for the preservation of the public peace and detection, arrest and punishment of offenders; the said magistrate of police shall further have summary jurisdiction to hear and determine all breaches of the peace occurring within the limits of said town, not above the grade of misdemeanor, and to administer summary punishment on all offenders against the peace, quiet and good order of said town of Louisburg; if free white persons by a fine not exceeding twenty dollars or by imprisonment not exceeding five days; if free persons but not white then by fine and imprisonment as above or by whipping, not exceeding thirty-nine lashes, any or all at his discretion; if slaves, by whipping not exceeding thirty-nine lashes: Provided, The owners or manager of such slave receive reasonable notice of the time of trial, and a copy of the warrant for the arrest of said slave, and in case of their conviction, said master, owner or manager, shall be liable for the cost thereof: Provided, nevertheless, It shall and may be lawful in all cases for the person or persons, or in case of slaves, their owners or managers against whom the said magistrate of police shall give judgment or pass sentence by virtue of the summary jurisdiction hereby given, or for breach of any law or laws relating to said town, or of any ordinance of said commissioners, or for any penalty or penalties given by said laws or ordinances, to appeal from said judgment or sentence to the superior court of law for the county of Franklin, first entering into recognisance with good security before said magistrate of police for the appearance of said appellant before the judge of said superior court at the next term thereof; and for his, her or their performing and abiding the judgment, and sentence of said superior court, and the said person or persons praying said appeal, shall be allowed ten days to obtain said security: Provided, Execution may nevertheless issue on said judgment or sentence forthwith, and nothing herein contained shall be so construed as to say [stay] the same. The said magistrate of police is further vested with the same jurisdiction and powers over all offences committed by slaves as is now by law given to a justice or justices of the peace out of court under the same rules, regulations and restrictions as are provided in these cases; and the said magistrate of police shall keep a faithful minute of all process issued by or returned before him and of his judgments or sentence, and all the proceedings thereon in a bound book, and deliver the same to his successor; in case of an appeal duly taken from any judgment or sentence of said magistrate of police, he shall return the original and all other process to the next term of the superior court of law of the county of Franklin, on the first day of said term, together with a copy of the minutes of his
judgment or sentence, and all proceedings had thereon; the said magistrate of police shall further have the same jurisdiction and power for the trial of all civil matters and controversies within the limits of said town as are given to single justices of the peace, and he shall proceed under the same rules and regulations as are by law prescribed for them, and the said magistrate of police shall in all cases brought before him, be entitled to demand and receive the following fees and no other, that is to say: in breaches of the peace, and all breaches of any of the ordinances of said commissioners, for every warrant, twenty-five cents; for every subpoena, or order to summons a witness, fifteen cents; for every judgment, fifty cents; every appeal granted and recognizance taken in pursuance thereof, fifty cents; for filing a copy of his minutes, fifty cents; which said fees may be recovered and collected as other fees to officers are or may be collected, and the board of commissioners may, if they deem it expedient, allow the said magistrate of police an annual salary not exceeding the sum of fifty dollars, to be paid out of the town treasury.

Sec. 8. Be it further enacted, That at the first meeting of the board of commissioners after their election, they shall appoint a town clerk, who shall be allowed a reasonable salary to be fixed by said commissioners, who shall hold his office until the expiration of the official term of said commissioners, subject, however, to be removed by them at any time for misbehavior in his office: said clerk shall give a bond with surety, payable to the said commissioners and their successors in office, in a penal sum to be fixed by them, with the condition for the keeping by him regular and fair minutes of the proceedings of said commissioners at their meetings, and the safe-keeping of all books, papers and articles committed to his care during his continuance in office, and their delivery to his successor, and the faithful performance of all his other duties as clerk, which may be imposed on him by law, or by the ordinances of said commissioners.

Sec. 9. Be it further enacted, That at the same meeting the said board of commissioners shall appoint a town treasurer, who shall hold his office for the same term, and be subject to the same conditions as the clerk above provided for: he shall, before assuming his office, give bond with approved security, in the penal sum of five hundred dollars, payable to the said commissioners and their successors in office, with a condition that he shall receive and safely keep all moneys that shall be paid to him for the use of said town, and disburse the same according to orders given in obedience to the direction of said commissioners, appearing on their minutes; that he shall keep a fair and correct account of all moneys so received and disbursed by him, in a book
to be kept for that purpose; that he will submit said account to said commissioners, whenever required to do so; and he shall pay his successor, on demand, all moneys in his hands, due said commissioners for the use of said town; and that he will faithfully perform all other duties imposed upon him as town treasurer by the laws or ordinances of said commissioners: the said commissioners shall allow the said treasurer a reasonable compensation for his services. The orders drawn on the town treasurer by the town clerk, shall state the purposes to which the money is to be applied; and the said treasurer shall specify said purposes in the accounts to be kept by him, and also the sources whence the moneys received by him are derived; and said commissioners shall cause a copy of said account, for the year preceding every first day of January, to be made by their clerk and posted in the courthouse of said town for twenty days next preceding the first day of February in each and every year; and for breach of their respective duties assigned them in this election, the said commissioners, clerk and town treasurer shall be liable to indictment.

Sec. 10. Be it further enacted, That at the first meeting of said commissioners, after the appointment of said clerk and treasurer, those officers shall respectively report to the commissioners the particulars of their settlements with their respective predecessors in office.

Sec. 11. Be it further enacted, That the said commissioners, at their first meeting after their election, shall appoint a town constable, who shall hold his office for the residue of the official term of the commissioners who appoint him, subject to be removed by them at any time for his misbehavior in office: he shall give a bond in the penal sum of five hundred dollars, payable to the commissioners of the town of Louisburg and their successors, with a condition that he shall obey and diligently execute all lawful precepts to him directed by the magistrate of police for said town; that he will diligently endeavor to collect all taxes imposed by said commissioners, making use for that purpose, of all the power given him by law, and that he will faithfully account for, and pay over to the treasurer, all sums of money collected or received by him for the use of said town, and that he will faithfully discharge all other duties that may be imposed upon him as town constable, by law, or by the ordinances of said commissioners, and that he will diligently endeavor to carry into effect, all such ordinances; it shall be the duty of said town constable, to see that the ordinances of the said commissioners are enforced, and to report all breaches thereof to the magistrate of police, to preserve the peace of said town, by the suppression of disturbances, and apprehension of offenders; and for that purpose he shall have, and he is
hereby invested with all the powers now invested, by law, in sheriffs and constables; he shall also have, in the execution of process to him directed by the magistrate of police, the same powers which sheriffs and constables now have, in the execution of like process directed to them: he shall collect all town taxes, and pay the same over to the town treasurer, and receive the same compensation therefor as sheriffs receive in like cases; he shall receive the same fees on all process executed or returned by him, which are given to constables in like process, when executed and returned by them, and such other and further compensation as the commissioners may allow.

Sec. 12. Be it further enacted, That for any neglect, misconduct or unfaithfulness in the discharge of their official duties on the town clerk, town treasurer or town constable, they shall be answerable in an action on their respective official bonds, at the suit of the commissioners of the town of Louisburg, for the use of said town, or at the suit of any person who may be aggrieved in the name of said commissioners, to his or her use.

Sec. 13. Be it further enacted, That the board of commissioners shall have power to fill all vacancies that may occur in the offices of town clerk, treasurer or constable.

Sec. 14. Be it further enacted, That the town clerk shall within the first seven days in April, in each and every year, advertise for twenty days, at two or more public places in said town, notifying all persons subject to pay poll tax to the State, who shall have resided within the limits of said town, on the first day of March, immediately preceding or who may have been principally employed in any profession or vocation in said town for two months or more, immediately preceding the said first day of March, and all persons who owned or were possessed of taxable property within said town, on the said first day of March, to give into him before the last day in said month of April, a list of their said polls and taxable property, and it shall be the duty of all such persons, to give in said list within the time specified; said list shall state the number and local situation of the lots or parts of lots given in with the value at which they may have been assessed for taxation, as hereinafter provided, the number of white taxable polls, taxable slaves and taxable free negroes residing on the said last day of April, on the lands of persons giving in said lots, and the list so given in to the clerk, shall be sworn to before him, and he is hereby authorized to administer the oath to the persons giving in the same; the said list shall be filed, and from the same, the said town clerk shall within twenty days from the said last day of April, in each and every year, make in a book to be kept for that purpose, an alphabetical list of the persons and own-
ers of property liable to taxation in the same manner as tax lists are now made out by law for the collection of State tax, the said clerk shall also within twenty days from the said last day of April, in each and every year, make out to the best of his knowledge in the same book, a list of taxable polls and owners of taxable property within said town, who have failed to give in a list in the manner and within the time above prescribed, and he shall state in said list the valuation of said property as assessed in the manner hereinafter provided, and all persons who shall so fail to give in the tax list in the manner and within the time above prescribed, shall pay a double tax for that year, the amount of which double tax shall be stated by the clerk in his list, provided nevertheless, the commissioners for the town shall have power to remit such double tax, for good cause shown.

Sec. 15. Be it further enacted, That on or before the first day of June in each and every year, the board of commissioners shall cause the said town clerk to make a fair copy of said list made by him as aforesaid, and they shall deliver said list to the town constable, or if there be a vacancy in the office of town constable, to a collector of taxes to be appointed by said board, and they are hereby authorized to make such appointment together with a warrant under the hand and seal of the magistrate of police, authorizing and directing the said town constable or collector of taxes to collect such taxes in said list mentioned; and the said constable or tax collector is hereby vested with all the powers and rights for the collection of taxes, which sheriffs have for the collection of State taxes; and said tax list and warrant shall be of the nature of a judgment and execution for the taxes therein mentioned; the constable or collector of taxes, shall collect said taxes and pay them over to the town treasurer on or before the first day of August each and every year.

Sec. 16. Be it further enacted, That said board of commissioners have power, annually, to levy and cause to be collected in the manner above prescribed, the following taxes, that is to say, a tax not exceeding twenty-five cents on every hundred dollars worth of real estate situated within the limits of said town, to be valued as hereinafter provided; for a poll tax not exceeding one dollar, on every free taxable poll, who has resided or been principally employed in said town for two months next preceding the first day of March of each and every year; and a tax not exceeding fifty cents on every taxable slave poll, who has resided or been principally employed in said town for two months next preceding the first day of March in each and every year; and all tax on free poll and slave poll shall be in the relative proportion of two to one; a tax on all dogs that may be
kept in said town, not exceeding one dollar on each dog; a tax on all hogs running at large in said town, not exceeding fifty cents on each hog; said dogs and hogs to be listed by their owners in the same manner that black polls are listed; a tax on all itinerant merchants or peddlers, not exceeding five dollars: Provided, No tax shall be imposed on persons who sell books only, or goods, wares, and merchandise of the county of Franklin only; a tax on each and every person or company of stage players, jugglers, slight of hand performers, rope dancers, tumblers and wire dancers, or company of circus riders, or equestrian performers, who shall play, perform, or exhibit within the limits of said town or within one mile of the limits of said town, a tax not exceeding ten dollars; and on each and every person who shall exhibit artificial or natural curiosities of any kind, except models of useful inventions, for reward, within the limits of said town, or within one mile of the limits of said town, a tax not exceeding ten dollars; and said commissioners shall have power to make all necessary rules, regulations, or ordinances for the listing the taxable articles aforesaid, and the laying and collecting the taxes thereon, provided all public mills, church property, and property devoted to educational purposes shall be exempt from taxation.

Sec. 17. Be it further enacted, That the board of commissioners for said town shall annually, if they deem it necessary, at their first regular meeting, appoint three freeholders, citizens of said town, who being first duly sworn before the magistrate of police to do equal and impartial justice to all in the discharge of their duty, shall assess and value the taxable real estate lying within the corporate limits of said town; and they shall make a list thereof, together with the names and owners of said property, and shall return it to the town clerk on or before the 20th day of March, in each and every year, and the taxes laid by the commissioners on the real estate of said town, shall be collected according to the value made by the freeholders so appointed.

Sec. 18. Be it further enacted, That in case of fire occurring in said town, it shall and may be lawful for the magistrate of police, or in his absence two commissioners, to order the blowing up, or pulling down or destroying any house or houses which he or they shall deem expedient to be blown up, or pulled down or destroyed, for the purpose of stopping the progress of the fire; and no person or persons whatever shall be held liable, civilly or criminally, for acting in such cases in obedience of such orders.

Sec. 19. Be it further enacted, That the said board of commissioners shall have power to organize a patrol for said town, either by hiring persons to act as such and paying them out of the treasury of the town, or by enrolling all the
free white male inhabitants of the town of the age of eighteen years and upwards, excepting practicing physicians and parsons and such others as they shall think proper to exempt, by reason of their poverty, old age or infirmity, and dividing them into classes of an equal number, not exceeding five, to be arranged alphabetically or drawn by lot from the persons so enrolled, as they may deem expedient: the said board of commissioners shall have power to enact by-laws for the government of the patrol so hired or appointed, and to impose penalties for the breach of the by-laws so enacted. The patrol so appointed or hired shall have, whilst on duty, all the powers which patrols now have by law, and for the suppression of riots and disturbances, and the preservation of the public peace, they shall have all the powers now vested in constables as peace officers.

Sec. 20. Be it further enacted, That whenever the commissioners shall desire to lay off or extend any street, and the owner or owners of the land over which the proposed street will run, are unwilling to surrender the same without compensation, it shall be the duty of the commissioners to submit to the voters of the town the question whether the said street shall be laid off or extended as proposed; if a majority of those voting shall be in favor of the proposed street, then the said commissioners shall proceed to establish the same, after making compensation to the owner or owners of the land which may be taken for that purpose, which compensation shall be determined in the following manner: The said commissioners shall present to some justice of the peace for Franklin county, a statement, in writing, setting forth a discription of the proposed street, and a list of the owner or owners' names, and if the owner or owners are not known, the occupiers of the land over which the said street will run; whereupon the said justice shall issue a warrant to the sheriff of the county or the coroner thereof, if the sheriff is interested, commanding him to summon twenty freeholders of the county of Franklin, to meet upon the premises on a certain day to be appointed by the commissioners, and of which they shall give the owners twenty days notice, when citizens of the State, and notice by advertisement for four weeks, in some newspaper of the State, when the owner is not a resident of this State; and when minors shall be the owners, notice to their guardians shall be sufficient; from the freeholders thus assembled, a jury of twelve shall be drawn and empanelled, who, being sworn by the sheriff or coroner to do justice in the premises, shall proceed to assess the damages which the owners of said land will respectfuely [respectively] sustain, by reason of establishing the proposed street, in making of which assessment, they shall consider, not only the damages sustained by the owner,
but also the benefit accruing to him from the establishment of the proposed street. The assessment of the jury, subscribed by them, shall be returned to the next county court of said county, to be there recorded; and the said commissioners, upon paying or tendering to the persons in whose favor damages have been assessed, the sums to which they are respectively entitled, or if said persons reside out of the county of Franklin, or be minors or _feme covert_, upon paying the same into the clerk’s office of the county court of Franklin, shall have full power and authority to lay off and extend the proposed street, as may have been proposed by them: _Provided_, No dwelling-house which may have been erected before the commissioners advertised to take the vote as herein directed, shall be condemned or removed for the purpose of said street against the will of the owner: _And provided further_, The owner of any dwelling-house erected as aforesaid, shall not be compelled to surrender any land belonging to him, by which the line of the proposed street would run, within fifty feet of such dwelling-house, and it shall be the duty of the commissioners, when the case arises, to make provision for taking the vote in and by this section provided for, and to advertise for at least twenty days, the time and place of taking the same; if either party be dissatisfied with the amount of damages assessed by the jury, an appeal shall be allowed under the same rules and regulations as are now prescribed, by law, for appeals from justices of the peace. The said commissioners in any case when they shall consider the damages assessed to be too high, may cease all proceedings in relation thereto, and decline to pay the damages, so assessed for the same; the sheriff or coroner shall be entitled to ten cents for summoning each juror, and two dollars for his other services in executing the said warrant: and each juror summoned and attending, the same compensation as jurors in the courts of Franklin county, to be paid by the corporation.

SEC. 21. _Be it further enacted_, That the said commissioners shall have power to make, from time to time, rules, regulations and ordinances to restrict or prevent the firing of fire arms, fire crackers, fire rockets, and other combustibles prepared in whole or in part of powder, or other explosive or inflammable materials, within the limits of said town; to regulate the speed at which horses may be rode (ridden) or driven through the streets of said town; to order the re-shingling or recovering any house that may be in danger of taking fire from the decayed condition of its shingles or covering; to regulate the number and manner in which dogs may be kept in said town; to prevent hogs, whether belonging to persons residing within or without said town, from running at large in the streets; to prevent hogs from being
confined in lots or in pens in said town, between the first of June and the first of November; to regulate or restrict the exhibition of horses or other animals in the streets and public squares of said town; to cause all lots, cellars and unclean places to be examined at any and all times, between the first of June and the first of November of each and every year, and to abate any nuisance that may exist or be caused by the same, at the expense of the owner or occupier of the premises; when the said nuisance may be useless, said owner or occupier shall remove the same within such time as the commissioners may direct; to drain or fill up any pond or sunken lot in which water stands and stagnates, and to recover the expenses thereof from the owner or occupier of said lot: Provided, Said owner or occupier shall have had one month's notice in writing of the intention of the commissioners, and during that time shall have neglected or failed to fill up such pond or such lots; and in general, to abate any and every nuisance that may exist at any time in said town, at the expense of the person causing the nuisance, or of the owners thereof. Said commissioners may purchase land within or without the limits of said town to be used as cemeteries, and they may regulate the manner and terms on which interments shall be made in such cemetery or cemeteries, or in any other burying ground that now belongs or may hereafter belong to said town; they may forbid all interments in any church yard now in said town, or which may hereafter be established in said town, if they deem it expedient to do so; and they may also prevent any interments from being made in any private lot within said town, within ninety feet of any street or road, or within that distance of any adjacent lot; they may take such precautionary measures to prevent the introduction or spread of infectious or contagious diseases in said town, and adopt such sanitary rules to protect the health of said town, as they may deem expedient; they shall preserve the peace and good order of the inhabitants of said town, and of others who may be there, and suppress all riotous and disorderly assemblies, especially on the Sabbath day, whether of free persons or slaves, and for the purpose in this last clause, (any one commissioner shall have power); they shall have power to make regulations and ordinances for the enforcing the orderly conduct of slaves and free negroes within said town; they shall have power to regulate the manner in which grain, meat, provisions and other articles may be sold in the market and streets of said town; they shall have a general supervision over the streets, roads and public squares of said town; shall keep the same in good order, may grade and pave the same; and shall have the power to prevent all obstructions thereon, and to cause the same to be removed
when they exist, and to prevent all encroachments thereon from building fences or other causes, provided the public bridge across Tar River in said town, shall not be considered a street in the meaning of this act, but the said bridge shall be kept up at the cost and charge of the county of Franklin as heretofore. They may plant trees upon the side walks and public squares, and impose penalties for injuring the same; and they may impose penalties for the violation of any rule, regulation, by-law or ordinance herein authorized, and prescribe rules for imposing and collecting the same.

Sec. 22. Be it further enacted, That all the fines, forfeitures and penalties imposed by this act, any section or clause thereof, or which shall or may be imposed by any ordinance of the said board of commissioners, and which are not hereby or shall not by said ordinance be directed to be recovered in any other manner or to any other use, shall be sued for and recovered in the name of the commissioners of the town of Louisburg; and all forfeitures so recovered shall be paid to the town treasurer, to the use of said town; and whenever any fine, penalty or forfeiture imposed by this act, or any ordinance of said commissioners, shall be incurred by any infant or minor, such fine, forfeiture or penalties shall be recovered from the parent or guardian of such infant or minor, under the same rules and regulations that other fines, penalties or forfeitures are recovered.

Sec. 23. Be it further enacted, That the said commissioners shall have power to sell any lands or real estate belonging to said town, whenever they shall deem it expedient to do so, on such terms as they may think just, and they shall have power to convey a good and legal title to the purchaser or purchasers of any lands or real estate so sold.

Sec. 24. Be it further enacted, That all imprisonments authorized by this act shall be made in the public jail of the county of Franklin.

Sec. 25. Be it further enacted, That the following shall be the boundaries and corporate limits of said town, to wit: beginning on the north side of Tar river at a hornbean, and running thence north 27° east 275 poles [poles] to a stone corner in William P. Williams's plantation; thence east 58 poles [poles] to the fork of the Warrenton and Halifox roads; thence with Halifax road east 67 poles to a persimmon tree on the south side of the said road where a small branch crosses the road; thence south 8° east 105 poles to a cedar stake; thence south 7° west 14 poles to a cedar stake; thence south 27° west 219 poles to Tar river; thence up the river to the old corporation line, a hornbean; thence south 27° west across the river, 143 poles to a pine in J. G. King's line; thence north 62° west 52 poles to a
stone wall at the junction of the Tarboro' and Raleigh roads; thence north 53° west, along the said stone wall, 26 poles to the Simms's bridge road; thence along said road west 22 poles to a hickory on the north side of said road, R. R. S. Lawrence's corner; thence north 10° east with said Lawrence's line 40 poles to a poplar; thence north 24° east with William Class's line 72 poles to a sweetgum at the head of a gut; thence north 42° east, down said gut, 10 poles to the river, and thence up the river to the place of beginning.

Sec. 36. Be it further enacted, That at the first term of the court of pleas and quarter sessions to be held for the county of Franklin, in each and every year, that the commissioners of the town of Louisburg shall present to the said court the names of such persons not less than two in number, as they shall recommend to be licensed to retail spirituous liquors in said town, and it shall not be lawful for the justices of said court to grant a license to retail spirituous liquors within the limits of said town, except to persons who shall have been recommended as aforesaid.

Sec. 37. Be it further enacted, That this act shall be in force and effect from and after its ratification. [Ratified the 10th day of February, 1855.]

AN ACT FOR THE RE-INCORPORATION AND BETTER REGULATION OF THE TOWN OF MURFREESBORO' IN THE COUNTY OF HERTFORD.

Chap. 243.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an election shall be held in the town of Murfreesboro', under the direction of the sheriff of Hertford county, and two inspectors to be designated by him for that purpose, on the first Thursday in June next, and thereafter, on the same day annually, under the inspection of such persons as may be appointed pursuant to the subsequent provisions of this act, for the choice of four commissioners for said town, who shall hold their office for the term of one year, and after until others their successors, duly elected and qualified, shall enter upon their duties: Provided however, That no one shall be eligible as commissioner who does not then reside within the limits of said town, and has not resided there for one year next preceding the election, and one of the number shall be an acting justice of the peace of the county aforesaid.

Sec. 2. Be it further enacted, That every resident of the town qualified to vote for a member of the House of Commons, shall be entitled to vote in such election, and the same shall be held and conducted in like manner as elections for members of the General Assembly.
Sec. 3. Be it further enacted, That the sheriff and inspectors holding such elections under this act, shall be judges thereof, and the sheriff shall make proclamation of the result at the close of the polls; he shall also within five days after the election, notify the persons elected commissioners, by a written notice delivered to each, or left at the usual place of residence of any one absent from the town, and a copy thereof with his endorsement of service, shall together with the poll books, properly certified by the inspectors, be by him returned to the next county court of Hertford.

Sec. 4. Be it further enacted, That the commissioners thus chosen and notified, shall before entering on the duties of said office, take before some justice of the peace of said county, the usual oaths of office, and an oath to perform faithfully and impartially the duties of their office, according to the best of their ability, and the said justice who is hereby authorized to administer such oaths, shall certify the same to the succeeding county court of said county, which shall cause the same to be entered on its records.

Sec. 5. Be it further enacted, That any person thus elected and notified, who shall, for the space of one month thereafter, refuse or fail to take such oath, unless he shall remove out of the limits of said town, or be otherwise incapable of serving, shall be liable to pay the sum of fifty dollars to the use of said town, for which forfeiture the State's attorney for the county aforesaid, is hereby required to bring suit in the corporate name of the board of commissioners aforesaid in the county court of Hertford.

Sec. 6. Be it further enacted, That the commissioners shall, within ten days after taking the oaths of office, meet and elect one of their number to preside at all meetings of the board, and he shall possess and exercise all the functions properly belonging to a presiding officer; he shall also by his signature authenticate all contracts and other official acts of the board.

Sec. 7. Be it further enacted, That the said commissioners shall be constituted a body corporate, under the name and style of "The Board of Commissioners of the town of Murfreesboro," and as such shall have a common seal, may sue and be sued, may purchase, hold and convey property of any kind, shall have power to establish boundaries to said town, to remove nuisances, erect bridges, provide against fire and disease, and make all other necessary by-laws and regulations for the well ordering and good government of said town, not incompatible with the laws and constitution of this State: Provided, however, That no change shall be made in the boundaries of the town as they now exist, unless twenty days public notice of the change proposed shall have been previously given by advertisement, nor shall such
change take effect until one month after the action of the commissioners and twenty days after public advertisement of the same.

Sec. 8. Be it further enacted, That the commissioners shall have full and ample authority to force a compliance with, and observance of, all such rules, regulations and ordinances as they or a majority of them may make, under and by virtue of the powers vested in them by this act, by fines, forfeitures and penalties on them, who shall violate, refuse or neglect to conform to such rules, regulations and ordinances, to be recovered by warrant under the hand of any justice of the peace of the county of Hertford, directed to the sheriff, town constable or other lawful officer of the said county, to arrest and cause such delinquents or offenders to appear before some justice of the peace of said county, (whether residing within the limits of said town or other part of said county,) who is hereby required to hear and determine the same, and on conviction, said justice is further required to give judgment and award execution against the offender, which said officer shall execute; and all such fines, when collected, shall be paid into the hands of the treasurer of said town, and by him to be accounted for.

Sec. 9. Be it further enacted, That the board aforesaid shall appoint some suitable person to act as town clerk and treasurer, who shall give a bond payable to the board, with sufficient security in such sum as the board shall prescribe, conditioned for the faithful keeping and disbursement of such sums of money as may come into his hands, and the proper discharge of all other duties appertaining to the said office. It shall be his duty to receive taxes and all other moneys belonging to the said town, and pay out the same by order of the board; and he shall submit his accounts at the end of the year, of his office, with his vouchers, to the examination of the board, or of such committee as they may appoint, and cause a copy also to be posted up in some conspicuous place in said town. He shall, in his capacity, also act as town clerk, [and] keep a record of all the proceedings of the board of commissioners in a well bound book. For his services, such compensation may be allowed as the board shall have previously prescribed.

Sec. 10. Be it further enacted, That the board, if they deem proper, may appoint a town constable, who shall give a bond to be adjudged of by the board, payable to them as such, and conditioned for the faithful discharge of his duties, and also a bond payable to the State of North-Carolina, for the same and in the manner, and with the provisions prescribed in the case of other constables; which last bond shall be returned to the succeeding county court of said county; and the same remedies may be had thereon as upon other
official bonds of constables; such constable so appointed by the board, and having given bond, and having taken the usual oaths of office before some justice of the peace of said county, who is authorized to administer the same, shall have all the powers and be subject to all responsibilities, criminal and civil, which attach to the office of constable by law, and it shall be his duty also to serve notices for said town, to collect taxes levied by the board, and pay over the same to the treasurer, and be subject to such regulations as the board may enact, under the authority of this act, and in addition to such fees of office as are now allowed by law, he shall receive a commission of five per centum, upon all taxes or other monies collected by him for the use of the town.

Sec. 11. Be it further enacted, That until such appointment shall be made of town constables, or whenever there shall be a vacancy in said office, it shall be the duty of the sheriff of said county to collect taxes levied by the board, and perform the other duties appertaining to the office of town constable; and the duties herein prescribed shall be embraced in the official bonds which he may hereafter give.

Sec. 12. Be it further enacted, That the board shall appoint an overseer of the streets, whose duty it shall be to keep them in good and sufficient repair, and to this end, he shall be empowered to require the labor of all persons residing in said town, now liable by law to work on public roads, from time to time, as shall be necessary, and in all other respects he shall possess the powers of, and be subject to the liabilities of overseers of public roads, appointed by the county court: Provided, however, No person liable under this act to work on the public streets, shall be liable to other road duty in said county, except when such person or persons may be transferred by the county court of Hertford, to any of the public roads leading into said town, with the consent of the board of commissioners.

Sec. 13. Be it further enacted, That the board may appoint a patrol of white male persons between the ages of eighteen and forty-five, who shall, within ten days after being served with notice of their appointment, take a similar oath to that now prescribed for county patrol; they shall have like powers and perform the same duties within the town as are now imposed and required of county patrol, and shall receive such compensation as the board may allow.

Sec. 14. Be it further enacted, That to attain the purposes of this act, the board of commissioners shall have power annually when they deem necessary, to levy a tax upon all persons and property within the town, now subject to taxation for county purposes, and also upon dogs kept within said town: Provided, The tax shall in no case exceed fifty cents on the poll and twenty-five cents on the hundred dol-
lars valuation of land: Provided, however, That the real estate of any corporation, established for the instruction of youth or other institutions of learning within the limits of the town, while so used, shall be exempt from all town taxes.

Sec. 15. Be it further enacted, That it shall be the duty of every person residing or holding property in the said town annually as may be required to render to the board or such persons as the board may appoint for the purpose, a statement on oath of all the property as well as polls subject to taxation under this act; and for failure to do so for one month after public notice of the taking the tax lists given by advertisement, he or she shall be liable to a double tax on all property not given in, unless a sufficient excuse be shown, to be judged of by the board, and all unpaid taxes may be recovered by warrant in the name of the board before any justice of the peace of said county.

Sec. 16. Be it further enacted, That all appointments made by the board shall be for one year, and any person appointed pursuant to this act, who shall refuse or fail to serve, unless excused by the board, shall forfeit and pay the sum of twenty dollars, to be recovered by the board by warrant before any justice of the peace of said county.

Sec. 17. Be it further enacted, That the proceedings herein required to be returned to the county court of Hertford, of the election and qualification of the commissioners and others, and the record kept by the board of their official acts, shall be received in evidence on the trial of any cause in any of the courts of this State, or before any justice of the peace, where the same may be material to the issue, and all persons residing in said town competent in other respects, shall be received as competent witnesses in any issues, where the board may be a party.

Sec. 18. Be it further enacted, That the board may lay out new streets in said town, or alter and change as in their judgment the interests of said town may require, and whenever in laying out a new street or changing one it may become necessary to appropriate the land of any person to the public use; it shall be their duty to issue their mandate to the sheriff of said county to summon a jury of freeholders to assess the damages to be paid to such proprietor, and upon the coming in of their report the board may condemn such lands to the uses aforesaid; but before the same shall be taken, the damages assessed shall be paid by the board to the party entitled to the same, and upon such payment the same shall become and remain a public street and highway: Provided, however, That either party dissatisfied with the report of the freeholders in the assessment of damages may appeal therefrom to the county or superior court of Hertford.
where the damages shall be reassessed by a jury upon evidence offered as in other trials in said courts.

Sec. 19. Be it further enacted, That the board or acting members or member may order special elections to fill vacancies in their body, may call together citizens of the town to which all questions affecting the well being of said town may be submitted for advice, and the board shall also appoint two inspectors to conduct the general and special elections in connection with the sheriff.

Sec. 20. Be it further enacted, That the board or a majority of the members thereof, shall have power to accept resignations of all the officers appointed by them, and also members of their own body.

Sec. 21. Be it further enacted, That the boundaries of said town, until otherwise changed by the board, shall be those established by the board of commissioners under the act of the General Assembly, passed at the session of 1840 and 1841, entitled an act to provide for the better government and regulation of the town of Murfreesboro', in Hertford county.

Sec. 22. Be it further enacted, That the aforesaid act, and all others coming within the purview or conflicting with the provisions of this act, heretofore passed, be and the same are hereby repealed.

Sec. 23. Be it further enacted, That this act shall take effect from and after its ratification. Ratified the 16th day of February, 1855.

Chap. 244. AN ACT TO AMEND AN ACT PASSED AT THE GENERAL ASSEMBLY OF 1846-47, ENTITLED AN ACT TO INCORPORATE THE TOWN OF STATESVILLE.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the corporate limits of the town of Statesville, in the county of Iredell, shall be included within the following boundaries, to wit: beginning at a black oak, on J. F. Alexander's lands, near the Salisbury branch; thence south 66° west, running 8 poles south of the southeast corner of the present town plat 346 poles to a stake on lands belonging to the estate of Dr. J. M. Moore, dec'd.; thence north 24° west 204 poles to a white oak on R. F. Simonton's lands; thence north 66° east 345 poles to a stake on P. H. Dalton's land; thence south 24° east 204 poles to the beginning.

Sec. 2. Be it further enacted, That the present town magistrate and commissioners, to wit, A. M. Walker, town magistrate and commissioner, and J. F. Harbin, Hugh Rey-
olds, J. W. Woodward and J. F. Alexander, commissioners, shall continue in office, and perform all the duties of their offices, as provided for in this act, until the fourth Monday in February, 1856, and until their successors shall be elected and qualified.

Sec. 3. Be it further enacted, That the said magistrate and commissioners are hereby declared to be a body politic, and shall be deemed and held as such by the name and style of the commissioners of Statesville, and as such may sue and be sued, plead and be impleaded, have and use a common seal, and change the same at pleasure, and have perpetual succession; and the said town magistrate and commissioners, acting as one, shall have full power and authority to adopt all such rules, regulations and by-laws as they or a majority of them may deem necessary for the good order and government of said town, for the improvement of the streets, and preservation of health in said town, and such regulations as the comfort and convenience of the citizens may require: Provided, the same shall not be inconsistent with the constitution of the United States or of his State; and said commissioners shall have power to appoint a town clerk, who shall hold his appointment for one year only, whose duty it shall be to record all the proceedings of the commissioners in a well-bound book kept by him or that purpose; he shall also act as treasurer for said corporation, and shall give bond and security in the sum of five hundred dollars, made payable to the State of North-Carolina, and conditioned for the safe-keeping of all moneys that may come into his hands as treasurer, and for paying out the same as ordered by the commissioners, and for the faithful performance of his duty as clerk: they shall also have power to make sale of any vacant lot or lots within the corporate limits of said town, and convey title for the same; to appoint a town constable, whose duty it shall be to collect all the taxes levied, and fines imposed by said commissioners, and forfeitures incurred by the violation of any of the by-laws passed by said commissioners, and he shall give bond and security in the sum of one thousand dollars, payable to the State of North-Carolina, and conditioned for the collection of all such claims as may be placed in his hands by the commissioners, or given him by their order, and for the punctual paying over of the same to the treasurer abovenamed, and faithful performance of his duty is town constable; and said constable so appointed shall hold said appointment for one year only, and shall have the same powers and privileges as other constables, and shall have, use and exercise all lawful ways and means which are usually had, used or exercised by the several sheriffs of this State, and be subject to the same liabilities that they are in
the collection of the public revenue; and the abovemented bonds, when executed as above directed, shall be filed in the county court clerk's office for safe-keeping; and for a breach of either of the abovemented bonds, the commissioners shall have the same remedies as are usually had on clerks and constables' bonds.

Sec. 4. Be it further enacted, That it shall be lawful for the citizens who live within the corporate limits of the same, to meet at the court house on the last Monday in February, 1856, and every two years thereafter, on the same day, and elect a town magistrate and four commissioners, who shall hold their offices for two years from the time of their election, and for such further time until their successors shall be elected and qualified, and it shall be lawful in case of the death or removal of the town magistrate, or any of the commissioners, for the other commissioners to appoint their successor for the remainder of their term of office, and it shall be the duty of the sheriff of said county to give ten days notice at the court house door, previous to said election of town magistrate and commissioners, and to hold the same under the same rules, regulations and restrictions, that elections are now held for members of the General Assembly, and he shall determine who is elected, and he shall immediately furnish the town clerk with a certificate of the election, which said certificate, the clerk shall enter into the book in which he records the proceedings of the commissioners of Statesville, and such entry so made by the town clerk, shall be held and deemed conclusive evidence of the election of such persons to the offices therein specified.

Sec. 5. Be it further enacted, That any free white male citizens of the age of twenty-one years, within the corporate limits of said town, who shall have paid a poll tax, and resided within the present corporate limits of the town for six months immediately preceding the day of the election, shall be eligible to the office of commissioner, and any person elected or appointed town magistrate or commissioner, for the town of Statesville, under the provisions of this act, refusing to act or failing to qualify by taking an oath of office for two months after such election or appointment, such person or persons shall forfeit the sum of fifty dollars, for the benefit of said corporation, for every such failure or refusal, which sum shall be recoverable by warrant before any justice of the peace, in and for said county, in the name of the State of North-Carolina, to the use of the commissioners of Statesville, to be applied by them, to the use of the corporation: Provided nevertheless, That no person shall be compelled to serve as town magistrate or commissioner, more than two years out of four, and every white male citizen of the age of twenty-one years, who has lived in said
town three months immediately preceding the day of election, and paid public tax in the State, shall be entitled to vote in said election.

Sec. 6. Be it further enacted, That the town magistrate and commissioners or a majority of them, are hereby authorized and empowered annually on or before the first Monday in May, to lay and collect a tax not exceeding two dollars on all taxable polls residing within the corporate limits of said town, and also a tax not exceeding fifty cents on every hundred dollars worth of real property within the corporate limits of said town, to be applied to the use of the corporation, in such manner as the town magistrate and commissioners or a majority of them shall direct.

Sec. 7. Be it further enacted, That a majority of said commissioners shall constitute a quorum for the transaction of business, and shall also have power to call a meeting when they deem it necessary, and at all meetings of the commissioners, in the absence of the town magistrate, they shall appoint one of their own body chairman, and the town magistrate, who shall be a justice of the peace, in and for said county, shall preside at all meetings of the commissioners when he is present; he shall also have power to call meetings when he may deem it necessary, and shall have power to issue warrants against all persons who may violate the laws of the corporation, and hear and determine the same; it shall be his duty to superintend all improvements and works ordered by the commissioners, and see that the laws are observed, and shall have power to have any person or persons arrested who may behave themselves in a disorderly manner within the corporate limits of said town, and may sentence the offender or offenders to pay a fine not exceeding five dollars, and enter up judgment and execution for the same; all such fines when collected, to be for the use of the corporation, and the commissioners shall have power to grant to the town magistrate such compensation as they may deem proper for his services as such.

Sec. 8. Be it further enacted, That it shall be the duty of every person residing or owning property within the corporate limits of said town, to deliver on oath to the town magistrate on or before the first Monday in June in each and every year a list of taxable polls, that may be members of his or her family at that time, also a statement of all the real property which he or she may own, or which they may have the control of as trustee or guardian, or in any other way; and any person failing to give in as above required, (either or both of those statements,) shall forfeit the sum of twenty-five dollars, for the use of the corporation, recoverable in the name of the commissioners of Statesville, by warrant before any justice of the peace in and for said coun-
ty; and it shall also be the duty of the town magistrate and commissioners to appoint three citizens of said town assessors, whose duty it shall be, on being furnished with the returns of the real property in said town to the town magistrate, proceed to assess the same at its full cash value, and return the same in writing to the town magistrate on or before the first day of July in each and every year, and said assessors shall hold their office for two years; and it shall be the duty of the town magistrate and commissioners to make such appointment every two years, and to fill all vacancies in the board of assessors which may happen by death, removal or otherwise; and should any person appointed assessor as herein provided refuse to act, or fail to qualify, by taking an oath of office for one month after his appointment, such person or persons shall forfeit the sum of twenty-five dollars to the use of the corporation, recoverable before any justice of the peace in and for said county, by warrant, in the name of the commissioners of Statesville.

New streets.

Sec. 9. Be it further enacted, That the town magistrate and commissioners shall have power and authority to open such new streets as they may consider necessary, and to assess the damages which any person may sustain by such new streets passing over their land: Provided, nevertheless, Should any person or persons whose land may be taken for the purposes of such new streets be dissatisfied with the assessment of damages by the said commissioners, they may appeal from their decision to the county or superior courts for said county.

Retailers.

Sec. 10. Be it further enacted, That the said commissioners shall have power to lay a tax not exceeding ten dollars on every person who shall retail spirituous liquors by the small measure in said town, also upon every person or company of stage players, sleight of hand performers, rope dancers, tumblers and wire dancers, or company of circus riders or equestrian performers, who may show or exhibit in said town, and on every person or company who shall exhibit artificial curiosities for a reward; which taxes are to be collected by the town constable in the same manner as similar taxes are collected by the sheriff.

Neglect of duty

Sec. 11. Be it further enacted, That if the sheriff should fail or neglect to perform his duty in holding the election for town magistrate and commissioners, as required by the provisions of this act, for every such failure he shall forfeit the sum of one hundred dollars, to the use of the corporation, recoverable by warrant in the name of the commissioners of Statesville before any justice of the peace in and for said county.

Sec. 12. Be it further enacted, That it shall be the duty
of the town clerk to advertise five days all the by-laws passed by the commissioners of Statesville, at the court-house door, and no by-law, rule or ordinance shall take effect until after such advertisement.

SEC. 13. Be it further enacted, That the town clerk, and town constable, shall receive such fees for their services as said commissioners may allow, and no other, and any one appointed town clerk or town constable by the said commissioners under the provisions of this act, and shall fail, neglect, or refuse to act shall thereby forfeit fifty dollars to the use of said corporation, recoverable in the same manner as provided for in the 12th section of this act.

SEC. 14. Be it further enacted, That if the said town magistrates and commissioners shall permit the streets or sidewalks or roads within the corporate limits of said town to get out of order and remain, so as to become a nuisance, as shall permit any other nuisance to exist in said limits which they had the power to remove, they shall be liable to indictment in the county or superior court, and on conviction shall be fined at the discretion of the court.

SEC. 15. Be it further enacted, That all laws heretofore passed for the better regulation of the town of Statesville, coming within the meaning and purview of this act be, and the same are hereby repealed.

SEC. 16. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3rd day of February, 1855.]

AN ACT TO ESTABLISH THE TOWN OF STRICKLANDSVILLE, IN THE COUNTY OF DUPLIN, AND TO INCORPORATE THE COMMISSIONERS OF SAID TOWN.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James B. Mark, Leonard A. Merriman, Benijah V. Carroll, Isham Peterson, Milton K. Devane, Elias K. Faison and Henry Hollingsworth, and their successors in office, chosen as is hereinafter provided, be and they are hereby created a corporation and body politic, under the name and title of the "Commissioners of the Town of Stricklandsville," with full power to make and ordain all such by-laws, rules and ordinances respecting said town, that shall appear to them requisite and necessary for the security, welfare and convenience of the inhabitants of said town, or for preserving peace, order and good government within the same, to contract and be contracted with, to sue and be sued, to purchase such real or personal estate as may be required for any purpose connected with the good gov-
Elections.

Sec. 2. Be it further enacted, That the elections for commissioners of said town shall be held by the clerk of the said commissioners, and one or more of the said commissioners themselves, who may have been appointed by said commissioners to act, and any inhabitant of said town who has resided therein for six months next preceding such election, and who at the time of such election, is seized and possessed of a freehold, in said town, of the value of one hundred dollars, shall be eligible as a commissioner of said town; and any inhabitant of said town, who has resided therein for six months next preceding any such election, and who is qualified to vote for a member of the House of Commons, and every citizen of the county of Duplin, authorized to vote for a member of the House of Commons, who owns a freehold of the value of fifty dollars in said town, shall be entitled to vote in such elections for commissioners, which said elections shall be conducted and regulated in the same manner as elections for the members of the General Assembly of the State; and in the event of a tie or equal number of votes being given for two or more persons, the clerk holding such election, shall give the casting vote.

Sec. 4. Be it further enacted, That the commissioners of said town hereinbefore named, and all such commissioners of said town who may hereafter be elected, shall, before entering on the duties of their office, take the following oath before some justice of the peace for the county of Duplin, that is to say: "I, A. B., do swear that I will execute the office of a commissioner of the said town of Stricklandsville, faithfully and truly without prejudice or favor, and in all things act for the good of said town and the well governing thereof, according to the best of my skill and judgment, and according to law." And in the event of the death, removal or other inability to serve, of any commissioner of said town or in event of refusal to serve of any person elected a commissioner, the other commissioners or a majority of them shall elect from the inhabitants of said town some other duly qualified person to supply any such vacancy.

Sec. 5. Be it further enacted, That a majority of the commissioners of said town shall constitute a quorum sufficient for the transaction of any business or the making of any ordinances which said commissioners are authorized or empowered to do or make, and it shall be the duty of said commissioners to cause all their proceedings of any nature and kind to be recorded in a well bound book, in which a record shall also be made of the qualification of each and every commis-
sioner as hereinbefore required; any person who shall act as a commissioner of said town before he shall have been duly qualified as aforesaid, shall forfeit the sum of twenty-five dollars, to be collected by any person who shall sue for the same.

Sec. 6. Be it further enacted, That the commissioners of said town shall appoint a clerk, treasurer and constable for said town, prescribe their respective duties, compensation, and take from them bonds with proper security for the faithful performance of all such duties as may at any time be attached to their respective offices, but said commissioners may, should they consider it expedient so to do, confer the office of clerk and treasurer of said town on one and the same person, and any bond taken by said commissioners from any officer appointed by them, shall be payable to the State of North-Carolina, and suit may be brought thereon in any of the courts of this State of competent jurisdiction by said commissioners or by any person whatever who may have sufficient cause of action against the officer sued.

Sec. 7. Be it further enacted, That the commissioners of said town shall elect one of their number as a chairman, who shall continue to preside at all the meetings of the said commissioners during their term of office, and shall be styled "the Magistrate of Police," and all orders and proceedings of the commissioners of said town, shall be signed by the magistrate of police, and no payment of any moneys shall be made by the treasurer of said town, except upon the order or warrant of the magistrate of police; the election of such magistrate of police shall be made by the commissioners herein named, and by all subsequent boards of commissioners at their first meeting, and at any such election, the person having the greatest number of votes, shall be considered as elected; and in case of the death, removal or refusal to act of the person so elected, said commissioners shall proceed to elect some other of their number as magistrate of police.

Sec. 8. Be it further enacted, That the corporate limits of said town of Stricklandsville, shall be bounded and circumscribed by the following metes and boundaries, viz.: beginning at a lightwood stake on the lands of Jesse Strickland, and running thence south 18° east in a line parallel with the line of the Wilmington and Roanoke Railroad, three hundred and twenty poles to a stake on the lands of Daniel C. Moore; thence north 72° east, at right angles with the line of said railroad, three hundred and twenty poles to a stake; thence north 18° west, in a line parallel with said railroad, three hundred and twenty poles to a stake; thence south 72° west, at right angles with said railroad, three hundred and twenty poles to the beginning; the said commission-
ers of said town shall cause to be prepared a plan of said town, according to the boundaries aforesaid, on which said plan shall be designated by proper lines, the streets which said commissioners may lay out and establish in said town as hereafter provided, for all squares or blocks, and all lots in said town; and said commissioners shall cause to be made two copies of such original plan, so prepared as aforesaid, and the same shall be certified by the magistrate of police of said town, one of which said certified copies shall be enrolled in the office of secretary of State, and the other shall be enrolled in the office of the clerk of the county court of the county of Duplin; and said original plan or copy of the same duly certified by the magistrate of police of said town, or either of said copies enrolled as aforesaid, or a duly certified copy of either of said enrollments, shall hereafter be received as legal evidence in any of the courts of this State, by which, or by a reference to which, all disputes in regard to the corporate limits of said town, and the streets, squares and lots in said town, shall forever hereafter be determined.

Sec. 9. Be it further enacted, That the commissioners of said town are hereby vested with full power and authority, to lay out and establish within the corporate limits of said town, such streets as to them shall seem to be required for the comfort and convenience of the inhabitants of said town, and from time to time, as to them shall seem necessary, shall cause such streets to be opened, and when the same shall be opened, all laws and ordinances of said commissioners in reference to the streets of said town, shall apply to and have full force and effect over and within the same: Provided, however, That nothing in this act contained, shall be so construed as to authorize or empower the commissioners of said town to establish or open any street in said town, whereby the rights and franchises of the said Wilmington and Roanoke Railroad Company, shall be in [any] manner disturbed or interfered with in any way whatever, retained in the full enjoyment of the land in said town belonging to said company, or condemned for the use of said company, for any and all purposes for which said land or any part thereof may rightfully be used by said company.

Sec. 10. Be it further enacted, That the commissioners of said town shall have power and authority to lay and collect an annual tax on the inhabitants of said town who are, by the laws of this State, subject to a poll tax, and also on the real estate in said town not exceeding one dollar on each poll, and not exceeding one dollar on every hundred dollars worth of real estate to be ascertained by an annual assessment to be made by a committee of three members from the body of said commissioners, which said committee shall
assess the real estate in said town and every part thereof at what they or a majority of them shall consider to be the cash value of the same, and the said committee shall make return to the clerk of said town of the assessment by them made, and the said clerk shall record the same in a book to be kept for that purpose; the said commissioners shall also have power and authority to lay and collect an annual tax on each and every retail store and tavern not exceeding two dollars; on every retailer of spirituous liquors by a measure less than a quart not exceeding one hundred dollars; on every bowling alley, billiard table, and all other tables which shall be erected for playing games of chance not exceeding one hundred dollars; on all hogs running at large in the streets of said town not exceeding one dollar on each and every one; itinerant merchants, or pedlars selling or offering anything for sale in said town not exceeding five dollars; on each and every person or company of stage players, sleight of hand performers, rope dancers or wire dancers, or company of circus riders not exceeding ten dollars; and said commissioners shall have power to make and ordain from time to time all necessary rules, regulations and ordinances for the giving in and listing the taxable property and taxable persons within said town and for the laying and collecting of taxes thereon, and any person who shall fail to comply with such regulations or ordinances of said commissioners in reference to the giving in or listing of his or her taxable property in said town shall be liable to pay, and shall be required to pay double taxes on all such property not given in unless on sufficient excuse shown the said commissioners shall otherwise direct.

Sec. 11. Be it further enacted, That the town constable or other person whom the commissioners of said town shall authorize to collect the taxes in said town, shall, for that purpose, have all the powers and immunities of sheriffs in the collection of the public revenue; and, for his services, shall receive the same pay that sheriffs receive in such cases.

Sec. 12. Be it further enacted, That the court of pleas and quarter sessions of the county of Duplin shall not grant a license to retail spirituous liquors by the small measure within said town, to any person whatever, who shall not have first obtained from the clerk of said town a certificate in writing of the assent of the commissioners of said town to the granting of such license, and any person who shall retail spirituous liquor by a measure less than a quart in said town without having a certificate in writing of the assent of the commissioners of said town so to do, shall forfeit and pay the sum of twenty-five dollars for each and every such act of retailing, to be recovered in an action of debt before any justice of the peace or any court having juris-
dictation thereof, by any person who shall sue for the same, the one-half to the use of the person suing for the same, and the other half to the use of said town.

Sec. 13. *Be it further enacted*, That all forfeitures, fines or penalties imposed by this act, or which shall or may be imposed by any ordinance of the commissioners of said town, and which are not hereby directed to be recovered in any other manner or to any other use, shall be sued for and recovered in the name of the commissioners of said town, for the use of said town.

Sec. 14. *Be it further enacted*, That all [laws] and clauses of laws inconsistent with the provisions of this act, or coming within the purview of this act, are hereby repealed; and this act shall be in force from and after its ratification. [Ratified the 15th day of February, 1855.]

---

Chap. 246. AN ACT TO INCORPORATE THE TOWN OF LENOIR, IN CALDWELL COUNTY.

Duty of sheriff.  
**Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,** That it shall be the duty of the sheriff of Caldwell county, on the first Saturday in April of each and every year after giving ten days notice by advertisement at the courthouse door, to open polls at the courthouse, in the town of Lenoir, for the election of five commissioners for said town, who shall continue in office for the term of one year, and until others are duly elected and qualified.

Voters.  
**Sec. 2. Be it further enacted,** That every inhabitant of said town, who has resided six months therein, immediately preceding the day of any election, and who is qualified according to the constitution to vote for members of the House of Commons, shall be entitled to vote in said election, and such election shall be by ballot, and in the event of a tie, the sheriff shall give the casting vote.

Eligibility.  
**Sec. 3. Be it further enacted,** That no person who has not been a resident of said town for six months preceding the day of election, and is not a resident therein at the time of election, and who does not own a freehold in the same, of the value of fifty dollars, shall be eligible as a commissioner.

To take oath.  
**Sec. 4. Be it further enacted,** That the said commissioners, after their election and before entering upon the duties of their office, shall take an oath before some justice of the peace of the county aforesaid, faithfully and impartially to perform said duties, and thereupon they and their successors in office shall constitute a body politic and corporate, by the name and style of "The Commissioners of the town of Lenoir," and by such name shall have perpetual succes-
sion and common seal, may sue and be sued, plead and be
impleaded, hold and convey real and personal property, and
shall have power to pass and ordain such by-laws and ordi-
nances not inconsistent with the laws and constitution of
this State or of the United States, as from time to time they
or a majority of them may deem expedient and necessary
for the preservation of order and the good government of
said town.

Sec. 5. Be it further enacted, That the said commission-
ers or a majority of them, shall have power and authority to
appoint one of their own body a magistrate of police, and
may also appoint a town constable and town treasurer, and
any other officers necessary to the purpose of this act; they
shall have power to lay and collect a tax on the inhabitants
and property of said town, not exceeding fifty cents on the
poll, and twenty-five cents on every hundred dollars worth
of town property, to be ascertained by the assessment thereof
made by law for State taxation, and also a tax on each tav-
ern, store, grocery and licensed retailer of spiritsuous li-
quors, not exceeding two dollars; on all exhibitors of artifi-
cial curiosities, sleight of hand performers, rope dancers,
wire dancers, circus riders, or equestrian performers, who
exhibit for a reward, a tax not exceeding five dollars; on
every band of serenaders, ethiopian singers, bell ringers,
or other persons who play or sing for a reward, a tax not ex-
ceeding two dollars, which said several taxes, the town con-
stable is hereby empowered to collect, and when collected,
shall be paid over to the town treasurer, to be applied under
the direction of the commissioners, to repairing the streets
and side walks of said town, and such other purposes as a
majority of the commissioners shall direct.

Sec. 6. Be it further enacted, That the person appointed
town constable, if he be not already a county constable,
shall before entering on the duties of his office, execute to
the board of commissioners, a bond with good and sufficient
securities, in the sum of one thousand dollars, payable to the
State of North-Carolina, conditioned for the faithful per-
formance of the duties of his office, and the collection and ac-
counting for all taxes or other moneys coming into his hands,
and for a breach of said bond, he shall be liable as other
constables are now liable; the said constable shall be the
collector of the town tax, and of all fines, forfeitures, &c.,
imposed by said commissioners, and for that purpose shall
have all the powers and immunities of sheriffs, in the collect-
tion of the public revenue, and for his services in office, shall
receive the same pay as allowed by law, to the sheriffs and
constables for similar services.

Sec 7. Be it further enacted, That upon the death, resig-
nation, removal or refusal to act, of any of the commission-

ers, the remainder, or a majority of them, shall have power to fill such vacancy; and the person or persons thus appointed shall serve until the next regular election, or until successors are appointed.

Sec. 8. Be it further enacted, That said board of commissioners shall have power to appoint an overseer of the streets, whose duty it shall be to keep them in good and sufficient repair; and for this purpose he is empowered to require the services of all persons resident within the corporate limits of said town, liable by law to work on said roads, as often as shall be necessary, and in all other respects shall possess the powers and be liable to the penalties to which overseers are now subject.

Sec. 9. Be it further enacted, That all persons resident within the corporate limits of said town, liable by the law of the State to work on public roads, shall be liable and subject to work on streets of said town, and for failure or refusal to work, when duly notified by the overseer, shall be liable to the penalty now imposed by law for failure to work on public roads, and may be proceeded against for the recovery of the same, in the same way as penalties are now recoverable by law, for failure to work on public roads.

Sec. 10. Be it further enacted, That the persons liable to work on the streets of said town, as provided by the preceding section, shall be exempt from working on all roads without the limits of said corporation, so long as they remain inhabitants of said town.

Sec. 11. Be it further enacted, That the corporate limits of the said town of Lenoir, are hereby declared to be as follows, viz: Beginning in the line of the old Fort or town tract of Lenoir's and Spainhour's corner, and running eastwardly along the extreme hight of the ridge, with Spainhour's and Lenoir's line to Cloyd's southwest corner; thence south thirty degrees east to a stake in the line of said old Fort tract; thence north sixty degrees east with the line of said tract to a stake in said Lenoir's line; thence north thirty degrees west to the corner of the town survey; thence eastwardly with A. W. Austin's line to a stake in Norwood's line; thence due north to the Grave Gap road; thence southwardly with, and including said road, along the top of the ridge to the southeast corner of the enclosure around the old Methodist church; thence a direct line southeastwardly to the southwest corner of James Harper's tanyard enclosure; thence a direct line eastwardly to the beginning.

Sec. 12. Be it further enacted, That this act shall be in force from and after its ratification, and that all laws and clauses of laws, coming within the meaning and powers [purview] of this act, be and the same are hereby repealed. [Ratified the 14th day of February, 1855.]
AN ACT TO INCORPORATE THE TOWN OF NEWTON, IN CATAWBA.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That M. S. McCorkle, S. G. Miller, George Setzer, O. Campbell and D. B. Gaither, and their successors in office, be and they are hereby appointed commissioners for the town of Newton, in the county of Catawba, and the said commissioners and their successors are hereby incorporated into a body corporate and politic, by the name of the Commissioners of the town of Newton, and by that name may have succession, may sue and be sued and have a common seal, and by such name may have power from time to time, and at all times thereafter, to adopt such rules and regulations, and pass such by-laws and ordinances as by them or a majority of them may be deemed proper and necessary for the order and good government of said town; and such rules, regulations, by-laws and ordinances, so passed shall be as binding as if herein especially enacted: Provided, they are not inconsistent with the constitution of the United States or of this State: a majority of the said commissioners shall constitute a quorum for the transaction of business.

SEC. 2. Be it further enacted, That no person shall be eligible to the office of commissioner of said town, unless he shall have resided therein twelve months next preceding his election; and no person shall be entitled to vote in any election for commissioners in said town, except free white men of the age of twenty-one years, who shall have resided in said town for twelve months preceding the election.

SEC. 3. Be it further enacted, That the commissioners hereinbefore named shall hold their office until their successors shall be elected and qualified as hereinafter provided for.

SEC. 4. Be it further enacted, That the sheriff of Catawba county, or his deputy, shall, on the first Monday of January, in the year one thousand eight hundred and fifty-six, and on the first Monday in each succeeding year, of January, hold elections for five commissioners in said town, in the manner following, to wit: He shall hold the elections in the courthouse in Newton, after giving ten days previous notice by advertisement in said town; the poll to be opened at 10 o'clock and closed at sunset; he shall summons two freeholders in said town to inspect and superintend the election, and within five days thereafter shall give the persons elected notice of their election; and shall also, within the same time, file with the commissioners of the town for the time being, the poll books and a certificate in writing of the
persons so elected; and if the sheriff neglect or refuse to hold said elections, to give such notice or to file such certificate, he shall forfeit and pay the sum of twenty-five dollars, to be recovered before any justice of the county of Catawba, one-half to the use of said town, and the other half to the use of the person suing for the same: the five persons receiving the highest number of votes shall be declared elected commissioners; and in case of two or more persons having an equal number of votes, the sheriff shall have the casting vote.

Sec. 5. Be it further enacted, That the sheriff shall receive two dollars for every election which he may hold by virtue of this act, to be paid by the corporation.

Sec. 6. Be it further enacted, That the commissioners so elected before entering upon their duties of office shall take an oath before some justice of the peace, that they will faithfully discharge their duties: any commissioner who shall not be qualified in five days after receiving notice of his election shall be liable to a penalty of ten dollars to be recovered by warrant before any justice of the peace of said county, in the name of any person of said town; one-half to the town and the other to the use of the person so suing. The commissioners chosen at any election shall hold their office until their successors shall be elected and a majority qualified.

Sec. 7. Be it further enacted, That any vacancy that may occur may be supplied by the commissioners or a majority of them, and such persons appointed shall be qualified as herein before required.

Sec. 8. Be it further enacted, That the commissioners of said town shall have power and authority to appoint one of their own number magistrate of police, and may also appoint a treasurer, a town constable and such other officers as they may deem necessary, and prescribe their duties, who shall hold their office at the pleasure of the commissioners: one person may hold two or more offices except the magistrate. The town constable shall collect the town taxes under the directions of the commissioners.

Sec. 9. Be it further enacted, That the town constable and treasurer shall give bond and security in the penal sum of two thousand dollars, payable to the State of North-Carolina and conditioned for the faithful performance of duty in office: the said bond to be renewed as often as the commissioners may deem proper, and every case of failure on the part of the constable or treasurer the said commissioners may bring suit on the bond of the said officer guilty of said failure.

Sec. 10. Be it further enacted, That the compensation of
all persons appointed to office, shall be fixed by the commissioners, except when it is herein fixed by law.

Sec. 11. Be it further enacted, That any commissioner of said town, shall have full power and authority to issue process against any person charged with the violation of any ordinance, by-law or regulation of said town, for the purpose of compelling the appearance of such person before the commissioners issuing the same, to answer the said charge; which process shall be directed to the town constable or any other officer of the county, to be returnable, determined and collected according to law.

Sec. 12. Be it further enacted, That the said commissioners shall have full power and authority to provide for the compelling the attendance of witnesses, and for their compensation, by such rules and regulations as to them may seem expedient.

Sec. 13. Be it further enacted, That every commitment or imprisonment by virtue of this act, shall be in the public jail of said county of Catawba, and the jailor shall be entitled to receive the same fees and to be paid as in other like cases.

Sec. 14. Be it further enacted, That the corporate limits of said town shall be one thousand yards in every direction from the court house in said town, and within those limits the commissioners shall have jurisdiction.

Sec. 15. Be it further enacted, That the commissioners of said town shall have power annually to levy and collect such taxes on real estate and on polls in said corporation, which by the existing laws of the State are subject to taxation, as to them may seem necessary for the purposes of the town: Provided, That the said taxes shall not exceed in one year, twenty-five cents on the hundred dollars worth of real estate, or fifty cents on the poll: And provided further, That no incorporated academy or college for the instruction of youth, shall be required to pay taxes on the real estate of such academy or college.

Sec. 16. Be it further enacted, That the commissioners of said town shall have power, annually, to levy and collect a tax not exceeding twenty dollars, upon every person or company of stage players, slight of hand performers, rope dancers, tumblers and wire dancers; upon each and every person or company of circus riders, or equestrian performers, who may perform in said town; a tax not exceeding ten dollars, upon every person or company who may exhibit natural curiosities of any kind in said town for a reward; and a tax upon all dogs kept in said town, not exceeding one dollar upon each dog; and the commissioners shall have all power and authority to make all necessary or proper
rules and regulations for laying and collecting the taxes, which are herein authorized to be laid and collected.

Sec. 17. Be it further enacted, That the commissioners shall have power to make, from time to time, rules and ordinances to prevent the firing of fire-arms, fire-crackers, fire-rockets and other combustibles prepared in whole or in part of powder, within the limits of said town; to regulate the speed and space [pace] at which horses may be rode [ridden] or driven through said town; the manner in which dogs shall be kept in said town; to prevent hogs or other stock from running at large in said town, whether said hogs or stock shall belong to persons residing within or without the limits of said town; to prevent or restrict the exhibitions of studs, jacks and other animals in the streets or public square of said town; to cause all lots, cellars, stables and unclean places to be examined and cleansed by the owner, or at the owner's expense: they may take such precautionary measures to prevent the introduction of contagious diseases, and adopt such sanitary rules to protect the health of said town as they deem expedient; they shall support the peace and good order of the inhabitants of said town, and others who may be there, and suppress all rioters [riots] and disorderly assemblies; to prohibit all profane or indecent language in the streets. They shall have power to make regulations or ordinances for enforcing the orderly conduct of slaves and free negroes in said town; they shall have a general supervision and authority over the streets, roads and public square of said town, and shall have power to prevent all obstructions therein, to cause the same to be removed when they exist, and to prevent building on the walks, or placing obstacles on the same in said town: they may impose a penalty or penalties for the violation of any rule, regulation or by-law or ordinance herein authorised, and prescribe rules for enforcing and collecting the same.

Sec. 18. Be it further enacted, That the commissioners shall have power to appoint overseers of the streets, and that they keep the same clean and in good repair; and for a failure to perform their duty, they shall be liable to the same penalties as overseers of public roads.

Sec. 19. Be it further enacted, That all persons within the limits of this corporation, who are by law liable to work on roads shall be liable to work on the streets of said town, and for a failure to do so, shall be liable to the same penalties which are now provided by law against those who fail, when duly summoned to work on public roads of the county; which penalty shall be collected of the father or guardian, in case of minors; and of the owners, in case of slaves failing to work on the streets or roads.

Sec. 20. Be it further enacted, That all persons that are
liable to work the streets, shall have two days notice, and
the overseer shall be competent witness to prove due no-
tice; and the money received for failure of duty, is to be
applied to the keeping of said streets and roads in repair.

Sec. 21. Be it further enacted, That the said commission-
ers shall have power to appoint a patrol of one or more per-
sons for the said town, by hiring persons to act as such, and
paying them out of the treasury of said town; the commis-
sioners shall have power to make by-laws for the good gov-
ernment of the patrol so appointed; the said patrol to have
all the power and authority of patrol appointed under law
of the State.

Sec. 22. Be it further enacted, That the magistrate of
police of said town, shall have all the power of a single jus-
tice of the peace within the limits of said town, so far as
the criminal law is concerned.

Sec. 23. Be it further enacted, That the town constable
of said town, shall have within the limits of said town, all
the powers of a constable of the county, so far as the crim-
nal law is concerned; and the said constable shall execute
all orders and process, which the said commissioners or any
of them may direct to him, by virtue of this act.

Sec. 24. Be it further enacted, That whenever the said
commissioners, shall by virtue of this act, pass any by-laws
or ordinances, by which the penalties annexed to the com-
mission of any offence, it shall be the duty of said commis-
sioners, to cause such by-laws or ordinances to be advertis-
ed, by posting up a written copy thereof in said town, with-
in five days after the same shall have been passed.

Sec. 25. Be it further enacted, That this act shall be in
force from and after its ratification. [Ratified the 1855.]

AN ACT TO EMPOWER THE COMMISSIONERS OF THE TOWN OF WIL-
of the same, That the commissioners of the town of Wilmington are hereby authorized, empowered and required to cause to be prepared a plan of said town, on which shall be designated the lines of all such streets and public alleys as may be established by the said commissioners by virtue of the subsequent provisions of this act, whether the same be within the old or original limits of said town, or within the new limits thereof as the same are defined in the act referred to in the preamble hereto; and the said commissioners shall cause two copies of said plan to be prepared, and the same to be certified by the magistrate of police of said town under the corporate seal of said commissioners, one of which copies shall be enrolled in the office of the secretary of State, and the other in the office of the clerk of the court of pleas and quarter sessions of the county of New-Hanover, and said plan so prepared by said commissioners, or either of said copies of the same, or a copy of said original plan duly certified by the magistrate of police of said town, under the corporate seal of said commissioners, or a duly certified copy of either of said plans enrolled as aforesaid, shall be received as evidence of the corporate limits of said town, and of the limits of all streets, alleys, lots and squares in said town, designated therein.

Sec. 2. Be it further enacted, That the commissioners of said town are hereby authorized and empowered to lay out and establish such streets within the present corporate limits of said town as to them shall seem to be required for the comfort and convenience of the citizens of said town, and from time to time as to them shall seem necessary, shall cause such streets so laid out and established to be opened, and when the same are so opened, all laws and clauses of laws, and all ordinances of said commissioners now or hereafter to be made in reference to the streets of said town, shall apply to and have full force and effect over and within each one of said streets so established and opened.

Sec. 3. Be it further enacted, That the streets to be laid out and established as aforesaid, which shall be within the old original limits of said town, shall conform to the streets designated on the old or original plan of said town, so far as may be practicable, having due regard to the general limits of the present buildings on said streets; the streets which shall be laid out and established north of the old and original limits of said town, shall conform as nearly as may be practicable, to the streets designated on the plan of the lands of the late Marsden Campbell, and the plan of the Hogg's Folly lands, made by John C. McRae, so far as said plans extend, and the streets to be laid out and established, on the residue or remaining part of said town, lying beyond the old or original limits of said town, shall conform as near
as may be practicable, to the plan of said town, referred to in the preamble hereto: Provided however, That nothing herein contained shall be so construed, as to restrict said commissioners in laying out, establishing and opening other streets than those designated on the plans in this section referred to, should the public convenience in their judgment, require the opening of such other streets; but nothing in this act contained, shall be so construed as to authorise or empower the commissioners of said town, to remove or cause to be removed, any buildings, erections, railroad tracks or other improvements, belonging to the Wilmington and Raleigh Railroad Company, or belonging to the Wilmington and Manchester Railroad Company, which now are or may hereafter be constructed, or placed by either of said companies, on the lands in said town, belonging to said companies respectively; but neither of said railroad companies shall be authorized or permitted, without the consent of the commissioners of said town, to erect in any of the streets to be established as aforesaid, any buildings or other improvements, beyond such as are now constructed, or are in progress of construction, and the commissioners aforesaid, may require any of the streets established by them, in which said railroad companies or either of them, now have or hereafter may have railroad tracks laid, to be opened and kept opened, except when the same shall be necessarily occupied by the engines, coaches or cars of such company, for the transit of the same, or for the reception or delivery of passengers, or freight, or for the cleaning or repairing of such engines, coaches, or cars, or when receiving supplies of water and fuel; but nothing herein contained shall authorise the Wilmington and Raleigh Railroad Company, by their engines, coaches or cars, to obstruct said street or streets, as may be established by said commissioners, west of, and parallel with front street, except when such engines, coaches or cars, shall be actually employed in their transit, and the same, and all such streets in which such railroad tracks now are laid, or may hereafter be laid, may be so arranged and improved, under the authority of said commissioners, as to afford safe and convenient ways for the passage of persons and all kinds of vehicles, provided the same can be done without rendering such railroad tracks unfit for use, by the railroad company, to which the same may respectively belong.

Sec. 4. Be it further enacted, That in all cases in which the owner or owners of the land which may be necessary for any street or any part of any street proposed to be established by said commissioners, by virtue of the provisions of this act, shall claim compensation for the use of such land as a street, the magistrate of police of the town of Wilming-
ton shall issue his warrant to the sheriff of the county of New Hanover, commanding him to summon twenty freeholders, citizens of said town, who are unconnected by con-
sanguinity or affinity with the owners of the lands required
for such streets, or with the owners of the land in the vicin-
ity of the same, to meet at the courthouse of said county, at
a day to be named in said warrant, when and where the
said sheriff, by himself or his deputy, shall proceed from the
persons so summoned to draw a jury of twelve persons, to
each and every one of whom the said sheriff, or one of his
deputies, is hereby authorized, empowered and required to
administer the following oath, to wit: "I do solemnly swear
that I will fairly and impartially, and to the best of my skill,
assess the damages that may be sustained by the owner or
owners of any land in the town of Wilmington, required to
be used for any street or part of any street, proposed to be
established and opened by the commissioners of said town,
and which I may be called on to view, and that I will, in
like manner, assess the value of the advantages resulting
from the establishment and opening of such proposed street
or streets, to the owner or owners of the several lots or parts
of lots in the vicinity of such streets so proposed to be estab-
lished and opened." And the said jury, attended by the said
sheriff, or one of his deputies, shall thereupon proceed to
view the land required for such street or streets proposed to
be established and opened as aforesaid, and also the several
lots and parts of lots in the vicinity thereof, and shall be re-
quired, by the said sheriff or his deputy, who shall have
the said jury in charge, to make the assessments required
by their oath as aforesaid, and return the same to the said
sheriff or his deputy, who shall thereupon reduce his pro-
ceedings, under the said warrant from the magistrate of po-
lice of said town, and the verdict and proceedings of such
jury, to writing, and return the same to said magistrate of
police, who shall file the same in the office of the commis-
sioners aforesaid; and upon the payment or tender of pay-
ment by the commissioners aforesaid, through their treasu-
rer, to the owner or owners of the land required for any
street as aforesaid, of the damages to each owner or owners
assessed, as aforesaid, it shall and may be lawful and right,
and the said commissioners are hereby authorized and em-
powered to cause such street or streets to be opened and
kept open, and the same shall forever thereafter be possess-
ed by and vested in such commissioners: and the amount
so as aforesaid ascertained by the jury as the value of the
advantages resulting from the establishment and opening of
any street to the owner or owners of any land in the vicin-
ity of such street, shall be and remain a charge on such
land, and unless the same be paid to the commissioners of
such town within twelve months after the opening of such street, the same shall be collected by the sale of such land or otherwise, upon an order or warrant in the nature of an execution, signed by the magistrate of police aforesaid, and directed to the sheriff of the county of New Hanover, who shall have all the powers and be subject to all the liabilities in the said execution of such order or warrant, as in cases of execution issuing to him from any court of record in this State: and it shall be the duty of such sheriff to give to the owners or tenants in possession of any land required for any street in said town, and to the owners or tenants in possession of any land in the vicinity of the same, at least ten days notice of the time when such lands so owned or possessed by them respectively as aforesaid, shall be viewed, and when the assessments as aforesaid shall be made by the jury as hereinbefore provided: and it shall be the duty of said commissioners to give public notice, by advertisement in one or more newspapers published in said town, of the opening of any street so published by them as aforesaid, and any person or persons who shall make claim or compensation for the use of land belonging to them as such street, for one year after the same shall have been opened, and the notice of the opening of the same given as aforesaid, shall be forever thereafter barred of any right to such compensation, unless the owner or owners of such land shall be an infant, absent from this State, non compos mentis or a feme covert, in which case such owner or owners shall have the right to make such claim at any time within one year after such disability shall be removed; and the said commissioners shall have the right, by their agents or servants, to enter upon and and open and to keep open any street established by them, except in such cases when the land required for such street shall be enclosed, or some building or improvement shall be situated thereon, in which case the said commissioners shall have no right of entry on such land until the same has been condemned as is hereinbefore provided, and the damages assessed have been paid or tendered to the owner or owners of the same.

Sec. 5. Be it further enacted, That the sheriff of the county of New Hanover shall be entitled to the sum of five dollars to be paid by the commissioners of said town in full payment for the general services to be performed by him as hereinbefore set forth, under each warrant to him directed, by virtue whereof a jury shall be summoned as aforesaid; and if any person summoned to attend as a juror for the purposes aforesaid, shall fail to attend and discharge the duties required of him as aforesaid, such person so failing shall pay the sum of two dollars, to be collected by the sheriff aforesaid by distress or otherwise, for the use of the com-
missioners of said town; unless such juror shall, upon good cause for such failure, shown to said commissioners, be released from the payment of such sum.

Sec. 6. **Be it further enacted**, That whereas the commissioners of said town for the improvement of the streets of said town, are required from time to time to incur large expenses in grading, paving and making gutters and sewers in such streets, and in some cases injury is done to the proprietors of lots on such streets, and in other cases the lots on such streets, and in the vicinity thereof are much increased in value, and it is desirable that equal justice as between the said commissioners and the proprietors of the lots on such streets so improved should be administered without delay, for the speedy adjustment of all such cases, three freeholders of said town shall be nominated and appointed by said commissioners, and a like number by and on behalf of the proprietors of the lots on any street improved as aforesaid, and in the vicinity thereof, who shall together constitute a committee for ascertaining the damages to the proprietors of lots on such streets, and also for ascertaining the increased value of the lots on such streets, and in the vicinity thereof, by reason of the improvements of such streets by the commissioners as aforesaid; and said committee being first duly sworn by some justice of the peace for the county of New Hanover, faithfully and impartially to assess the damages that may be sustained by the proprietors of lots, by reason of any work or improvement done by the commissioners aforesaid, on any street adjoining thereto, and also to appraise and assess the increased value given to any lots on such streets, or in the vicinity of such streets, by reason of such work or other improvements done as aforesaid on such streets; shall proceed to view such streets and the lots adjoining thereto and in the vicinity thereof, and assess the damage to the proprietors of the lots on such streets, and to appraise and assess in due ratio the increased value of the several lots on such streets, and in the vicinity thereof, as the case may happen to be; and the amount so ascertained by said committee or a majority thereof, whether of damages sustained by the proprietors of lots as aforesaid, or of the increased value of the several lots on said streets or in the vicinity thereof, shall be considered as a final and conclusive adjustment of the matters so submitted to said committee, who shall make report in writing to the commissioners of said town, of the sums so as aforesaid ascertained by them, and said sums shall be a debt due by the party charged therewith by the said committee in their said report, and the same may be received before any tribunal having jurisdiction of a debt of like amount, by the party to whom such sum is to be paid according to such re-
ports; and if the commissioners of said town or the proprie-
tor or proprietors of any lot or lots in the cases above re-
ferred to, shall not, after notice in writing from the other par-
ty, nominate and appoint three freeholders of said town to
act as members of the committee as aforesaid, then and in
that case the three freeholders who may have been nomi-

tated by the other party, shall act as said committee, and shall
have all the powers hereby conferred on a committee com-
posed of members appointed by both of said parties, and the
sum ascertained by them or a majority of them, shall be
paid by the party charged therewith by their report.

Sec. 7. Be it further enacted, That the commissioners of
said town are hereby authorized and empowered, from time
to time, to make and establish all such ordinances and laws
as they may deem necessary respecting the streets of said
town, the public buildings and improvements of every na-
ture and description, which now and hereafter may belong
to said commissioners, the lamp posts, pumps, wells and
trees which now or may be in any of the streets of said town,
and to enforce obedience to all such ordinances and laws,
by imposing such fines and penalties, in cases of white per-
sons, or such fines and punishments, in cases of slaves or
free persons of color, as to said commissioners shall seem ju-
dicious and proper.

Sec. 8. Be it further enacted, That the commissioners of
said town are hereby vested with full power, authority and
capacity to purchase, have, hold, occupy and possess, for
the use of said town, all such real estate, within the limits of
said town, as shall, in their discretion, be necessary for the
erection of any public buildings whatever, and for suitable
yards, grounds and enclosures appurtenant to such buildings,
or which may be necessary for any public purposes, or the
 wants of said commissioners, or their servants or agents;
and the said commissioners are hereby vested with the pow-
er and capacity to purchase, hold and possess, beyond the
corporate limits of said town, and not more than three miles
distant therefrom, and within the limits of the lands of any
cemetery company, which now is or hereafter may be in-
corporated, so much land, not exceeding in the whole six
acres, as they may deem necessary for the interment of the
poor of said town, and of seamen and strangers who may
perchance die in said town; and whereas, it may be deemed
necessary by the commissioners of said town, most prudent
and advisable that the funds requisite for the purchase of
real estate, and the improvement of the same by the erec-
tion of suitable buildings and otherwise, should not be raised
by taxation, to be imposed on the present members of that
community, as the advantages and benefits of improvements
of this character, will be enjoyed more by the future than

36
the present generation: and whereas the same can be effect-
ated by issuing certificates of stock, on the faith and security
of the town of Wilmington, redeemable as hereinafter pro-
vided: that for the purpose aforesaid, the commissioners of
said town are hereby authorized and empowered, from time
to time, (as they shall, by ordinances direct,) to issue to such
persons or corporations as may be willing to receive or pur-
chase the same at par, certificates of stock, in sums not less
than one hundred dollars each, to an amount not exceeding
in the whole, fifty thousand dollars, and redeemable in twen-
ty or twenty-five, or thirty years, as such ordinances may
respectively direct, and bearing interest, at a rate not ex-
ceeding seven per cent. per annum, payable annually, semi-
annually or quarterly, as said ordinances may direct, and as
shall be set forth in said certificates respectively; and the
payment of said stock, and the interest accruing thereon, is
hereby made obligatory on the town of Wilmington, and it
shall be the duty of said commissioners, by taxation on the
real and personal property in said town or otherwise, to pro-
vide for the same. Upon the sale of any portion of said
stock, certificates for the same, duly authenticated by the
seal of the commissioners of said town, and the signature of
the magistrate of police of said town, and countersigned by
the treasurer of said town, shall be made for the respective
purchases, in the manner and form following viz: Per cent.
stock of the town of Wilmington: be it known that there is
due from the town of Wilmington, unto — or —— assigns, the sum of —— dollars, redeemable and payable in —— years from the date of this certificate, bearing in-
terest at the rate of —— per cent. per annum, payable —— upon the delivery of the respective warrants for the
same, hereunto annexed, being stock created by the com-
missioners of said town, by an ordinance made the ——
day of ——, A. D. 18—, in pursuance and by virtue of an
act of the General Assembly of the State of North-Carolina,
ratified the —— day of ——, A. D. 1855, entitled an act
to empower the commissioners of the town of Wilmington
to establish streets in said town, and for other purposes;
which debt is recorded in, and transferable only at the office
of the treasurer of said town, by appearance, in person or by
attorney, upon the surrender of this certificate, and accord-
ing to such rules and regulations as said commissioners may
prescribe.

Sec. 9. Be it further enacted, That the coupons or war-
rants for the interest accruing on such certificates of stock
as may be issued as aforesaid, shall be severally signed by
the magistrate of police of said town, and countersigned by
the treasurer of said town; and the commissioners of said
town shall and may, from time to time, make and ordain

Interest.
any and all rules and regulations in reference to the issuing of said certificates of stock, transfer of the same, or of any part of the debt evidenced by the same; prescribe the duties and liabilities of the treasurer of said town in reference to said stock, and from time to time to require such treasurer to enter into bonds with good and sufficient sureties, in such sums as they may consider requisite, not only to secure the faithful performance of the general duties of his office, but also of all such duties as may be required of him in connection with the debt of said town hereby authorised to be created, but also of any other debt of said town which now or hereafter may be created.

**Sec. 10. Be it further enacted**, That a fund called the Sinking fund, shall be created by the commissioners of said town, towards which the said commissioners shall each and every year, after the issuing of any certificates of the stock hereby authorised, cause to be paid and added out of the general funds in the hands of the treasurer of said town, a sum not less than one thousand dollars, and the money thus placed in said sinking fund, shall be constantly kept at interest, and the interest accruing thereon annually collected and made part of the principal of said fund, until the time of the redemption and payment of the debt hereby authorised to be created, when said sinking fund shall be applied to the payment of said debt as far as the same will extend.

**Sec. 11. Be it further enacted**, That whereas it is greatly desirable that the elective franchise should be preserved from abuse, and exercised in its purity only by those who are legally entitled, and whereas it is right and just that those who enjoy the protection, immunities and privileges secured by the municipal laws and police regulations of a town, should contribute to the expenditures necessary for the due administration of such law, to secure which ends the commissioners of said town shall cause to be prepared a suitable book to be opened and kept open at the office of said commissioners, in which each and every inhabitant of said town who is qualified to vote for members of the House of Commons of the General Assembly of the State, shall register or cause to be registered his name and place of residence at least one month before the day of election of commissioners of said town, but it shall not be necessary so to register their names more than once; and such book shall be closed, and remain closed during each and every month next preceding any election for commissioners of said town, and no person whatever shall be permitted to vote at any such election, unless his name shall be so registered in said book; and said book or a copy thereof with the names thereupon arranged in alphabetical order, shall be furnished by
the commissioners of said town to the person or persons holding or managing any such election: and it shall be the duty of the clerk of said town, and the sheriff of the county of New-Hanover, or such person as may be required by law to collect the taxes assessed and imposed by said commissioners previous to every election of commissioners of said town, to cause to be prepared in a proper book to be kept for that purpose, a list of all such persons whose names are registered as hereinbefore required, who shall not have paid the taxes due by them to said town for the next preceding year, and no person whose name appears in such list shall be permitted to vote at any such election, unless he shall, at the time he tenders his vote, exhibit a receipt from the proper officer of the payment of the taxes due by him to said town for the year preceding; and the person or persons holding or managing any such election, are hereby authorised and empowered, if they shall see fit, to administer an oath to any person offering to vote at any such election, and to make all necessary inquiries for the purpose of ascertaining whether such person is qualified so to vote; and any person or persons convicted of having wilfully sworn falsely before the managers of any such election shall be deemed guilty of perjury, and on prosecution and conviction in the superior court of law for the county of New-Hanover, shall be liable to all the pains, penalties and punishments which are by law inflicted on those who are convicted of that offence.

Sec. 12. Be it further enacted, That the commissioners of said town, shall have full power and authority to prescribe the number of licenses to retail spirituous liquors by a measure less than a quart, which may be from time to time granted for use in said town, to prescribe and fix the amount to be paid to said town for any one of such licenses, to declare and ordain by any ordinance made before the issuing of any such licenses, what act or acts shall be considered a violation of such licenses, and to prescribe and impose such fines and penalties, and forfeitures, for any such violation, as to them may seem judicious and necessary for restraining such licentiates from any abuse of the privilege conferred by such license, or of revoking and annulling the same altogether.

Sec. 13. Be it further enacted, That the commissioners of said town shall have full power and authority by such ordinances as to them shall seem necessary, to prohibit and prevent all persons recently from any place where any contagious or infectious disease exists, or has recently existed, from entering said town, and all goods and chattels from being brought from such place to said town, and generally by their ordinances or otherwise, to adopt such other precautionary measures, to prevent the introduction of infectious
or contagious diseases into said town, as they may deem expedient; they shall also have power to prevent or restrain communication with the inmates of any house in said town, in which any person may be afflicted with any infectious or contagious disease; and at any time upon the certificate of a physician, that any free negro, or slave is sick with a dangerous and infectious or contagious disease in said town, and that he can be removed without endangering his life, the said commissioners shall have power to cause such slave or free negro, to be removed to some convenient place, without the limits of said town, and there to be confined and attended as his situation requires; and it shall be lawful for them to sue for, and recover from any free negro, or the owner of any slave so removed, the expenses of the removal, support, nursing and medical attendance of such free negro or slave, as the case may be, and also in case of his or her death, the expenses of burial by warrant or writ, in any court having competent jurisdiction; and any and all persons attempting to prevent, or resisting the removal of any such free negro or slave, shall be liable to indictment in the superior court of law, for the county of New Hanover, and on conviction, punished by fine or imprisonment, or both, in the discretion of said court; and the said commissioners shall have full power to impose such fines and penalties, in case of white persons, and such fines, penalties and punishments, in cases of free negroes or slaves, for the violation of any ordinance or ordinances made by them, by virtue of this section, as to them shall seem expedient, provided the punishment of any free negro or slave, shall not exceed one months imprisonment, or thirty-nine lashes.

Sec. 14. Be it further enacted, That the election of commissioners of said town, shall hereafter be held on the third Thursday in December next, and on the third Thursday in December in every year thereafter, in the same manner as is now prescribed by law, and the commissioners then elected, shall enter upon the duties of their office on the first Monday in January next ensuing after any such election.

Sec. 15. Be it further enacted, That the magistrate of police of said town, shall receive an annual salary to be fixed by the commissioners of said town: Provided, however, that the same shall not exceed five hundred dollars.

Sec. 16. Be it further enacted, That the magistrate of police of said town, shall within the limits of said town be a peace officer, and shall have all the powers of a justice of the peace, and it shall be his duty to see that the laws of the State, and also the ordinances of the commissioners of said town, are obeyed. He shall have power to issue warrants to the constable or police officer of said town, or to the sheriff or any constable of the county of New Hanover, founded on a
complaint of any breach of any laws relating to said town, or
any ordinances of the commissioners of said town, or brought
for the recovery of any fine or penalty given or imposed by
any such laws or ordinances for the arrest of the person or
persons complained against; to hear and determine such
complaints on the return of such warrants, and in the same
rules and regulations as are by law provided for trials be-
fore single justice of the peace, to give judgments on such
warrants and trials, and issue executions thereon: Provi-
ded, however, That any person dissatisfied with any judg-
ment rendered by such magistrate of police, shall have the
same right to appeal, and under the same rules, regulations
and restrictions as are provided by law in cases of persons
dissatisfied with the judgment of a justice of the peace.

Sec. 17. Be it further enacted, That the police officer or
town constable who now is, or may hereafter be appointed
by the commissioners of said town, shall have and he is
hereby invested with all the powers, rights, privileges and
immunities now by law invested in sheriffs and constables,
as well as in the execution of all process to him directed
by the magistrate of police of said town, and in the execution
of any duty imposed on him by any statute in reference to
said town, or by any ordinance of the commissioners of said
town, but also as a general peace officer within the limits of
said town.

Sec. 18. Be it further enacted, That it shall be the duty of
the guard or patrol of said town, who may be appointed by
the commissioners of said town, to see that the ordinances
and police laws in reference to said town are enforced, and
to report all breaches thereof to the magistrate of police or
such other officer as the commissioners of said town shall
direct; to preserve the peace of said town by the suppression
of disturbances and the arrest of offenders, and for these
purposes they shall severally have all the powers by law
vested in sheriffs and constables as peace officers.

Sec. 19. Be it further enacted, That the said commissio-
ers shall have power to restrict, or to forbid and prevent the
interment of dead bodies within the limits of said town
whenever they shall think it expedient to do so.

Sec. 20. Be it further enacted, That it shall not be lawful
for the owner or keeper of any store or shop in said town
in which any goods, wares, merchandise, or any articles of
any nature, kind, or description, are retailed or kept for re-
tail, to erect or keep up in such store or shop, or to suffer or
to permit to be put up in such store or shop any blind,
screen or obstruction to the view whatever, behind which
any article might be secretly or privately sold, whether such
blind, screen or obstruction to the view be by any arrange-
ment of the windows, doors, boxes, barrels, shop furniture, cur-
tains, or in any other way whatever, and for every violation of any of the provisions of this section, the offender or offenders shall forfeit and pay the sum of twenty dollars, and shall be subject to an additional fine of ten dollars for every day he, she or they shall neglect or refuse to arrange his, her or their shop or store in such way as to remove any such screen, blind, or obstruction to the view, when ordered so to do by the police officer or any of the commissioners of said town.

SEC. 21. *Be it further enacted,* That the commissioners of said town shall be vested with full power to make such ordinances as to them shall seem necessary to restrain, prohibit and prevent any slave or free person of color from loitering in or about any shop or store in said town, or from sitting down or remaining longer in such store or shop than while actually engaged in purchasing such articles as they may be lawfully authorized to procure, or from entering into any inner room connected with such store or shop; and said commissioners by fines and penalties to be imposed on the owners or keepers of such shops or stores, and by fines and corporal punishment, to be imposed or inflicted on slaves or free persons of color, may secure and enforce obedience to such ordinances as shall be made under the provisions of this section.

SEC. 22. *Be it further enacted,* That all fines and penalties incurred by the breach of any law or ordinance in reference to said town by any minor, shall be recovered from the parent, guardian or master (if an apprentice) of such minor so offending.

SEC. 23. *Be it further enacted,* That all fines, forfeitures and penalties, of any nature and kind, imposed by any statute in reference to said town, or which now is, or hereafter may be imposed by any ordinance or ordinances of the commissioners of said town, shall be recoverable in the name of the commissioners of said town, before any jurisdiction having cognizance of the fine, forfeiture or penalty which may have been incurred by any breach or violation of any such statute or any such ordinance.

SEC. 24. *Be it further enacted,* That the commissioners of said town shall have power to impose, levy and collect fines and penalties for all offences against or violations of their ordinances or by-laws now existing, or which may hereafter be passed, to an amount not exceeding one hundred dollars for each such offence or violation, to be recoverable by warrant issued by and returnable before the magistrate of police of said town; *Provided, however,* That either party who may be dissatisfied with the judgment of the justice of the peace or of the magistrate of police, who may happen to try such case, upon giving security as is prescrib-
ed in other cases of appeal from the judgment of a justice of the peace, shall have a right to appeal to the county or superior court of New Hanover county, as such party praying such appeal may elect, or all such fines and penalties as is herebefore provided be recoverable before any other jurisdiction having cognizance of the same by the laws of the State. [Ratified the 16th day of January, 1855.]

Chap. 249. AN ACT TO AMEND AN ACT PASSED IN THE YEAR 1836, ENTITLED AN ACT TO INCORPORATE THE TOWN OF GREENSBORO', IN THE COUNTY OF GUILFORD.

Elections.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the free white men residing in the town of Greensboro' hereafter mentioned, who have attained the age of twenty-one years, to meet on the first Monday in April, A. D., 1855, and on the first Monday in April in each successive year thereafter, at some convenient place in said town, and vote for an intendant of police and four discreet persons to act as commissioners of said town for the term of one year from the day of said election.

Eligibility.

SEC. 2. Be it further enacted, That no person shall be eligible as intendant of police or as a commissioner, unless he shall have constantly resided in said town for the space of six months immediately preceding the day of any election, and shall have been seized of a lot of land within the bounds of said town for six months preceding the day of election.

Voters.

SEC. 3. Be it further enacted, That all free white men of the age of twenty-one years, who shall have resided in said town for six months immediately preceding the day of any election and shall have paid a town tax, shall be entitled to vote in said election.

Intendant.

SEC. 4. Be it further enacted, That the said intendant of police shall have and exercise all the powers of a justice of the peace in all matters either civil or criminal in the bounds of said town; he shall have the general oversight and superintendence of the public streets and grounds of the same; all warrants and other legal proceedings in relation to the officers of said town, shall be in his name during his continuance in office, and all legal proceedings against the commissioners shall be served on or made known to him; he shall have power during his continuance in office to prosecute all suits for the recovery of taxes, penalties, or for other causes in his own name as intendant; the said intendant and commissioners shall have full power and authority to make and enforce all such by-laws, rules and regulations as they may deem necessary for the better government of said town, not
inconsistent with the constitution and laws of the State or of the United States; and they shall have power to impose fines and penalties for the violation of any such by-laws, rules and regulations; and the said intendant shall be allowed compensation for his services not exceeding one hundred dollars per annum, to be allowed by the commissioners and to be paid out of the revenues of the town.

Sec. 5. Be it further enacted, That the said intendant of police and commissioners shall have power to impose and collect taxes, for the purpose of keeping in proper repair, the public pumps, clock, streets and grounds of said town, and for such other purposes as they may deem advantageous to the said town and the citizens thereof: Provided, That the taxes thus imposed, shall not exceed the following rates, annually, viz: Ten cents on the hundred dollars valuation of real estate, and one dollar on each white and black poll, and ten cents on every hundred dollars valuation of goods, wares and merchandize, purchased by any merchant of said town, within the year immediately preceding the first day of April, in each and every year.

Sec. 6. Be it further enacted, That the said intendant and commissioners shall have power to employ one or more persons, either by public letting or private contract, to keep the streets of said town in repair, if, in their judgment, the interest of said town and the citizens thereof shall be thereby better promoted; and in case the said commissioners and intendant of police shall let out the repairs of said streets in the manner above mentioned, they shall have power to levy a tax on all persons liable to work on said streets, not exceeding one dollar and fifty cents on each hand: and they shall further have power to levy an annual tax, not exceeding one dollar a head, on all hogs running at large in the streets of said town, and an annual tax, not exceeding five dollars, upon all dogs belonging to the citizens of said town: Provided, Each house-keeper shall be allowed to have one dog exempt from taxation.

Sec. 7. Be it further enacted, That the town constable authorized to be appointed by the commissioners of said town, under the charter thereof, shall be required to enter into bond in the sum of one thousand dollars with sufficient securities, to be approved by the intendant and commissioners, with such conditions as may be deemed necessary to secure his diligence in the discharge of the duties of his office, and fidelity in accounting for and paying over to the persons entitled to receive the same, the town taxes and all other moneys received by him by virtue of his office; and he shall have all the powers and authority of other constables, either in civil or criminal matters within the corporate...
limits of said town, and shall have the same fees for his services which other constables receive in similar cases.

Sec. 8. Be it further enacted, That the said intendant and commissioners shall, within six months after their appointment, give names to all the public streets of the town, and shall have a plat or map of said town, with all the public streets thereof correctly laid down, and the names of the same set forth; which plat or map they shall have entered on the records of the board of commissioners, and shall have duly registered in the register office of said county, and the register for his services shall have the same fees as are given by law for the registration of the partition of lands among tenants in common; they shall have the further power, from time to time, to lay off and open all new streets, which the public convenience of the citizens of said town and county may require, by paying to the owners of lands condemned to the use of the public, a fair equivalent for any damage which they may sustain; and in laying off and opening new streets, they shall have the same powers and authority as the several county courts in this State have in laying off public roads, and shall proceed under the same rules and regulations as are usual by the county courts in like cases; they shall have the further power to acquire and hold by gift, purchase or otherwise all such pieces or parcels of grounds as they may deem necessary and expedient for public squares, market places and cemeteries for the use of said town; they shall have the further power to regulate the manner in which provisions may be sold in the streets and markets of the said town; and to regulate the manner in which the streets and markets of the same may be used, and to affix penalties for the breach of their by-laws and ordinances, which shall be recovered in the name of the intendant of police, before any tribunal having competent jurisdiction of the same.

Sec. 9. Be it further enacted, That the present board of commissioners of the town of Greensboro', shall continue in office with all the rights, privileges, and authority which they have heretofore had under the act incorporating said town, until the intendant of police and commissioners, as provided for by this act, shall be elected and enter upon the discharge of their duties. [Ratified the 16th day of February, 1855.]
the town of Nashville, in the county of Nash, or a majority of them, to lay a tax not exceeding ten dollars upon every person or company of stage players, sleight of hand performers, rope dancers, tumblers and wire dancers, or company of circus riders, or equestrian performers who may perform in said town: and upon each and every person or company who shall exhibit artificial curiosities of any kind or sort for a reward in said town, except models of useful inventions; and also a tax not exceeding five dollars upon every person or company who may exhibit natural curiosities of any kind for a reward in said town; which said taxes are to be collected and accounted for in the same manner as other corporation taxes in said town.

Sec. 2. Be it further enacted, That the said commissioners shall have power to appoint a town treasurer and constable, and such other officers as they may deem necessary. The town constable shall be the collector of the town tax under the direction of the said commissioners, and for that purpose shall have all the powers of the sheriff in the collection of public taxes, and shall have power to collect all fines and forfeitures incurred by virtue of any act of Assembly concerning said town or any lawful ordinance passed by said commissioners, by warrant before any justice of the peace for said county; and he shall be entitled to the same fees that constables for the State are entitled to in like cases; and for collecting the corporation taxes aforesaid he shall be allowed six per cent commission.

Sec. 3. Be it further enacted, That the said constable shall be required by the said commissioners to give bond with good security in the penal sum of eight hundred dollars, payable to the State of North-Carolina, and conditioned for the faithful collection and paying over all taxes, fines and forfeitures of the said corporation, and for his faithful performance of duty in all respects; and the same remedies are allowed upon said bond which are now prescribed by law upon the official bonds of sheriffs and constables: if the said constable shall fail to perform his duty towards the said corporation it shall be the [duty] of the said commissioners to bring suit upon his said bond.

Sec. 4. Be it further enacted, That it shall be the duty of the said commissioners to take a bond from the town treasurer, with good security, in the penal sum of one thousand dollars, payable as aforesaid, and conditioned for his faithful performance of duty, to be sued upon in like manner as the bonds of sheriffs and other officers; and if the treasurer shall fail to perform his duties, it shall be the duty of the said commissioners to bring suit upon said bond.

Sec. 5. Be it further enacted, That all of the officers of
said town shall hold their offices for one year, and afterwards until their successors shall be elected and qualified.

SEC. 6. Be it further enacted, That the town treasurer shall be entitled to receive such a compensation, not to exceed six per cent. on the moneys received by him, as the said commissioners may deem just and reasonable.

SEC. 7. Be it further enacted, That said commissioners shall have power to appoint a patrol of one or more persons for the said town, to be under the same rules and regulations as the patrol appointed by the county court, and to receive such compensation for their services as the said commissioners may deem just and reasonable.

SEC. 8. Be it further enacted, That in all elections for commissioners hereafter to be held, four commissioners shall be elected, two of whom at least, shall be owners of real estate in said town, who shall within five days after said election, proceed to elect one of their own number to be magistrate of police; and all warrants and suits in behalf of the said corporation, shall be brought in the name of the commissioners of the town of Nashville.

SEC. 9. Be it further enacted, That it shall be the duty of the magistrate of police to preside at all meetings of the board of commissioners, and in case of a tie on any question, he shall give the casting vote; and he shall also have power and authority to try all warrants for violations of any of the ordinances of said corporation, and to issue process of execution, and all other necessary process, in the same manner as justices of the peace in like cases.

SEC. 10. Be it further enacted, That in all warrants for penalties or forfeitures under this act, the party dissatisfied with the judgment of the justices, or of the magistrate of police, shall have the same right of appeal as in other cases of justices judgment. [Ratified the 16th day of February, 1855.]

Chap. 251. AN ACT AUTHORIZING THE COMMISSIONERS OF THE TOWN OF SALISBURY TO SUBSCRIBE FOR STOCK IN THE WESTERN RAILROAD COMPANY.

May borrow money.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever it shall be ascertained in the manner hereinafter directed, that a majority of the freeholders in the town of Salisbury desire that money shall be raised upon the faith of the said corporation to be invested in the stock of the aforesaid company, and that the debt shall be paid out of the real estate within the limits of said town of Salisbury, then and in that case the commissioners of said
town are hereby authorized and empowered to borrow money for the purpose aforesaid in the manner hereinafter provided.

Sec. 2. *Be it further enacted,* That a poll shall be opened in the said town of Salisbury at such time and place and by such persons as said commissioners may prescribe, after at least thirty days notice, and all owners of real estate in said town shall be entitled to vote in said election; those who may be in favor of the subscription of stock as aforesaid, shall be understood as voting for the same by writing on their tickets the word "ratification," and those who may be opposed to the said subscription shall be understood as voting against it by writing on their ticket the word "rejection."

Sec. 3. *Be it further enacted,* That if a majority of votes shall be in favor of ratification, then the said commissioners are authorized and empowered to subscribe for one thousand shares of stock in said railroad company; and in order to meet the payment, the said commissioners are authorized to execute bonds for such sums of money as they may think proper, in the aggregate not to exceed one hundred thousand dollars; which bonds shall be signed by the magistrate of police of the town of Salisbury, and sealed with the corporate seal of the said commissioners.

Sec. 4. *Be it further enacted,* That said bonds shall be payable in not less than ten nor more than twenty years after their respective dates, shall severally be for sums not less than two hundred dollars nor more than ten thousand; shall bear interest not exceeding seven per centum per annum, and the interest stipulated to be paid on said bonds shall be payable semi-annually.

Sec. 5. *Be it further enacted,* That the said commissioners shall, by an order of their board, express the sum proposed to be borrowed and the name of the company in the stock of which the money is to be invested, and said order shall be inserted in the advertisement of the election.

Sec. 6. *Be it further enacted,* That in order to raise the money for the payment of said bonds, it shall be lawful for the said commissioners from year to year to assess, levy and collect on and from the real estate within the limits of said town such an amount of taxes as shall be necessary to pay the interest thereon, and to provide a sinking fund for the discharge of the principal.

Sec. 7. *Be it further enacted,* That said shares of stock shall be held by said commissioners as a security for the payment of said bonds and the interest thereon; and all dividends or [of] profits accruing on said stock, are to be first applied to the payment of the interest on said bonds, and the residue, if any, is to constitute a sinking fund for the discharge of the principal. [Ratified the 14th day of February, 1855.]
Chap. 252.  AN ACT FOR THE BETTER REGULATION OF ELIZABETHTOWN.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That on the Saturday before the first Monday in April, 1855, and on the corresponding day in every year thereafter, the sheriff of the county of Bladen, or his lawful deputy, having given ten days previous notice, shall open polls at the courthouse of said county, for the election of a magistrate of police, five commissioners, a clerk and a constable for Elizabethtown in said county: that the said commissioners, within ten days after their election, and before entering upon the duties of their office, shall take an oath before some justice of the peace for said county, faithfully and impartially to perform said duties, and thereupon they shall be constituted a body politic, by the name and style of the commissioners of Elizabethtown, and as such may hold property, contract and be contracted with, sue and be sued, plead and be impleaded, have and use a common seal, and have perpetual succession.

Sec. 2. Be it further enacted, That any citizen of the county of Bladen entitled to vote for members of the House of Commons, and who owns real estate within the corporate limits of Elizabethtown, or who is entitled to vote for members of the House of Commons, provided he is a resident within the corporate limits of said town, shall be eligible to any of the said offices, and entitled to vote in said election; and such election shall be conducted and regulated in the same manner as elections for members of the General Assembly; and for his services, the sheriff or his deputy shall receive, from the board of commissioners, one dollar.

Sec. 5. Be it further enacted, That the said commissioners, or a majority of them, shall have power to assess the property of said town, immediately after entering upon the duties of their office, and thereafter annually to lay and collect a tax on the inhabitants and property of said town, not exceeding one dollar on the poll or fifty cents on every hundred dollars worth of real property per annum; to establish patrols, to lay off and alter streets, and to enact and adopt all such by-laws, rules and regulations as they or a majority of them may deem necessary or proper for the convenience, health, good order and government of said town: Provided, That nothing in this act contained shall authorize the commissioners to prevent the citizens of Bladen county from exposing to sale on the public square, any merchandise, or to tax the same: And provided, said rules and regulations shall not be inconsistent with the constitution and laws of the United States or of this State.

Magistrate.

Sec. 4. Be it further enacted, That the magistrate of po-
lice for said town, in addition to the authority vested in him by virtue of his appointment under the provision of this act, shall have the usual jurisdiction of justices of the peace, and that he receive, as compensation for his services, the sum of twenty cents for every warrant by him issued; sixty cents for every judgment by him granted; and twenty cents for every execution upon judgment obtained before him; the said fees to be paid by the party cast, or if the party or parties cast shall be unable to pay the cost, then the same shall be paid by the other party; the magistrate of police shall, and he is hereby authorized to receive a list of polls and taxable property, from each person residing in said town, or owning property therein, on oath; and any person failing to file such list within such time as shall be fixed by the commissioners of said town, shall forfeit ten dollars, to be sued for and recovered by warrant, in the name of the commissioners of said town.

Sec. 5. Be it further enacted, That the justice of the peace, appointed as hereinbefore provided for, shall deliver to the commissioners, on or before the first Monday in October of each year, a list of the taxable polls and property in said town.

Sec. 6. Be it further enacted, That the town constable shall be the collector of taxes of said town, under the direction of the commissioners, and for that purpose shall have all the powers and immunities of sheriffs, in the collection of the public revenue; and said taxes, when collected, shall be applied as the said commissioners shall deem best, for the health, convenience and government of said town.

Sec. 7. Be it further enacted, That the town constable shall be required to enter into bond, with good and sufficient security, in the sum of five hundred dollars, before entering upon the duties of his office, payable to the State of North Carolina, for the faithful performance of the duties of town constable, and paying over all moneys collected by virtue of his office.

Sec. 8. Be it further enacted, That the said commissioners, on the death, removal or resignation of one of their number, or of the magistrate of police, clerk or constable, shall have power to fill the vacancy; and such appointee shall hold office during the remainder of the year.

Sec. 9. Be it further enacted, That the corporate limits of said town shall be the same as given on the plan of the town, filed in the office of the county court clerk of said county.

Sec. 10. Be it further enacted, That all acts of incorporation for Elizabethtown, and all acts to revive such acts, be and the same are hereby repealed.
Sec. 11. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of February, 1855.]

Chap. 253. An act to incorporate the town of Roxboro', in Person county.

Duty of sheriff. Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the sheriff of Person county, either by himself or his lawful deputy, on the third Saturday in February in each and every year, to open polls in the courthouse, in the town of Roxboro', for the election of five commissioners in and for the said town of Roxboro', to continue in office for the term of one year, and until others duly chosen and qualified, have entered upon the duties of their office: Provided, That no one shall be eligible as commissioner, who has not resided six months preceding his election, within the limits of the said town of Roxboro', and is an actual resident at the time of such election.

Sec. 2. Be it further enacted, That every inhabitant of said town, who has resided six months therein, and who is qualified according to the constitution to vote for members to the House of Commons, shall be entitled to vote in said election; and such election shall be by ballot, and in the event of a tie, the sheriff or his lawful deputy shall give the casting vote.

Sec. 3. Be it further enacted, That said commissioners, after their election, and before entering upon the duties of their office, shall take an oath before some justice of the peace of said county of Person, faithfully and impartially to perform said duties, and thereupon they shall constitute a body politic and corporate, by the name and style of the Commissioners of Roxboro', and by such name they shall be invested with a succession and common seal, and shall have power to hold real and personal property, to sue and be sued, and to pass and ordain such by-laws and ordinances not inconsistent with the constitution of the United States and of this State, as from time to time a majority of them may deem expedient and advisable for the good government of said town.

Sec. 4. Be it further enacted, That said board of commissioners shall have power to appoint a magistrate of police, a town constable and treasurer, and the constable so appointed shall be collector of the town tax, under the direction of said commissioners, and for that purpose shall have all the powers and immunities of sheriff in the collection of the public revenue, and shall collect all fines and forfeitures.
arising by virtue of this act, by warrant before any justice of the peace for said county of Person, and shall receive for his services the fees which, by law, the sheriffs and constables of this State are entitled to for like services.

Sec. 5. Be it further enacted, That it shall be the duty of each person residing or holding property in said town, to deliver to the said board of commissioners whenever required, a statement on oath of all of the property owned or possessed by such person within the limits of said town liable to be taxed, and on failure to do so when required by the board of commissioners within one month, shall pay double taxes on all property not given in as required by this act, unless on sufficient excuse shown to be adjudged of by the board.

Sec. 6. Be it further enacted, That said board shall appoint an overseer of the streets and roads within the limits of the corporation, whose duty shall be to keep them in good and sufficient repair; and for this purpose, he is empowered to require the services of all persons residing in said town liable by law to work on roads, as often as shall be necessary, and in all other respects shall possess the powers and be liable to the penalties to which overseers are now liable.

Sec. 7. Be it further enacted, That all persons living within the limits of said town liable to work on public roads, be and they are hereby exempted from working on all roads without the limits of the said corporation.

Sec. 8. Be it further enacted, That if any of the commissioners elected as by this act required, and having been notified thereof ten days, shall neglect or refuse to take the oath prescribed for one month after the election aforesaid, unless he shall remove out of the limits of said town, or be otherwise incapable of serving, he shall be liable to pay twenty dollars for the use of said town, for which forfeiture the county solicitor for said county of Person, is hereby required to bring suit in the name of the commissioners of Roxboro', in the county courts of Person.

Sec. 9. Be it further enacted, That the corporate limits of said town of Roxboro', are hereby described to be as follows: Beginning at the south west corner of Geo. W. Norwood's lot, lying on the east side of the public road leading from Roxboro' to Hillsboro', running thence south 40 degrees east, 200 yards; thence east 40 degrees north, 1200 yards; thence north 40 degrees west, 400 yards; thence west 40 degrees south, 1200 yards; thence south 40 degrees east, 200 yards to the beginning.

Sec. 10. Be it further enacted, That this act shall be in force from and after its ratification, and that all laws coming in conflict with the provisions of this act, are hereby repealed. [Ratified the 9th day of January, 1855.]
Chap. 254. AN ACT CONCERNING HOGS RUNNING AT LARGE IN THE STREETS OF ELIZABETH CITY, IN THE COUNTY OF PASQUOTANK.

Fine on hogs. Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of Elizabeth City, in the county aforesaid, shall have power to pass an ordinance for the benefit of said town, levying a fine not exceeding the sum of twenty-five cents on each and every hog that may be taken up by any person, by the authority of said commissioners, in the streets of Elizabeth City.

How redeemed. Sec. 2. Be it further enacted, That the owner or owners of all hogs taken up under the authority of the above section, shall be allowed to redeem the same by paying the aforesaid fine; and also the further sum of ten cents for each and every day that each hog may have been kept up and fed by the person authorised to take up hogs.

To be advertised. Sec. 3. Be it further enacted, That all hogs taken up as aforesaid, shall be publicly advertised for sale by said town officer, at least for the space of three days before the day of sale; said advertisement to give as full a description of the hog or hogs, together with the mark or marks, as possible; also the exact hour and place of sale.

To sell hogs. Sec. 4. Be it further enacted, That if no owner appears before the day of sale, the town officer shall proceed to sell said hog or hogs to the highest bidder; from the amount of sale, said officer shall deduct the corporation fine and the expense of keeping up and feeding said hog or hogs; the remaining portion of the money he shall pay over to the treasurer of the town, who shall pay over the same to the owner or owners of the said hog or hogs.

Owners fined. Sec. 5. Be it further enacted, That said commissioners shall have power to fine the owner or owners of any hog or hogs not exceeding the sum of twenty-five cents for each and every day that each and every hog may run at large in the streets of Elizabeth City: Provided, Said hog or hogs are not taken up; if taken up, the fine for running at large to be void; this section not to apply to persons residing outside the limits of said town.

Penalty. Sec. 6. Be it further enacted, That any town officer violating any portion of this act shall be fined not less than ten dollars nor more than twenty dollars, one-half to the informer and the other to the wardens of the poor, for the use and benefit of the poor of said county; said fine to be collected by warrant before the mayor of the town; either party having the right to appeal.

Sec. 7. Be it further enacted, That all laws and ordinances coming in conflict with this act be and the same are hereby repealed.
AN ACT TO INCORPORATE THE TOWN OF JEFFERSON IN THE COUNTY OF ASHE.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Hogg, Q. F. Neal, E. C. Bartlett, Samuel C. Waugh and James W. Gentry, be appointed commissioners for the town of Jefferson, in the county of Ashe, that it shall be the duty of the sheriff of Ashe county, or his lawful deputy, on the first Monday of January, in each year, after the year eighteen hundred and fifty-five; and after giving ten days notice, previous to the day of election, to open polls at the court house, in the town of Jefferson, in said county, for the election of five commissioners, who shall continue in office for one year thereafter, or until others are appointed.

SEC. 2. Be it further enacted, That any citizen of said town of Jefferson, who is twenty-one years of age, and who has resided therein for twelve months, shall be eligible as such commissioner, and every inhabitant who has resided therein for six months, and who is qualified according to the constitution, to vote for members of the House of Commons, shall be entitled to vote in said election.

SEC. 3. Be it further enacted, That the said commissioners, within four days after their election, and before entering upon the duties of their office, shall take an oath before some justice of the peace for said county faithfully and impartially to perform said duties, and thereupon, they shall be constituted a body politic and corporate, by the name and style of the commissioners of the town of Jefferson, and as such, may sue and be sued, plead and be impleaded, have and use a common seal, and have perpetual succession.

SEC. 4. Be it further enacted, That the said commissioners or a majority of them, shall have power and authority to appoint a magistrate of police, a town constable and treasurer, to lay and collect a tax on the inhabitants and property of said town, not exceeding fifty cents on the poll, and twelve and a half cents on every hundred dollars value of property, and a tax on each store, grocery and tavern, not exceeding three dollars, upon all carriages of pleasure, not exceeding fifty cents, upon all exhibitors of natural or artificial curiosities, not exceeding two dollars, upon all sleight of hand performers, not exceeding one dollar, and upon all hand organ grinders, not exceeding one dollar.
SEC. 5. Be it further enacted, That said commissioners or a majority of them, shall have power and authority with the concurrence of the county court, a majority of the acting justices of said county being present, to cause to be sold at public sale, such part of the public streets as they may think advisable, consistent with the interest of the citizens of said town, having regard to public convenience.

Moneys.

SEC. 6. Be it further enacted, That all money arising from the payment of tax, or of forfeitures and penalties imposed by this act, or which may be imposed by the ordinances of the said commissioners, together with all money arising from the sale of the streets as aforesaid, shall be held by said commissioners, or other officers by them appointed for that purpose, under such rules as to them may seem proper for the benefit of said town.

SEC. 7. Be it further enacted, That it shall be the duty of said commissioners to keep the streets of said town open and in good order, and to cause all accumulations of dirt or filth or other obstructions to be removed therefrom.

Patrols.

SEC. 8. Be it further enacted, That said commissioners or a majority of them, shall have power and authority to establish patrols, and enact and adopt all such by-laws, rules and regulations as they may deem proper, for the health, good order and government of said town, and shall have power and authority to make rules for enforcing the orderly conduct of slaves and free negroes within the said town, and to impose penalties for breaches thereof.

LIMITS.

SEC. 9. Be it further enacted, That the limits of said corporation shall extend one half mile from the court house, each way.

SEC. 10. Be it further enacted, That if said commissioners shall not deem it expedient to appoint a town magistrate and town constable, it shall be lawful for them to call on any justice of the peace or constable of the county of Ashe, to enforce and carry out any of their laws and ordinances, and it is hereby made the duty of such justice of the peace or constable of the county, so called on, to perform the duties required of them.

SEC. 11. Be it further enacted, That said commissioners, or a majority of them, shall have power and authority to fill any vacancy that may occur by death, resignation, removal or, otherwise; to appoint the town constable, sheriff of said county or any constable of said county, to collect the tax levied as before stated, under the same rules and regulations as other taxes are collected, and to allow the same compensation therefor.

Vacancies.

SEC. 12. Be it further enacted, That this act shall be in force from and after the ratification thereof. [Ratified the 12th day of February, 1855.]
AN ACT TO ESTABLISH THE BOUNDARIES OF THE TOWN OF BEAUFORT.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the boundaries of the town of Beaufort on the Sound and on Newport River, be and the same are hereby extended to the low water mark along said Sound, the Thoroughfare and Newport River, and all the lands on the south side of Point Street in said town, between high and low water mark, are hereby vested in the commissioners of said town, and their successors, upon the trusts and conditions hereinafter declared.

SEC. 2. Be it further enacted, That the commissioners shall cause the land on the south side of said street to be laid off in lots of the same width, and said streets, as the lots on the other side thereof, and extending back to low water mark,-reserving the parts of said lands opposite the public streets for the use of said town; and the said commissioners shall from time to time, as they may deem expedient, expose to public sale the said lots or any portion of them, after an advertisement of forty days in one of the newspapers in the town of Beaufort, Newbern and the city of Raleigh, and one-half of the moneys arising therefrom shall be paid into the treasury of the State, and the other half in the treasury of the said town, to defray the expenses of said sale, and for the purpose of the town.

SEC. 3. Be it further enacted, That the said commissioners shall, upon the receipt of the purchase money, have power to make deeds in fee simple to the purchasers, and the said purchaser shall have the right to construct wharfs or docks next to their lots extending to the deep water: Provided, That such improvements do not interfere with the free navigation of said waters: Provided, That where any wharfs have been heretofore constructed by the owners of any lots on said street opposite their respective lots, and such owner shall apply to the commissioners to purchase the same, it shall be the duty of the commissioners to appoint two disinterested persons to appraise said water lot, without estimating the improvements thereon, and if the said person so applying shall pay the valuation thus made, then the commissioners shall make a deed therefor in fee simple to said person, and if he refuse to, then said wharf shall be sold as herein directed. [Ratified the 16th day of February, 1855.]
Chap. 257.  
AN ACT TO INCORPORATE THE TOWN OF FRANKLIN.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the sheriff of the county of Macon, shall hold an election for five commissioners for the town of Franklin on the 2nd Tuesday in June, 1855, or as soon thereafter as convenient, first giving ten days previous notice thereof, by advertisement at the court-house door.

Sec. 2. Be it further enacted, That said election shall be held under the same rules and regulations as elections for the members of the General Assembly are held, and every citizen residing within the corporate limits of said town as hereinafter defined, who is qualified to vote for members of the House of Commons, shall be entitled to vote for said commissioners, each voter on his ticket the names of the five persons voted for.

Sec. 3. Be it further enacted, That the five persons receiving the highest number of votes at such election, shall be commissioners for said town, and shall be and are hereby declared to be a body politic and corporate; and in their corporate name of commissioners of the town of Franklin, shall sue and be sued, and have perpetual succession, and shall have power, or any three of them, to fill any vacancy that may happen in their body by death, resignation or refusal to act.

Sec. 4. Be it further enacted, That the same commissioners shall have power to lay and collect a tax not exceeding twenty cents on the poll, and ten cents on each hundred dollars value of town property in said town, to be ascertained by the assessment thereof made by law for taxation, as shown by the tax lists returned to the county court of said county; and a tax on each store, grocery and tavern, not exceeding five dollars; and on officers, lawyers and physicians, not exceeding five dollars each; on pleasure carriages, not exceeding one dollar each; on every dog, twenty-five cents; and on hogs allowed to run at large in said town, not exceeding five cents each; on exhibitors of natural or artificial curiosities, not exceeding five dollars, for the purpose of repairing the streets and side walks; and to make such by-laws, rules and regulations for the government of said town as they shall judge proper, not inconsistent with the constitution and laws of the State.

Sec. 5. Be it further enacted, That said commissioners shall have power to appoint a town magistrate and constable: Provided, There should not be any in said corporate limits; or to call on any justice of the peace or constable of the county of Macon to enforce and carry out any of their ordinances; and it is hereby made the duty of such justice
of the peace or constable to perform the duties required of them, and it shall be the duty of such constable as they may appoint or call on to execute the process directed to him, or to collect the tax imposed by said commissioners and to pay the same over to their treasurer, or such officer as said commissioners may appoint to receive the same, and such constable is hereby given all the power to enforce the collection of such tax that sheriffs have by law for collecting the State and county tax, and shall be allowed the same compensation therefor, and the same fees for serving process that constables are allowed for like services.

Sec. 6. Be it further enacted, That before entering on their duties, each of such commissioners shall take an oath before the sheriff or some justice of the peace for said county honestly and faithfully to discharge their duty; and shall at all times be subject to indictment for failure or neglect of their duty, in repairing the streets and side-walks as overseers of roads are, and any citizen of said town who is elected or appointed commissioner under this act and who shall refuse to serve without an excuse satisfactory to the other commissioners shall forfeit and pay to said commissioners for the repair of the streets twenty dollars to be recovered by action of debt before the town magistrate or any justice of the peace for said county.

Sec. 7. Be it further enacted, That any one being dissatisfied with any judgment of a justice of the peace or town magistrate shall have the right of appeal as in other cases as appeals from justice's judgment.

Sec. 8. Be it further enacted, That the corporate limits of said town shall be one-half mile from the courthouse in every direction. Ratified the 10th day of February, 1855.

AN ACT TO INCORPORATE THE TOWN OF WARSAW.  

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a town is hereby established in the county of Duplin, by the name of Warsaw, with the following metes and bounds, viz: beginning at Stewart's Creek Truss, on the railroad, thence down said creek to the road leading to General William Hills'; thence a direct line to the corner of the college lot on the main road; thence along the back line of said lot to the south east corner; thence the same direction 45 poles; thence 8 degrees south of west to the railroad; thence the same direction 45 poles on the west side of the railroad; thence a parallel line until it gets opposite said Truss; thence to the beginning.

Sec. 2. Be it further enacted, That the government of
said town of Warsaw, shall be vested in the following persons and their successors in office: Claibon J. Otis, N. Frederick, C. B. Hobson, S. Borden and R. Best.

Sec. 3. Be it further enacted, That the commissioners and their successors in office, appointed agreeable to the directions of this act, shall be, and they are hereby incorporated into a body corporate, by the name of the commissioners of the town of Warsaw, and by such name shall have succession, and a common seal, sue and be sued, and shall have power from time to time, to make such rules, by-laws and ordinances, as to them or a majority of them, shall seem proper for the good government of said town; to appoint a town clerk, constable, patrol and overseer of streets, and to make such allowance to said officers, by fee or otherwise, as said commissioners may determine; that said commissioners shall have full power to repair the streets, and lay out or alter the same, provided it does not interfere with any dwelling or yard; they shall have full power to assess and collect taxes upon all taxable property within the limits of said town, and to do all other acts that may be deemed needful for the good government and management of said town.

Sec. 4. Be it further enacted, That an election shall be held in each and every year, on the first Monday in February, by the inhabitants thereof, qualified to vote for members of the House of Commons, for five commissioners, who shall hold their office for one year, or until their successors are appointed.

Sec. 5. Be it further enacted, That the commissioners appointed under this act, shall be, and continue to act as such, until their successors are appointed. [Ratified the 5th day of February, 1855.]

Chap. 259. AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1850-51, ENTITLED AN ACT FOR THE BETTER REGULATION OF THE TOWN OF WILSON, IN EDGECOMBE COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the corporate limits of the town of Wilson shall be included within the following boundaries to-wit: Beginning at a stake on the Wilmington and Raleigh railroad, and running north 40, west 924 yards to a stake on Willie Daniel's land; thence east 40, north 830 yards; thence south 40, east 924 yards; thence to the beginning.

Sec. 2. Be it further enacted, That the commissioners of the said town be, and they are hereby empowered to lay off and open streets whenever and wherever they may deem it expedient and to the interest of the town; and if they
cannot agree with the owner or owners of lots over which the said streets may pass for the purchase of the land used, or if the owner or owners be infants, *feme coverta, non com- potes* or out of the State, then the magistrate of police shall issue his warrant to the sheriff of the county, or town constable, commanding him to summon five disinterested and impartial freeholders of the town, who shall, a majority being present, upon a day named in the said warrant, after being duly sworn by the sheriff, or some justice of the peace, enter upon the lands and assess the damages which the town shall pay to the said owner or owners, and the said freeholder in assessing the damages, shall take into consideration the benefit of the said street to the said owner or owners, and mitigate the damages accordingly; and the said freeholders or a majority of them shall make a return in writing of their proceeding to the magistrate of police, who shall in accordance therewith give an order for the amount of damages assessed upon the treasurer of the town: *Provided, however, That in all cases ten days notice shall be given of the time and place of assessment to the owner or owners; the guardian, if an infant; the committee, if a lunatic, if to be found in the county, otherwise one month's publication in some newspaper: Provided, further, That either party may appeal to the county or superior courts of Edgecombe county, as in other like cases.*

Sec. 3. *Be it further enacted, That so much of the act of 1850-'51 empowers the commissioners to elect a town constable be, and the same is hereby repealed.*

Sec. 4. *Be it further enacted, That the town of Wilson Constable shall hereafter be authorized to elect a town constable who shall have like authority and be elected in like manner as constables of county towns now are, and the said constable shall be further authorized and empowered to serve all process issued by the authorities of the town, collect all fines and taxes, and perform all acts required by the by-laws and ordinances of the town, and beside the usual constable bond, shall give bond payable to the magistrate of police with good sureties in the sum of two thousand dollars to faithfully perform his duties as town officer.*

Sec. 5. *Be it further enacted, That the commissioners, on the first Monday in January in each and every year, appoint three freeholders of the town, who shall on the first Monday in April assess the value of the real estate of said town, and tax shall be laid accordingly.*

Sec. 6. *Be it further enacted, That the limit on taxation imposed by the act of 1850-'51 be, and the same is hereby repealed.*

Sec. 7. *Be it further enacted, That this act shall be in force from and after its ratification.* [Ratified the 3rd day of February, 1855.]
Chap. 260. AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1848-'49, ENTITLED AN ACT FOR THE INCORPORATION OF THE TOWN OF SALISBURY.

Taxes.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the 19th section of the said act be repealed, and in lieu thereof the following be submitted:—That the said board of commissioners shall have power annually to levy and cause to be collected in the manner above prescribed the following taxes, that is to say, a tax not exceeding fifty cents on every hundred dollars value of all the lots and parcels of lots, with the improvements thereon, situated within the limits of said town; a poll tax not exceeding two dollars on every poll liable to pay a poll tax to the State, who resided within the limits of the town on the first day of February immediately preceding, or who has been principally employed in any profession or vocation in said town for three months or more immediately preceding the said first day of February in each and every year; and all taxes laid on polls and real estate shall be in that relative proportion; a tax on all dogs being kept in said town not exceeding three dollars on each; a tax on all hogs, whether running at large in said town or confined in lots and pens therein, and whether owned by persons residing in said town or by other persons whatsoever, not exceeding three dollars on each hog; and in laying said tax, said commissioners may discriminate between hogs running at large, and hogs confined in lots or pens; a tax on all stoops, steps, porches or piazzas encroaching more than three feet on the public street or side walk; a tax on all itinerant merchants and peddlers, not exceeding five dollars for each itinerant merchant or peddler, provided no tax shall be imposed on persons who shall sell books only; a tax on each and every company of circus riders or equestrian performers, not exceeding twenty dollars; a tax on each and every person or company of stage players, sleight of hand performers, rope dancers, tumblers and wire dancers, and each and every person who shall exhibit artificial curiosities of any sort or kind, except models of useful inventions for a reward, and every person or company who shall exhibit natural curiosities of any sort or kind; a toll not exceeding five dollars on each and every person or company who may so play, perform or exhibit within the limits of said town, or within one mile of the limits of said town; and said commissioners shall have power to make all necessary or proper rules, regulations or ordinances for the giving in of the taxable articles aforesaid, and the laying and collecting the taxes thereon.

Sec. 2. Be it further enacted, That no one shall sell spir-
AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF CHARLOTTE, IN THE COUNTY OF MECKLENBURG.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the intendant of police of the town of Charlotte, in no case shall exercise civil jurisdiction, or pass judgment upon any claim or claims of whatever nature, unless one or more of the parties interested in said claim or claims, at and before the time of the institution of such proceedings, be a citizen of said town.

SEC. 2. Be it further enacted, That the commissioners of said town are hereby authorized to issue bonds payable in the name of the town of Charlotte, and under the name and seal of intendant of said town; and all moneys arising from the sale of said bonds shall be by said commissioners applied to such purposes as in the opinion of the commissioners aforesaid will promote the general good of said town, and for no other purpose whatever: Provided, That the entire debts thus contracted shall at no time exceed the sum of twenty thousand dollars.

SEC. 3. Be it further enacted, That the commissioners of the town of Charlotte are hereby empowered, and it shall be their duty to appoint annually, three freeholders, citizens of said town, whose duty it shall be to assess the real value of all town lots situate within the corporate limits of said town, which said lots shall be taxed according to said valuation; and that said assessors, before proceeding to discharge the duties assigned them, shall take an oath before the intendant of said town, that they will fairly and impartially assess the value of all other lots within said town.
Sec. 4. Be it further enacted, That the commissioners of said town shall have power to cause the sidewalks to be curbed and paved, and to recover from the owner or occupier of the lots in front of which such curbing and paving shall be made, the expense of the work, which expense shall be a lien on the lot: Provided, always, That the owner before whose lot such curbing and paving shall have been ordered, shall have thirty days notice in writing of such order of the commissioners: And provided further, That when the commissioners order the sidewalks to be paved, no owner of a lot shall be required to pave but half of the walk in front of his lot; the other half to be paved at the expense of the town.

Sec. 5. Be it further enacted, That all all laws and clauses of laws coming in conflict with the provisions of this act, be and are hereby repealed.

Sec. 6. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1855.]

Chap. 262. AN ACT TO EXTEND THE LIMITS OF ASHBOROUGH, AND REPEAL ALL FORMER ACTS OF INCORPORATION.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, the town of Ashboro' shall consist of so much territory as may be included within the north lines of the town, as laid down on a plat made from the survey of Isaac Lamb, recorded in the book in the office of the clerk of the court of common pleas, and proceeding west three-fourths of a mile from the northeast corner, an east line commencing from the same corner, running south to a point directly against the mile post on the plankroad, a south line at a right angle with the east line, running a westerly course three-fourths of a mile, thence northerly till it intersect the north line above described.

Elections.

Sec. 2. Be it further enacted, That such citizens, living within the limits defined, as are qualified to vote for governor, shall meet on the second Monday in March, 1855, and ever after on the first Monday of January, in each and every year, to choose five commissioners to regulate the affairs of the town.

To take an oath

Sec. 3. Be it further enacted, That before entering upon the duties of his office, each commissioner shall, before a justice of the peace of the county, make oath that he will faithfully and impartially discharge the duties of his office, according to his best ability; upon which qualification, the
said commissioners shall constitute a body politic and corporate, to be known by the name and style of the "Commissioners of Ashborough."

Sec. 4. Be it further enacted, That the commissioners shall possess full power and authority to appoint a magistrate of police, who shall be the presiding officer of the board; they shall also appoint a town treasurer, clerk and constable or constables; they shall have power to levy and collect a tax on the property and inhabitants of said town, not exceeding twenty-five cents on the poll, and ten cents on every hundred dollars valuation of town property, per annum; they shall also have power to establish patrols, and to enact and establish such by-laws, rules and regulations as they, or a majority of them shall deem necessary for the good order and government of said town: Provided, always, That these laws and rules be not in consistent with the constitution and the laws of this State, and those of the United States.

Sec. 5. Be it further enacted, That the said commissioners shall have power to lay out new streets and be required to open all streets within the corporation, when they may deem it necessary, repair and alter roads within the limits of the town, and assess damages for lands occupied, their decision being subject to appeal to the court of common pleas for the county, whose decision shall be final.

Sec. 6. Be it further enacted, That the town constable shall be the collector of the town taxes under the direction of said commissioners, and for that purpose, shall have all the powers and immunities of sheriffs in the collection of the public revenues, and said taxes, when collected, shall be applied to the repairs and improvements of the streets in the town, and if there be a residue, to such other objects as the commissioners or a majority of them may deem necessary to its prosperity and advancement.

Sec. 7. Be it further enacted, That the sheriff of the county of Randolph, as soon as he receives notice of the ratification of this act, shall give notice by advertisement in one or more conspicuous places, to the citizens to hold their first first meeting for the choice of commissioners, which notice shall be given at least ten days previous to the day designated for the election, the sheriff shall also preside at the meeting and receive the votes of the citizens, and count the same and declare the result; all subsequent elections shall be under the direction of the magistrate of police.

Sec. 8. Be it further enacted, That all moneys collected by the constable for taxes or fines, shall be paid over to the treasurer, who shall give bond with sufficient security, and no money shall be paid out by him, except by an order from a majority of the commissioners, who shall make a report at every annual meeting of their doings and of the state [of the] finances of the town.
SEC. 9. Be it further enacted, That this act shall be in force from and after its ratification, and the ratification of this act shall be repeal of all former acts concerning the incorporation of said town. [Ratified the 12th day of February, 1855.]

Chap. 263. AN ACT TO AUTHORIZE THE CORPORATION OF THE TOWN OF CHARLOTTE TO SUBSCRIBE TO CERTAIN RAILROADS.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the intendant of the town of Charlotte, by, and with the consent of a majority of the commissioners of said town, authorized by an ordinance of the same, to subscribe a number of shares to the capital stock of any railroad company, authorized to be constructed by the present legislature of this State, from or through said town, to any point or points on the line of the State of Tennessee, or to any point or points within the limits of this State, a sum not exceeding two hundred thousand dollars.

SECTION 2. Be it further enacted, That before said subscription hereby authorized, shall be made, it shall be the duty of the intendant and commissioners of said town, to ascertain by the popular vote of the inhabitants thereof, the wishes in relation thereto of the majority of the citizens of said town of Charlotte, and it shall be the duty of the intendant and commissioners thereof, to advertise in one or more of the newspapers of said town, for the space of twenty days, also at the court house in said town, appointing a certain day and place to hold an election, to be managed in the same manner as now provided in the charter of said town for holding other elections; those voting in the affirmative of the proposition, shall write on a ballot or ticket, the word "for"; those voting in the negative, or against said subscription on the part of the corporation of said town, shall write on his ticket, the word "against."

SECTION 3. Be it further enacted, That it shall and may be lawful for the intendant and commissioners of the town aforesaid, to issue coupon bonds, signed by the intendant, and countersigned by the treasurer of said town, in sums not exceeding five hundred dollars, interest at six per cent, payable semi-annually, and redeemable within thirty years from the dates thereof, at any point or points within this State, or that of the United States: Provided always, That before the issuing of said bonds as aforesaid, it shall be the duty, and it is hereby expressly required, that the intendant and commissioners of said town,
shall levy a tax on the inhabitants thereof, and on all property that is now subject, or that may be hereafter subject to taxation, sufficient in amount to discharge the interest of said bonds as it shall occur, likewise a sum sufficient to liquidate the principal of said bonds, as they shall from time to time fall due.

SEC. 4. Be it further enacted, That this act shall be in force from and after its passage. [Ratified the 12th day of February, 1855.]

AN ACT TO AMEND AN ACT, ENTITLED AN ACT TO INCORPORATE THE TOWN OF FRANKLINSVILLE, IN THE COUNTY OF RANDOLPH, PASSED AT THE SESSION OF THE GENERAL ASSEMBLY OF 1846 AND 47.

Taxes.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners or a majority of them of the town of Franklinsville, in the county of Randolph, shall have and possess full power and authority to levy and collect a tax on the property and inhabitants of said town, not exceeding forty cents in any one year on each poll, and fifteen cents on the hundred dollars worth of real estate, and any person failing to give in a full and fair list of the property for which he is liable under this act for taxes, shall be subject to a double tax, to be collected in the same manner as other taxes.

Merchants, &c.

SEC. 2. Be it further enacted, That said commissioners or a majority of them, shall have full power to levy and collect a tax not exceeding two dollars per annum on each merchant, grogseller or other dealer in goods, wares or merchandise, and each menagerie, company of circus riders, equestrian performers, tumblers, rope dancers, and other actors of like character, who exhibit for a reward.

Elections.

SEC. 3. Be it further enacted, That there shall hereafter be elected annually in said town one magistrate of police and five commissioners, and that all laws or clauses of laws coming in conflict with the provisions of this act, are hereby repealed.

Tax for streets.

SEC. 4. Be it further enacted, That the commissioners or a majority of them, shall have power to levy and collect a tax not exceeding two dollars on each and every person liable to work the streets under the present charter, for the purpose of keeping said streets in repair, instead of calling out the hands to work.

Sec. 5. Be it further enacted, That this act shall take effect from and after its ratification. [Ratified the 14th day of February, 1855.]
Chap. 265. AN ACT TO INCORPORATE THE TOWN OF THE NEW INSTITUTE IN THE
COUNTY OF IREDELL.

Commissioners

SEC. 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE
OF NORTH-CAROLINA, AND IT IS HEREBY ENACTED BY THE AUTHORITY
OF THE SAME, THAT WM. J. VESTAL BE APPOINTED MAGISTRATE OF
POLICE, AND N. D. TOMLIN, P. TOMLIN AND SAMUEL LANDER, JR,
COMMISSIONERS OF THE TOWN OF NEW INSTITUTE, IN IREDELL COUNT
Y, AND THAT THEY CONTINUE IN OFFICE UNTIL THE ELECTION OF THEIR
SUCCESSORS.

Duty of sheriff.

SEC. 2. BE IT FURTHER ENACTED, THAT IT SHALL BE THE DUTY
OF THE SHERIFF OF IREDELL COUNTY OR THIS [HIS] LAWFUL DEPUTY,
ON THE FIRST SATURDAY OF FEBRUARY, 1856, AND ON THE FIRST
SATURDAY OF FEBRUARY EVERY YEAR, AFTER GIVING TEN DAYS PRE
VIOUS NOTICE OF THE ELECTION, TO OPEN POLLS AT SOME CONVENI
ENT PLACE IN SAID TOWN, FOR THE ELECTION OF FOUR COMMISSIONERS,
WHO SHALL CONTINUE IN OFFICE UNTIL A NEW ELECTION: ANY
CITIZEN OF SAID TOWN WHO IS TWENTY-ONE YEARS OF AGE, AND WHO
HAS RESIDED THEREIN FOR SIX MONTHS, SHALL BE ELIGIBLE AS SAID
COMMISSIONER, AND EVERY CITIZEN OF THE SAME WHO HAS RESIDED
SIX MONTHS THEREIN, AND WHO IS QUALIFIED TO VOTE FOR MEMBERS
OF THE HOUSE OF COMMONS, SHALL BE ENTITLED TO VOTE IN
SAID ELECTION; IN CASE OF A TIE IN SAID ELECTION, THE SHERIFF OR
HIS DEPUTY SHALL GIVE THE CASTING VOTE: FOR HOLDING SAID ELEC
TION, THE SHERIFF OR HIS DEPUTY SHALL RECEIVE ONE DOLLAR FROM
THE BOARD OF COMMISSIONERS.

Magistrate

SEC. 3. BE IT FURTHER ENACTED, THAT THE MAGISTRATE OF PO
LICE AND THEIR SUCCESSORS IN OFFICE SHALL TAKE AN OATH BEFORE
SOME JUSTICE OF THE PEACE FOR SAID COUNTY, FAITHFULLY AND IM
PARTIALLY TO PERFORM THE DUTIES OF THEIR SAID OFFICE, AND THEY
SHALL BE CONSTITUTED A BODY POLITIC AND CORPORATE BY THE
NAME AND STYLE OF THAT [THE] COMMISSIONERS OF THE TOWN OF
NEW INSTITUTE, AND AS SUCH SUE AND BE SUED, PLEAD AND BE
INPLEADED AND HAVE CONTINUAL SUCCESSION.

SEC. 4. BE IT FURTHER ENACTED, THAT THE COMMISSIONERS
THAT SHALL HEREAFTER BE ELECTED FOR EACH YEAR, OR A MAJORITY
OF THEM, SHALL HAVE POWER TO APPOINT A MAGISTRATE OF POLICE,
A CONSTABLE AND TREASURER; TO LAY AND COLLECT A TAX ON THE IN
HABITANTS AND PROPERTY OF SAID TOWN, NOT EXCEEDING ONE DOL
LAR ON THE POLL AND FIFTY CENTS ON EVERY HUNDRED DOLLARS
WORTH OF TOWN PROPERTY PER ANNUM; TO APPOINT POLICEMEN; TO
ORDAIN AND ADOPT ALL SUCH BY-LAWS, RULES AND REGULATIONS AS
THEY MAY DEEM NECESSARY FOR THE HEALTH, GOOD ORDER AND GO
VERNMENT OF SAID TOWN, NOT INCONSISTENT WITH THE LAWS OF
THIS STATE.

Tax lists.

SEC. 5. BE IT FURTHER ENACTED, THAT IT SHALL BE THE DUTY
OF EACH RESIDENT OF SAID TOWN TO DELIVER TO THE TOWN MAGISTRATE
ON OR BEFORE THE FIRST MONDAY IN APRIL OF EACH YEAR, ON OATH,
A STATEMENT OF HIS OR HER NUMBER OF TAXABLE POLLS, AND OF ALL
the town property which he or she may own; and any person failing to make such statement shall incur a forfeiture of five dollars, to be recovered by warrant in the name of the said corporation, before the town magistrate.

Sec. 6. Be it further enacted, That for the violation of the regulations and by-laws adopted by the town commissioners, they may exact pecuniary penalties which may be collected by warrant in the name of said corporation, issued by the magistrate of police, and the suits therefor shall be by him tried and decided: Provided, however, That either party shall have the right of appeal, on giving the security for the appeal usual in such cases, to the county or superior courts of Iredell county.

Sec. 7. Be it further enacted, That the constable appointed by the said commissioners shall execute warrants and processes issued by the magistrate of police and directed to him; shall collect all executions for penalties adjudged by said magistrate, and shall collect the taxes imposed by the commissioners of the town, and for this purpose shall have the authority, powers and immunities of the sheriff in the collection of the public revenue; but before he enters into office he shall execute a bond before the said commissioners or a majority of them, in the sum of five hundred dollars, payable to the state of North Carolina, subject to the condition for the faithful performance of his duties as constable for the town of the New Institute, and for the faithful paying to the corporation, or persons entitled to receive the same, of all moneys collected by virtue of his office, and the corporation or persons injured by the breach [breach] or neglect of duty by said constable shall have a remedy by a suit or suits on said constable by like proceedings and in the same manner as remedy is had on ordinary constable bonds.

Sec. 8. Be it further enacted, That all such moneys as moneys shall be received from taxes and penalties collected for the said commissioners, they shall apply to repairing and improvement of the streets of said town, and to such other purposes as they or a majority of them may deem necessary for its welfare and advancement.

Sec. 9. Be it further enacted, That the corporate limits of the town of the New Institute shall be one mile square, and each of the boundary lines shall be one-half mile from the New School brick building therein situated.

Sec. 10. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]
Chap. 266. AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF 
BEAUFORT, IN CARTERET COUNTY.

limits extended.

SEC. 1. Be it enacted by the General Assembly of the State of 
North-Carolina, and it is hereby enacted by the authority of 
the same, That the corporate limits of the town of Beaufort, 
in Carteret county, be and they are hereby extended, so 
that the same shall hereafter include all the lands, marsh 
and shoals, and all streams of water lying or being within the 
following lines or boundaries, to wit: Beginning at southern 
extremity of the eastern line of Gordon street, running north-
wardly with said line to Town creek; thence following the 
course of said line across Town creek to Thomas Marshall's 
southern boundary line; thence with said Marshall's southern 
line to the south-east corner of the tract of land belonging 
to Daniel Coleman and Caleb N. White; thence north to a 
point, from which a line running to Newport river, will co-
cide with the northern boundary line, produced of the 
Gallant's point tract of land; thence with such line to New-
port River; thence down the various courses of said river to 
the south-western extremity of Shark shoal; thence along the 
edge of said shoals to a point from which a line running 
north 33° 15' degrees east, will touch the eastern extremity of 
a tract of marsh lying south-west of Louis thoroughfare; thence 
with said line to said marsh; thence a direct line to the 
western extremity of the southern line of Front street; thence 
along the present southern boundary line of the town to 
the beginning.

SEC. 2. Be it further enacted, That the commissioners of 
the town of Beaufort shall cause to be prepared an accurate 
plan of said town as bounded in the preceding section of 
this act, showing the courses and distances of the several 
boundaries and the position and proper designation of such 
streets and lots as they may deem expedient to lay off in 
addition to those designated on the former plan of the town 
of Beaufort, and shall transmit a copy of the plan so requir-
ed to be made to the officer of secretary of State, at Raleigh, 
before the meeting of the next General Assembly, and also 
deposit a copy in the office of the clerk of the county court 
of Carteret county.

SEC. 3. Be it further enacted, That this act shall be in 
force from and after the day of its ratification. [Ratified 
the 13th day of February, 1855.]

Chap. 267. AN ACT TO INCORPORATE THE TOWN OF NEBRASKA IN THE COUNTY 
OF HYDE.

Commissioners

SEC. 1. Be it enacted by the General Assembly of the State
of North-Carolina, and it is hereby enacted by the authority of the same. That the government of the town Nebraska, in the county of Hyde, shall be vested in the following persons as commissioners, to wit:—Joseph Swindell, Israel Gibbs, Joseph S. Mann, David S. Gibbs, Sam'l McMann and Geo. A. Selby.

SEC. 2. And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them and their successors in office appointed as hereafter prescribed, shall be and they are hereby incorporated into a body politic and corporate, by the name and style of the "Commissioners of the Town of Nebraska," and by such name shall have succession and a common seal, sue and be sued; and shall have power from time to time, and at all times hereafter, to make such by-laws, regulations and ordinances as to them or a majority of them shall seem necessary for the good government of said town, not inconsistent with the constitutions of the State or United States.

SEC. 3. Be it further enacted by the authority aforesaid, That if any of the said commissioners should die, remove or refuse to act, the remaining commissioners shall have power to fill such vacancy by the appointment of others in their stead. [Ratified the 12th day of February, 1855.]

AN ACT SUPPLEMENTAL TO THE ACT INCORPORATING ROXBOROUGH,
IN PERSON COUNTY, PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY.

Whereas, The proposed boundaries of the town of Roxborough, in the county of person, contained in an act passed at the present session of the General Assembly, are incorrectly set forth in said act, for remedy thereof,

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That the boundaries of said town shall be as follows, to wit: Beginning at the southwest corner of Geo. W. Norwood's lot, in the road, running thence east 200 yards; thence a northeasterly direction, parallel with the main road or street, and 200 yards from it all the way as it meanders, until it gets 100 feet below Wm. R. Webb's on the Clarksville road; thence north 300 yards, crossing said road; thence west to the road leading from Roxboro' to Wooddale; thence west 200 yards; thence with the aforesaid main road or street as it meanders west, 200 yards from it all the way, to a stake due west from the beginning; and 200 yards from it; thence east to the beginning. [Ratified the 12th day of February, 1855.]
Chap. 269. AN ACT TO INCORPORATE THE TOWN OF COLUMBIA, IN TYRREL COUNTY.

Commissions

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William W. Walker, Dr. Robert A. Shield, William D. Christopher, Romulus B. Knight, Benjamin S. Basnight, and their successors be, and they are hereby appointed commissioners for the town of Columbia, in the county of Tyrrel, with full power and authority to adopt such rules, regulations, and to enact said by-laws as they may deem necessary for the order and good government of said town, not inconsistent with the laws of this State, or of the United States.

Vacancies.

Sec. 2. Be it further enacted, That upon the death, resignation or inability to act of any of the aforesaid commissioners, the remainder shall have full power and authority to appoint his successors, who shall be possessed of all power granted by this act to his predecessor.

Limits.

Sec. 3. Be it further enacted, That the corporate limits of said town are hereby declared to be a one quarter of a mile in each and every direction from the court-house: the court-house to be the centre of the chartered limits of said corporation.

Sec. 4. Be it further enacted, That all the hands employed at the steam mill, and those getting timber, shall be subject to work on the public roads in the same manner as heretofore provided by law. [Ratified the 16th day of February, 1855.]

Chap. 270. AN ACT CONCERNING THE TOWN OF RUTHERFORDTON.

Vacancies.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in case there shall be a vacancy in the offices of magistrate of police, or commissioner of the town of Rutherfordton, by resignation, death, removal or otherwise, the said vacancy shall be filled by election, by the remaining commissioners.

Sec. 2. Be it further enacted, That the magistrate of police shall be one of the commissioners, and shall be entitled to vote upon all questions which shall come before said commissioners.

Sec. 3. Be it further enacted, That the said commissioners shall have power to purchase and hold or receive by donation, any lots or lands for the purpose of building a market house or other town buildings, for a public grave yard, or for a public square or squares; they shall have pow-
er to levy a tax on all retailers of spiritous liquors, a sum not exceeding twenty dollars per annum, also to levy a tax on hogs and cattle running at large, on dogs, on blacksmiths shops within the limits of the corporation, upon itinerant vendors by auction or otherwise, of soap, razors and razor strops, ready made clothing, head-ache and tooth-ache medicine, rat medicine, and nostrums for the destruction of vermin, and to prescribe the mode of collecting said taxes, and to impose penalties for the failure to pay said taxes.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

AN ACT TO PRESCRIBE AND REQUIRE AN OATH OF OFFICE FOR: Chap. 271.
THE TOWN MAGISTRATE OF THE TOWN OF WILMINGTON, AND FOR OTHER PURPOSES.

Sec 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the person elected special magistrate of the town of Wilmington, by the citizens thereof, at the first term of the county court of New Hanover county following his election, to take in open court besides the other oaths required by law of all other public officers, the following: "I, (A. B.) do solemnly swear (or affirm) in the presence of God that I will faithfully, impartially, and honestly discharge the duties of town magistrate to the best of my skill and ability, and agreeably to law, so help me God;" and that no other oath shall be required of him, any law or usage to the contrary notwithstanding.

Sec. 2. Be it further enacted, That should two or more persons have the highest and an equal number of votes at any election for special magistrate aforesaid; should the person elected fail to qualify as above directed, or a vacancy happen in the said office by reason of death, resignation, or otherwise the county court of New Hanover county, a majority of the acting or qualified justices of the peace of said county being present, at either a special or regular term, shall fill the said vacancy by declaring which of the candidates voted for shall be the town magistrate, and in all other cases of vacancy the same shall be filled by them from some member of their own body until the next regular election, he also taking the oaths above prescribed and required for his qualification. [Ratified the 14th day of February, 1855.]
Chap. 272. AN ACT SUPPLEMENTAL TO AN ACT PASSED BY THE GENERAL ASSEMBLY OF THE STATE OF NORTH-CAROLINA, AT THE SESSION OF 1850-’51, ENTITLED AN ACT TO ENLARGE THE POWERS OF THE COMMISSIONERS OF THE TOWN OF WILMINGTON.

May subscribe for stock.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the commissioners of the town of Wilmington, and they are hereby authorized and empowered to subscribe for any number of shares of the capital stock of any corporate company, forming, or intended to be formed for purposes of internal improvement, as to them may be deemed fit and expedient, to be held by said commissioners for the use and benefit of said town: Provided, always, That subscriptions made under the act shall not exceed four hundred thousand dollars, in any one company or corporation.

SEC. 2. Be it further enacted, That the provisions of the above recited act, as far as applicable, shall be in full force, and govern said commissioners in making and providing for said subscription, and be authorized by a vote of two-thirds of all the votes cast by the voters qualified to vote for commissioners of said town, at an election to be held for that purpose, by the sheriff of New Hanover county, after thirty days notice in each of the papers published in said town of Wilmington.

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

Chap. 273. AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF MADISON, IN THE COUNTY OF ROCKINGHAM.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited act be revised, re-enacted and continued in full force and effect as originally passed, with the following amendments: That R. H. Gladson, Milton Stamps, William L. Scales, Thomas D. Roseborough, and M. S. Black be appointed commissioners for the town of Madison, with the powers, rights and privileges set forth in said act.

Commissioners

SEC. 2. Be it further enacted, That the commissioners aforesaid shall continue in office as commissioners of said town of Madison, until a new election for commissioners of said town shall take place, and all subsequent elections provided for in said act; should there be no elections at the
times aforesaid, the commissioners in office shall continue and perform their duty until others are elected.

Sec. 3. Be it further enacted, That so much of said act as requires the sheriff, his deputy or coroner to give notice of the times and places of holding elections for commissioners, be and the same is hereby repealed; and it is hereby made the duty of the commissioners in office to give such notice of the times and places of election for commissioners as aforesaid.

Sec. 4. Be it further enacted, That the commissioners appointed as aforesaid, or their successors in office, are hereby authorized and empowered to cause to be erected within the corporation limits of the said town of Madison, a jail or guard-house, in which to confine drunkards, offenders and disturbers of the peace.

Sec. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

AN ACT TO AMEND THE CHARTER FOR THE BETTER GOVERNMENT OF THE TOWN OF HENDERSON, IN THE COUNTY OF GRANVILLE.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Charles H. Wyche, George W. Blacknale, William H. Rowland, Lewis H. Kettle and George J. Reaves and their successors in office, be and they are hereby appointed commissioners for the town of Henderson, in the county of Granville; and the said commissioners and their successors are hereby incorporated into a body corporate and politic, by the name of the "Commissioners for the Town of Henderson," and by that name shall have succession, and may sue and be sued and have a common seal; and by such name shall have power from time to time, and at all times hereafter, to adopt such rules and regulations and pass such by-laws and ordinances, as by them or a majority of them may be deemed necessary and proper for the order and good government of the said town; and such rules, regulations, by-laws and ordinances so passed, shall be as binding as if they were herein specially enacted: Provided, They are not inconsistent with the constitution of the United States or of this State. A majority of the said commissioners shall be necessary to constitute a quorum for the transaction of business, and the rules, regulations, by-laws and ordinances adopted or proposed by a majority of such quorum, shall be as binding in all respects as if the same had been unanimously adopted or passed in a full meeting.
Chap. 275. AN ACT TO INCORPORATE THE TOWN OF WHITEHALL, IN THE COUNTY OF WAYNE.

Commissioners

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William B. Whitfield, Lewis Whitfield, Alexr. Davis, James W. Kornegay, Willis Pipkin and William H. Woodward act as commissioners for the town of Whitehall, and shall be invested with all the rights, powers and privileges, and shall be subject to all the duties which are specified in an act of the General Assembly, passed during the present session concerning towns.

Limits.

Sec. 2. Be it further enacted, That the corporate limits of Whitehall, in the county of Wayne, shall be included in the following boundaries, to wit: Beginning at a stake on the east side of the old road, and running thence east (32) thirty-two poles to a stake; thence south (40) forty poles to a stake; thence west 32 poles to a stake on the east side of the road; thence same course (17) seventeen poles to a stake; thence north (40) forty poles to a stake; thence to the beginning, including (24) twenty-four half acre lots.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

Chap. 276. AN ACT FOR THE BETTER REGULATION OF THE TOWN OF HILLSBORO.

Retail licenses.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at the first term of the court of pleas and quarter sessions, to be held for the county of Orange, in each and every year, the commissioners of the town of Hillsborough, shall present to the said court, the names of such persons, not less than two in number, as they shall recommend to be licensed, to retail spirituous liquors in the said town, and it shall not be lawful for the justices of the said court,
to grant a license to retail spirituous liquors within the limits of said town, except to persons who shall have been recommended as aforesaid.

SEC. 2. Be it further enacted, That it shall be lawful for the commissioners of the said town to impose a tax for town purposes, on any license granted as aforesaid, provided the same shall not exceed in amount, the tax imposed by the legislature for public use, on such licenses.

SEC. 3. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 14th day of February, 1855.]

An Act to Amend an Act Entitled an Act to Provide for the Better Government of the Town of Lincolnton, and to Amend the Existing Law of Said Town, Passed at the Session of 1852.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a separate box shall be opened for the election of intendant of said town, and that any lotholder in fee simple, being in the corporate limits of said town, may be elected intendant or commissioner of said town.

SEC. 2. Be it further enacted, That the 15th section of said act be amended so as to read in the 2d line “in the first fifteen days of March,” instead of the first seven days.

SEC. 3. Be it further enacted, That the 20th section be so amended that the word “have,” inserted in brackets shall be a part of said section.

SEC. 4. Be it further enacted, That the 28th section of said act be so amended as to read, in the 13th line, “not less than ten dollars;” in the 18th line, the words “and keep open” be stricken out; and in the next to the last line [of] said section insert “minor or” before the words “free negroes.”

SEC. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

An Act to Alter the Name of the Town of Jamestown, in the County of Martin.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the town in the county of Martin, heretofore incorporated, called and known by the name of Jamestown, be hereafter called and known by the name of James-
ville; and the present commissioners of said town, and their successors in office, are hereby constituted a body corporate by the name of the "Commissioners of the town of Jamesville," and by that name shall have all the powers, privileges and authority conferred by the public law on commissioners of incorporated towns; and the boundaries of said town, heretofore prescribed by law, shall be the corporate limits thereof; the citizens shall have all the powers vested in the citizens of the town of Jamestown, by any previous law regulating said town, and such other as are or may be conferred by the public law.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 10th day of February, 1855.]

Chap. 279. AN ACT TO AMEND AN ACT PASSED IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE, ENTITLED AN ACT FOR THE BETTER GOVERNMENT OF THE TOWN OF WADESBOROUGH IN ANSON COUNTY.

Boundaries.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the boundaries of the town of Wadesborough, shall be hereafter established by an act passed by the General Assembly, at its session of 1842-'43, entitled an act to contract the limits of the town of Wadesborough, in Anson county.

Sec. 2. Be it further enacted, That the provisions of the Revised Statutes, entitled "towns," passed at the present General Assembly, [except] the twenty-fourth section of said [act] shall apply to the said town of Wadesborough, and be in full force and effect.

Officers.

Sec 3. Be it further enacted, That a majority [magistrate] of police and commissioners of the town of Wadesborough, now in office, shall continue to hold and exercise all the rights, powers and privileges vested in the mayor and commissioners by this act, or which they now hold and exercise by virtue of any act or acts of incorporation, heretofore enacted by the General Assembly of this State, until the first election of a mayor and commissioners, as by this act is authorized, and all the present by-laws and regulations of said corporation, shall continue in force until the same shall be changed, modified or repealed, by the present or any future commissioners, in accordance with the provisions of this act.

Sec. 4. Be it further enacted, That all laws and clauses of laws which are inconsistent with the provisions of this act, be, and the same are hereby repealed.

Sec. 5. Be it further enacted, That this act shall be in
force from and after its ratification. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE TOWN OF SNOW HILL, IN GREENE COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That J. Wood, W. H. Horne, H. Minor, T. F. Freeman, H. H. Harper, J. T. H. Murphey and C. H. Harper be, and they are hereby appointed commissioners for the town of Snow Hill, in the county of Greene, and they and their successors shall have power to make and adopt such rules and regulations for the government of said town as they may deem just and proper, not inconsistent with the constitution of the State and United States, and the general law of the land; and the said commissioners shall have power also to establish the boundaries and limits of the said town of Snow Hill, provide for a town watch, and do such other acts and things as they may deem the interest of the said town requires.

Sec. 2. Be it further enacted, That in case of any vacancy occasioned by death, resignation or removal of one or more of the said commissioners, it shall be the duty of the free white men of said town, under the direction of the surviving commissioners, to proceed to fill said vacancy by election of some other person residing or owning real estate in said town. [Ratified the 12th day of February, A. D. 1855.]

AN ACT TO AMEND AN ACT INCORPORATING THE TOWN OF CLINTON.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the 15th section of an act for the better regulation of the town of Clinton, in the county of Sampson, passed at the session of 1852, be so amended as to provide that the town clerk shall furnish the town constable a true copy of the tax list, on or before the first day of July in each and every year, instead of the 1st day of April, as provided in said act.

Sec. 2. Be it further enacted, That the commissioners of said town shall be empowered to appoint a patrol for said town, who shall have the same powers and authority within said town that patrols have, who are appointed by the county court. [Ratified the 5th day of February, 1855.]
Chap. 282. AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF FRANKLINTON, IN FRANKLIN COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the 6th section, chapter 32, of the act passed in 1842-'43, to incorporate the town of Franklinton, in the county Franklin, be amended so that the corporate limits of said town shall be included within the following lines, to wit: Beginning at a stake on the south side of the road leading to Louisburg, Richard Winston’s corner, and running thence south 144 poles to a sassafras; thence west 85 poles to the fork of the tanyard branch; thence up the west prong of said branch to the old corporation line; thence with said line north 26 west to the Chavis road; thence along said road 144 poles to Mary Richards’ line; thence north 88 east with her line 106 poles to a pine, said Richard corner; thence north 84 east along R. C. Maynard and L. Jamieson’s line 31 poles to a pine stump in Richard Winston’s line; and thence along said line to the beginning.

Sec. 2. Be it further enacted, That this act shall be in force and take effect from and after the ratification thereof. [Ratified the 10th day of February, 1855.]

Chap. 283. AN ACT TO AMEND AN ACT ENTITLED AN ACT FOR THE GOVERNMENT OF THE CITY OF RALEIGH, RATIFIED 7TH DECEMBER, 1803.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the third section of the act aforesaid is amended so as to invest the commissioners therein named with power and authority by deed in writing, signed by the intendent of the city of Raleigh, attested by the seal of the corporation, and the signature of the clerk to the board of commissioners thereof, to bind their successors in office by warranty, gift, grant, bargain and sale in fee simple or otherwise, of any land or other estate, which is now or hereafter may be the property of the said corporation. [Ratified the 3d day of February, 1855.]


Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority
of the same, That the 18th section of the act entitled "an act for the improvement of Elizabeth City, in the county of Pasquotank," passed at the session of the General Assembly of 1852-'53, be and the same is hereby repealed.

Sec. 2. Be it further enacted, That so much of the 11th section of the above named act as exempts members of fire companies from paying a town poll tax, be and the same is hereby repealed.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 29th day of November, 1854.]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF EDENTON.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the twenty-ninth section of the act of incorporation of the town of Edenton, be so amended as to read as follows, to wit: That the commissioners of the town of Edenton shall have power to let out the town commons, for a period not exceeding five years: Provided, That the lessee shall cultivate only one-half of said commons at the same time. [Ratified the 12th day of February, 1855.]

AN ACT TO AMEND THE ACT INCORPORATING THE TOWN OF PLYMOUTH.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the act incorporating the town of Plymouth, be amended so that all owners or hirers of slaves, taxable by law, employed in said town, be required to list them with their other taxable property, and that said slaves be liable for poll tax laid for the benefit of said corporation.

Sec. 2. Be it further enacted, That persons failing to give in for taxation, slaves liable under the foregoing section, shall forfeit and pay double tax, to be collected as provided by law, for other failures to list taxable property.

Sec. 3. Be it further enacted, That the citizens of said town and their slaves, paying corporation taxes, shall be, and they are hereby exempt from working on the public roads of Washington county.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 5th day of February, 1855.]
Chap. 287. AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ENLARGE THE POWERS OF THE COMMISSIONERS OF THE TOWN OF NEWBERN, PASSED AT THE SESSION OF 1852.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the act aforesaid be so amended, that in every part of said recited act, in which the word "town" occurs, the same shall be stricken out, and all the provisions of said act shall operate and have the same force which the same would, have had, if the said word "town" had not been used in the said recited act.

Sec. 2. Be it further enacted, That the bonds authorized to be issued by the said recited act, shall bear interest not exceeding six per centum per annum, and the interest stipulated to be paid on said bonds respectively, shall be payable semi-annually, at such time and places as the "commissioners of Newbern" shall designate. [Ratified the 12th day of February, 1855.]

Chap. 288. AN ACT CONCERNING THE TOWNS OF FAYETTEVILLE AND WILMINGTON.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the magistrate of police of the respective towns of Fayetteville and Wilmington, shall be hereafter styled mayor, and shall have, use, and enjoy all the rights and privileges, and be charged with the same duties as are now allowed to and enjoined upon him, respectively.

Sec. 2. Be it further enacted, That the provisions of the Revised Statutes entitled towns, passed at the present session of the General Assembly, shall apply to the towns of Fayetteville and Wilmington, respectively, when the same shall not be inconsistent with the provisions of any act of the General Assembly now in force relating to said towns. [Ratified the 14th day of February, 1855.]

Chap. 289. AN ACT TO REVIVE AND CONTINUE IN FORCE AN ACT ENTITLED AN ACT TO APPOINT COMMISSIONERS FOR THE TOWN OF HAYWOOD, IN THE COUNTY OF CHATHAM, [AND] FOR THE BETTER REGULATION OF THE SAME.

Whereas, an act entitled an act to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same, was passed by the General Assembly of the State of North-Carolina, at its session
of 1832-'3; and whereas, it is apprehended that the said franchise may be lost or impaired by non user: Therefore,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act be and the same is hereby revived and declared to be in full force and take effect. [Ratified the 14th day of February, 1855.]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRAHAM, IN THE COUNTY OF ALAMANCE, PASSED AT THE SESSION OF 1850-'51.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the ninth section of said act be and the same is hereby repealed, and that the corporate limits of said town shall be one mile square, making the courthouse the centre thereof. [Ratified the 12th day of February, 1855.]

TURNPPIKES.

AN ACT TO INCORPORATE THE CHEOII TURNPIKE COMPANY IN THE COUNTY OF CHEROKEE, TO CONSTRUCT A TURNPIKE ROAD FROM SOME POINT ON CHEOII OR TENNESSEE RIVER THROUGH CHEOII VALLEY TO A POINT ON THE TUCKASEEGE AND NANTA-HALLA TURNPIKE, OR TO SOME POINT ON THE WESTERN TURNPIKE, AS THE COMPANY MAY DETERMINE AFTER FORMED.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of creating the capital stock of said company, it shall be lawful to open books at the Fort Montgomery Post-office, in the valley of the Cheoii on the first Monday in June next, and to keep the books open until the whole amount of stock herein authorized shall have been subscribed under the directions of Jacob Davis, John Ammons, Abraham Wiggins, Samuel P. Spruill, William Davis, Jason Sherrill, or any three of them, and such other agent as may be appointed by the majority of said commissioners.

SEC. 2. Be it further enacted, That the subscriptions of stock shall be in shares of twenty dollars each, and as soon as the sum of two thousand dollars shall have been subscribed to the capital stock, the company shall be regarded as formed, and thenceforth the subscribers of the stock shall form a body politic and corporate in this State for the purpose aforesaid, by the name and style of the Cheoii Turnpike Company, and by that name may sue and be sued,
plead and be impleaded in any court of law and equity in this State, and may have and use a common seal, which they may alter and renew at pleasure, and shall have and enjoy all other rights and privileges which other corporate bodies may, and of right do exercise, and make all such by-laws, rules and regulations as are necessary for the government of the corporation or effecting the object for which it was created, not inconsistent with the constitution and laws of the State.

Sec. 3. Be it further enacted, That it shall be the duty of the said commissioners or a majority of them appointed under the second section of this act, as soon as the sum of two thousand dollars shall have been subscribed in manner aforesaid, to appoint a time for the stockholders to meet at the Fort Montgomery Post-office, after having given at least twenty days public notice, at which time and place a majority of the stockholders being represented, either in person or by proxy, shall proceed to elect a president, treasurer and four directors out of the number of stockholders; and the said directors or a majority of them shall have power to perform all other duties necessary for the government of the corporation and the transaction of its business; the persons elected directors shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix on the day and place or places where the subsequent election of president, treasurer and directors shall be held, and such election shall thenceforth be annually made, but if the day of the annual election should, under any circumstances, pass without the election of officers, the officers formerly elected, shall continue in office until their successors are appointed.

Sec. 4. Be it further enacted, That the election of president, treasurer and directors shall be by ballot, each stockholder having as many votes as he has shares in the company, and the persons having a majority of the stock polled shall be considered duly elected; and at all elections, and upon all votes taken in any meeting of the stockholders on any of the affairs of the company, each share of the stock shall be entitled to one vote to be represented either in person or by proxy, and proxies may be verified in such manner as the by-laws of the company may prescribe.

Sec. 5. Be it further enacted, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected; and in the absence of the president may appoint a president pro tempore to fill his place, from among the stockholders.

Sec. 6. Be it further enacted, That the board of directors may call for the sums subscribed as stock in said company, in such instalments as the interest of the company may re-
quire; the call for each payment shall be published in such manner as may be agreed upon by the stockholders, and at least one month's notice shall be given upon the day of payment; and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholders, and convey the same to the purchaser of said sale, [stock,] and if the said sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the company for such subscription of stock, then, and in that case, the whole of such balance shall be held as due at once to the company, and may be recovered of such stockholder or his executors, administrators or assigns, at the suit of said company, either by summary action in any court of superior jurisdiction in the county where the delinquent resides, on previous notice of ten days to said subscriber, or by warrant before any justice of the peace, when the sum does not exceed one hundred dollars; and in all cases of the assignment of stock before the whole amount has been paid to the company, then for all such sums due on such stock, both the original subscribers and the first and all subsequent assignees shall be liable to the company, and the same may be recovered as above recited.

Sec. 7. Be it further enacted, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Sec. 8. Be it further enacted, That said company may at any time increase its capital to ten thousand dollars or to a larger sum if necessary to complete said road either by opening books for subscription of new stock or borrowing money on the credit of the company.

Sec. 9. Be it further enacted, That the said president and directors, or a majority of them, of all on behalf of the corporation, have power and authority to agree with any person or persons for constructing or improving said road or any part thereof; and the said president and directors may appoint a clerk and such managers and servants as they may deem necessary, any of whom, as well as the treasurer, they may remove at pleasure and appoint others in their stead until the next general meeting of the stockholders; and the president and directors before commencing upon the performance of their duties shall take an oath or affirmation for the performance of their duties.

Sec. 10. Be it further enacted, That the said turnpike road hereby authorized shall be made by the president and directors of the following description, viz: twenty feet wide,
except where there is side cutting; in such places it shall be sixteen feet wide, and in no part of the road shall the grade exceed one foot perpendicular for every sixteen feet horizontal.

Sec. 11. *Be it further enacted,* That the company shall have the right, when necessary, to construct the said road across any public road, or along the side of any public road: *Provided,* That the said company shall not obstruct any public road, without first constructing one equally as good and as convenient.

Sec. 12. *Be it further enacted,* That when any lands or rights of way may be required by said company for the purpose of constructing the said road, and for want of agreement of the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by twelve freeholders, to be appointed as follows, viz.: On application being made by the company to any justice of the peace for said county, it shall be his duty to issue a warrant to the sheriff of said county to summon a jury of at least twelve freeholders, to meet on the land on a day expressed in such warrant, not less than ten nor more than twenty days thereafter; and the sheriff on the receipt of the warrant shall summon the jury, and when met, shall administer an oath or affirmation to them if twelve appear, viz., that they will impartially value the land in question, that they shall take into consideration the loss or damage that may occur to the owner or owners in consequence of the right of way to the land being surrendered, and the benefit and advantage he, she or they may receive from the erection of said road, and the excess of loss and damage over and above the advantage and benefit shall form the measure of valuation for the right of way. The proceeding of said jurors, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the jurors to the justice of the peace of said county, to be by him returned to the county court clerk, there to remain as a matter of record; and on the payment of said valuation, the lands or right of way so valued by the jurors, shall vest in the said company so long as the same shall be used for the purpose of said turnpike road: the said company shall have power in like manner to condemn any quantity of land not exceeding four acres, at or near the place or places for collecting the tolls allowed by this act: *Provided, nevertheless,* That if any person or persons over whose lands the road may pass, or whose land may be condemned for the use of the company, should be dissatisfied with the valuation of said jurors, or the company should be dissatisfied, either party
may have an appeal to the superior court of the county where the land lies.

Sec. 13. Be it further enacted, That all lands on which the road may be located, not heretofore granted by the State, within one hundred feet of the centre of the said road, which may be constructed by the said company, shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Sec. 14. Be it further enacted, That the said road with the improvements which may be made thereon, in pursuance of said act, shall be taken and considered as a public highway, free for the passage of all persons, animals and carriages of every description, on payment of the tolls imposed by this act, and no higher tolls or tax for the use of said road, shall at any time thereafter be imposed without the consent of the legislature.

Sec. 15. Be it further enacted, That the hands liable to work on the public road, including the Cherokee Indians residing on the waters of the Cheioh river, shall be entitled to perform while the road is in progress of construction, under the agent of the company, ten days labor, and furnish their own tools, and as soon as the division of the road shall be completed from its northern terminus to the valley of the Cheioh, all the hands liable to work on the public road, residing within two miles of said road on either side, and all the Cherokee Indians liable as aforesaid, residing on the waters of the Cheioh river, shall be liable to work under the agent of the company, in each and every year, in keeping up said road six days each, and in like manner as the road progresses to its southern terminus; the two mile hands shall perform six days labor under the agent of the company, in keeping up said road, which shall exempt said hands who perform the six days labor, from working on all other roads whatsoever, and hands liable to work on said road under the provisions of this section of the act, who shall not when warned, as in other cases, attend and work on the said road, shall be liable to the same fines and penalties, and recovered in the same manner that fines are now collected from persons for failure to work on public roads in this State.

Sec. 16. Be it further enacted, That the said company, when formed, shall have authority to employ a competent engineer, or some other suitable person, to survey said road, and after an examination of the different routes, a majority of the stockholders may determine upon the route deemed most practicable for the location of said road; and the said company shall have power afterwards, by consent of a majority of the stockholders, to change the location of said road, should they deem it necessary, by obtaining the right of
way, and making compensation for damages, as provided for in the 13th section of this act.

Compensation.

SEC. 17. Be it further enacted, That as a compensation to the said stockholders for constructing and keeping said road in repair, and erecting toll-gates and other necessary works, the profits of said road are hereby vested in them, their heirs, executors, administrators and assigns, as tenants in common for the term of fifty years, to be computed from the time said road shall be completed; and the same shall be exempt from paying any tax whatever: and it shall and may be lawful for the president and directors, during said term, to demand and receive at some convenient toll-gate or gates by them erected, the following tolls, to wit: On every four-wheeled carriage of pleasure, one dollar; any gig or sulkey, fifty cents; on every six-horse wagon, one dollar; on every five-horse wagon, one dollar; on every four-horse wagon, seventy-five cents; on every three or two-horse wagon, fifty cents; on every pedlar-wagon, seventy five cents; on every road cart, fifty cents: on each horse or mule, without a rider, three cents; on every head of cattle, three cents; on sheep and hogs, each two cents; on every animal designed for exhibition, one dollar; travelers on horseback, ten cents each; and if any person or persons shall refuse to pay said tolls, at the time of offering to pass the places designated for their collection, the toll gatherers may refuse a passage to the person or persons so refusing; and if any person or persons shall pass through or drive round any toll-gate, any wheeled carriage or animal liable to toll, without paying the same, shall be liable to a fine of ten dollars, to be recovered by warrant before any justice of the peace in the county where-in such toll-gate may be situated: Provided, That nothing contained in this act shall render any person residing on the waters of Cheoah, or within two miles of the road, after a residence of twelve months, liable to the payment of the above tolls: Provided further, That if any person shall pass around any toll-gate on said road, by means of falsely representing himself as residing within the boundary by which he is exempted from the payment of tolls, when he is not entitled to such exemption, shall be liable to a fine of ten dollars for each and every offence, to be sued for and recovered as aforesaid.

TOLL GATES.

SEC. 18. Be it further enacted, That as soon as the portion of the road from its northern terminus to M—— mills shall have been completed, in the manner herein provided, the company shall have the right to erect a tollgate across said road at any place they may select, and collect one-half of the toll authorized to be received by the company under this act; and in like manner as the road shall be extended, in proportion to the increased distance the toll shall be in-
creased until the road is completed to the Western turnpike or to the Tuckasege and Nantehala turnpike, as the company may select after formed.

SEC. 19. Be it further enacted, That as soon as two thousand dollars shall have been subscribed by solvent individuals, it shall be the duty of the agents of the State to subscribe of the stock of the company on the part of the State, three thousand dollars in bonds given and to be given for lands situated on the waters of Cheoih river, which are hereby pledged for that purpose; and in like manner as the subscription of stock of the company may from time to time be increased, by individuals solvent and able to pay, the subscriptions shall be increased on the part of the State pari passu, until the whole road is completed, and the State shall be represented by the agent of Cherokee bond, [lands,] or by some person appointed by him, in the election of directors, in proportion to the number of shares of stock owned by the State in said company: Provided, however, That the State shall not be called on for the payment of her stock faster than payment is made by individual stockholders, nor shall she be called on to make payment faster than the lands situated on the waters of the Cheoih can be made available.

SEC. 20. Be it further enacted, That notice of process upon the principal agent of said company, or the president or directors thereof, shall be deemed and taken to be due and lawful notice of service of process.

SEC. 21. Be it further enacted, That the company hereby authorized to be formed shall have a corporate existence from and after the completion of the road fifty years, and the road when constructed shall be regarded as a public highway, and the company shall be liable to indictment before any court of competent jurisdiction, for failing to keep it in good repair. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE LITTLE RIVER TURNPIKE COMPANY. Chap. 292.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Leander S. Gash, David Shuford, Perry Orr, Charles Shagle and Micajah S. Thomas, or any three or more of them, be and they are hereby appointed commissioners for receiving subscriptions for the purpose of laying out and making a turnpike road in the county of Henderson, to begin on the South-Carolina line at some convenient point to be selected by the company, and thence down the valley of the Little river by Micajah S. Thomas' cedar mountain house and Shuford's bridge, on the French Broad
river, to the contemplated French Broad Turnpike Company Road, if the same is extended to the Buncombe Turnpike road; and if not, then to the last named road, at any point the company may select in either of the counties of Henderson, Buncombe or Madison, and the commissioners or a majority of them shall cause books to be opened at such times and places, and under the directions of themselves or such other persons as they may appoint; and the same shall continue open two months, unless the sum of ten thousand dollars shall be subscribed before that time, at which time said commissioners shall, by public notice in one or more newspapers, appoint a general meeting of the stockholders at some convenient point personally or by proxy, which may continue until the business thereof shall be finished; and if, in the opinion of the stockholders, in such general meeting assembled, a sufficient sum shall have been subscribed to make said road or any part thereof desired by those owning a majority of the stock so subscribed, said subscribers may organize themselves into a company and accept this charter, when they, their heirs and assigns, shall constitute a body politic and corporate, under the name and style of "the Little River Turnpike Company," and as such may sue and be sued, plead and be impleaded, and have perpetual succession and a common seal, and all other rights necessary for the objects of the company, and such of the subscribers as may be present at said meeting of those representing a majority of stock, shall have power to elect a president and three directors for conducting the business of the company for one year, and until others are elected and enter upon the duties assigned them by the company; and every proprietor of stock, by writing under his hand, may depute any other stockholder to vote for him at any general meeting, and the vote of such proxy shall be as effective to all intents and purposes, as if the proprietor were personally present and voting for himself.

Sec. 2. Be it further enacted, That after the organization of the company so provided in the first section of this act, the president and directors thereof, in case they deem it necessary and proper, may and they are hereby authorized to appoint commissioners to reopen books at such times and places as they may and shall direct, and keep the same open until a sufficient sum to construct the road hereby authorized shall be subscribed; which books may be returned to the president and directors of said company, and the persons so subscribing, their heirs and assigns shall become stockholders in said company to the amounts so subscribed by them, and as such, entitled to all the rights and privileges conferred by this act on the original subscribers.

Sec. 3. Be it further enacted, That the capital stock afore-
said shall be divided into shares of twenty-five dollars each, and any person may subscribe for one or more shares, but shall not subscribe for part of a share; the stock subscribed shall be paid at such times and places, and by such instalments as the president and directors of the company shall require, they first giving forty days notice in some newspaper in the State; and if any person holding any share in said company, shall fail to pay the instalments as called for in pursuance of this act, the company may sue for and recover the same in any tribunal having jurisdiction thereof; or they may expose to sale the shares which such delinquent may hold, by giving ten days public notice of the same, and if the stock shall not sell for a sum sufficient to pay the sum due the residue, may be recovered of the person owing the same, and the books of the said company shall be good evidence of the sale and transfer of said stock.

SEC. 4. Be it further enacted, That the president and directors or a majority of them, shall on behalf of the corporation, have power and authority to contract for the construction, improving and repairing of said road, or any part thereof; and to make all such contracts touching the same as may be necessary and expedient; and the said president and directors, may appoint a treasurer, clerk and such other officers and managers as they may deem necessary; and when ten miles of said road shall be completed, toll gatherer or toll gatherers may also be appointed, all or any of whom they may require to give bond and security for the faithful performance of their several duties, and remove them at pleasure.

SEC. 5. Be it further enacted, That no general meeting shall be lawfully constituted, unless a majority of the shares are duly represented; and from and after the first general meeting, the succeeding ones shall be held at such times and places as the preceding general meeting shall appoint, or in case they fail to make an appointment, then at such times and places as the president and directors shall and may appoint; at which times and places, a president and directors shall be elected, but if a sufficient number do not attend, those present may adjourn to some future day; and to every annual meeting, the president and directors shall make a report of all their proceedings and accounts which shall be carefully examined by the meeting, and if found just and accurate, shall receive a vote of approval; and at every annual meeting an equal dividend of all the nett profits arising from the tolls, shall be ordered to be made to the proprietors of said company, in proportion to their several shares, after leaving in the hands of the treasurer a sufficient sum to answer the contingent charges: Provided always, That under no circumstances, shall a greater dividend be made than twenty per cent. per annum.
Sec. 6. Be it further enacted, That in all meetings of the proprietors, each stockholder shall be entitled to one vote for each share under ten; and one vote for every two shares over that number.

Sec. 7. Be it further enacted, That as a compensation to said stockholders, for the expenditures made under this act, the profits of said road are hereby vested in them, their executors and assigns, for the period of forty years, to be computed from the erection of the first toll gate, in proportion to their respective shares; and it shall and may be lawful for the president and directors, during the said term, to demand and receive at some convenient toll gates, to be by them erected, such tolls as they may prescribe, provided the tolls so collected do not exceed in annual profits, the sum aforesaid, and the agents of the company may refuse a passage along said road, and their said gates until the tolls required by said company shall be paid; and if any person pass any of said gates without paying the tolls, the company may sue for the same before any tribunal, having cognizance thereof, shall render any citizen of the State residing within five miles of the gate through which he wishes to pass, liable to pay toll.

Sec. 8. Be it further enacted, That the road hereby authorized shall be made seventy feet wide, except in such places as shall require side cutting, where it shall be fifteen feet; and the inclinations of said road shall not exceed one foot perpendicular to twelve feet horizontal.

Sec. 9. Be it further enacted, That said road shall be taken and considered a public highway free for the passage of persons, animals and carriages of every description on the payment of the toll authorized by this act.

Sec. 10. Be it further enacted, That the president and directors may agree with the owners of any land over which said road is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner shall be feme covert, under age, non compos, or out of the State, on application to any two justices of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county to summon a jury of twelve freeholders, to meet on the lands to be valued on a day expressed in said warrant, not less than ten nor more than twenty days thereafter; and the sheriff on the receipt of said warrant shall summon the jury, and when met, shall administer an oath or affirmation, provided six or more appear, that they will impartially value the land in question, and consider the damages the owner thereof may sustain in consequence of being divested of his property therein, and that he will not in his valuation spare any person through favor, nor injure any one through malice or hatred; and the injunction so taken shall be signed
by the sheriff and six or more jurors, and returned to the
clerk of the county court of said county to be recorded; and
in all such cases the jury is hereby directed to describe the
land valued, and such valuation shall be conclusive; and the
president and directors shall pay the sum to the owner of
the land valued or his legal representative, and if neither
can be found in the State, or if found should refuse to
receive the money, then [to] the clerk of the county
court, and on payment thereof the said corporation shall be
seized in fee of the land so valued: Provided, no such con-
demnation shall authorize said company to appropriate any
house, yard or garden of any person without the consent of
the owners.

Sec. 11. Be it further enacted, That the president and
directors may agree with the proprietors for a quantity of
land not exceeding four acres at any one place, at or near
each place intended for the collection of tolls, for the purpose
of erecting the necessary buildings, and in case of disagree-
ment, or any of the disabilities aforesaid, the same proceed-
ings may be had, and the same conveyance shall follow, as
provided in the preceding section.

Sec. 12. Be it further enacted, That every stockholder may
transfer his stock by a deed registered in the company's
book, after due proof of its execution, and not otherwise, ex-
cept by will, which shall also be proven and registered in
the books of the company before the person claiming under
the will shall be entitled to draw any part of the profits;
Provided, That no transfer shall be made except for one or
more whole shares, and that no share shall at any time be
sold, conveyed, transferred or held in trust for the use and
benefit of another, whereby the said president and directors
or stockholders, members of said company, or any of them,
shall be made to answer any such trust, but that every such
person, appearing to be the owner of stock, shall, as to oth-
ers of the company, be to every intent and purpose taken
as such; but between the trustee and the person for whose
benefit such trust shall be executed, the common remedy
may be pursued.

Sec. 13. Be it further enacted, That at any general meet-
ing of said company, held for the election of officers, direc-
tors and managers of said company, a majority of stock shall
not be represented, then and in that case the president and
directors then in office shall continue therein until a meet-
ing of the stockholders so constituted can be had.

Sec. 14. Be it further enacted, That said company may
change the track of said road at pleasure, and shall have all
the power to condemn land for that purpose as is given by
this act for the condemnation of land for its original location.

Sec. 15. Be it further enacted, That this act shall be deem-
ed a public act, and be in force from and after its ratification. [Ratified the 10th day of February, 1855.]

Chap. 293. An Act to Incorporate the Laurel Turnpike Company.

Commissioners

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That H. Cansler, L. D. Childs, Win. Hoke and C. C. Henderson, of the town of Lincolnton; J. C. Smyth, William C. Erwin, Charles McDowell, T. R. Caldwell, S. Sudderth and William F. McKesson, of Burke; and Hugh A. Tate, Saml. J. Neal, Jason C. Whitson, Samuel Deal, Joseph Grayson and John S. Erwin, of the county of McDowell, be and they are hereby appointed commissioners for receiving subscriptions for the purpose of laying out and making a turnpike road from the town of Lincolnton to the town of Marion, in McDowell county, via Morganton, in Burke county, beginning at Marion and thence down the Laurel, crossing the South Fork near Jacob Neill's, to any point in the town of Lincolnton, as the company hereby authorized may select; and the said commissioners or a majority of them shall cause books to be opened at such times and places, and under the decretions of themselves or such other persons as they may appoint, and the same shall continue open for two months, unless the sum of two thousand dollars shall be subscribed before that time; at which time the said books shall be returned to said commissioners at Lincolnton in the county of Lincoln, and at Morganton in the county of Burke, and at Marion in the county of McDowell, who shall by public notice in one or more newspapers, appoint a general meeting of stockholders personally or by proxy, which meeting may continue until the business thereof shall be finished; and if in the opinion of the stockholders in such general meeting assembled, a sufficient sum shall have been subscribed to make said road or any part thereof desired by those owning a majority of the stock so subscribed, said subscribers may organize themselves into a company and accept this charter, when they, their heirs or assigns shall constitute a body politic and corporate, under the name and style of "the Laurel Turnpike Company," and as such may sue and be sued, plead and be implo'ed, and have perpetual succession and a common seal, and all other rights necessary for the objects of the company; and such of the subscribers as may be present at the said meeting, or those representing a majority of stock, shall have power to elect a president and three directors for conducting the business of the company for one year, and until others are elected and enter upon the duties assigned them by the company, and every proprietor
of stock by writing under his hand may depute any other stockholder to vote for him at any general meeting, and the vote of such proxy shall be as effective to all intents and purposes, as if the proprietor were personally present and voting for himself.

Sec. 2. Be it further enacted, That after the organization of the company as prescribed in the first section of this act, the president and directors thereof, in case they deem it necessary and proper, may, and they are hereby authorised to appoint commissioners to re-open books at such times and places as they may and shall direct, and keep the same open until the requisite amount to finish the road may be subscribed; which books shall be returned to the president and directors of said company, and the persons so subscribing, their heirs and assigns, shall become stockholders in said company to the amount so subscribed by them as such, entitled to all the rights and privileges conferred by this act on the original subscribers.

Sec. 3. Be it further enacted, That the capital stock afore-said shall be delivered [divided] into shares of twenty-five dollars each, and any person may subscribe for one or more shares; the shares shall be paid at such time and places, and by such instalments, as the president and directors shall direct, they first giving public notice forty days; and if any person holding any share in said company shall fail to pay the instalments as called for in pursuance of this act, the company may sue for and recover the same in any tribunal having jurisdiction thereof, or they may expose to sale the shares which such delinquent may hold, by giving ten days public notice of the same.

Sec. 4. Be it further enacted, That the president and directors, or a majority of them shall, on behalf of the corporation, have power and authority to contract for the construction, improving and repairing said road, and the said president and directors may appoint such managers as they may deem necessary; and when ten miles of either end of the road shall be completed, a toll gatherer or toll gatherers may also be appointed, who must give bond and security for the faithful performance of their several duties, and be removed at pleasure.

Sec. 5. Be it further enacted, That at every semi-annual meeting, an equal dividend of all the nett profits arising from the tolls shall be ordered to be made to the proprietors of said company, in proportion to their several shares; Provided always, That under no circumstances shall a greater dividend be made than twenty-five per cent. per annum.

Sec. 6. Be it further enacted, That in all meetings of the proprietors, each stockholder shall be entitled to one vote
Compensation.

Sec. 7. Be it further enacted, That as a compensation to said stockholders for the expenditures made under this act, the profits of said road are vested in them, their executors and assigns, for the period of fifty years, to be computed from the erection of the first toll gate, in proportion to the respective shares; and it shall and may be lawful for the president and directors during the said term, to demand and receive, at some convenient toll gates to be by them erected, such tolls as they prescribe: Provided, the tolls so collected do not exceed, in annual profits, the sum aforesaid; and the agents of the company, under the direction of the company, may refuse a passage along said road and through the said gates, until the toll required by said company shall be paid; and if any person shall pass said gates without paying the toll, the company may sue for the same before any tribunal having cognizance of the same: Provided, that nothing in this act contained shall render any citizen of the counties of McDowell, Burke and Lincoln, liable to pay more than one half of the usual toll charged; and that every person liable to work said road, residing in three miles, may be exempt from toll by rendering four days service to the company on said road in each and every year.

Sec. 8. Be it further enacted, That the road hereby authorized shall be made twenty feet wide except in such places as shall require side cutting, when it shall be twelve feet wide.

Sec. 9. Be it further enacted, That said road shall be taken and considered a public highway, free for the passage of persons, animals and carriages of every description on the payment of tolls authorized by this act.

Sec. 10. Be it further enacted, That the president and directors may agree with the owners of any land over which said road is intended to pass for the purchase thereof, and in case of disagreement, or if the owner shall be, feme covert, under age, non compos, or out of the State, on application to any two justices of the county where the lands lie; the justices shall issue their warrant to the sheriff of said county to summons a jury of three [twelve] freeholders to meet on the lands to be valued, on a day expressed in said warrant, not less than ten nor more than twenty days thereafter, and the sheriff, on the receipt of said warrant, shall summon the jury, and when met shall administer an oath or affirmation: Provided, six or more appear, that they will impartially value the land in question, and consider the damages the owner thereof may sustain in consequence of being divested in his property therein, and that he will not, in his valuation, spare any person through favor nor injure any one
through malice and hatred, and the inquisition so taken, shall be signed by the Sheriff and six or more jurors and returned to the clerk of the county court of said county to be recorded, and in all such cases the jury is hereby directed to describe the lands valued, and such valuation shall be conclusive, and the president and directors shall pay the sum to the owner of the land valued or their representatives, and if neither can be found in the State, or if found, shall refuse to receive the money, then the clerk of the county court, and on payment thereof, the said corporation shall be seized in fee of the land so valued: Provided, No such condemnation shall authorize said company to appropriate any house, yard or garden of any person without the consent of the owners.

Sec. 11. Be it further enacted, That the president and directors may agree with the proprietors for a quantity of land, not exceeding four acres at any one place, at or near each place intended for the collection of tolls for the purpose of erecting the necessary buildings; and in case of disagreement, the same proceedings may be had, and the same conveyance shall follow as prescribed in the preceding section.

Sec. 12. Be it further enacted, That any stockholder may transfer his stock, by a deed registered in the company’s books, after due proof of its execution, and not otherwise, except by will, which shall also be proved and registered in the books of the company, before the person claiming under the will, shall be entitled to any part of the profits: Provided, That no transfer shall be made, except for one or more whole shares, and that no share shall at any time be sold, conveyed, transferred or held in trust, for the use and benefit of another, whereby the said president and directors or stockholders, members of said company or any of them, shall be made to answer any such trust; but that every such person, appearing to be the owner of stock, shall, as to others of the company, be to every intent and purpose, taken absolutely as such; but between the trustees and the person for whose benefit such trust shall be executed, the common remedy may be pursued.

Sec. 13. Be it further enacted, That if at any general meeting of said company, held for the election of officers, directors and managers of said company, a majority of stock shall not be represented, then and in that case the president and directors then in office, shall continue therein until a majority of the stockholders, so constituted, can be had.

Sec. 14. Be it further enacted, That said company may change the track of said road at pleasure, and shall have all the power to condemn land for that purpose, as is given by this act for the condemnation of land for its original location.
Sec. 15. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

Chap. 294. AN ACT TO INCORPORATE THE EAST FORK TURNPIKE COMPANY.

Commissioners Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James H. Duckworth, O. L. Erwin, B. F. Akin, William Paxton and Jackson Gillaspie, or any three or more of them, be, and they are hereby appointed commissioners for receiving subscriptions for the purpose of laying out and making a turnpike road from the South-Carolina line, beginning at some point in the county of Henderson, at or near the Sassafras Gap, and thence down the valley of the East Fork and French Broad Rivers, to any point on the French Broad Turnpike Campany's Road, that the company hereby authorized may select; and the said commissioners or a majority of them, shall cause books to be opened at such time and places, and under the direction of themselves, or such other persons as they may appoint, and the same shall continue open for two months, unless the sum of ten thousand dollars shall be subscribed before that time, at which time said commissioners, shall by public notice in one or more newspapers, appoint a general meeting of stockholders at some convenient point, personally or by proxy, which meeting may continue until the business thereof shall be finished, and if in the opinion of the stockholders in such general meeting assembled, a sufficient sum shall have been subscribed to make said road, or any part thereof, desired by those owning a majority of the stock so subscribed, said subscribers may organize themselves into a company, and accept this charter, when they, their heirs and assigns, shall constitute a body politic and corporate, under the name and style of "the East Fork Turnpike Company," and as such may sue and be sued, plead and be impleaded, and have perpetual succession, and a common seal, and all other rights necessary for the object of the company, and such of the subscribers as may be present at the said meeting, or those representing a majority of stock, shall have power to elect a president and three directors for conducting the business of the company for one year, and until others are elected, and enter upon the duties assigned them by the company, and every proprietor of stock, by writing under his hand, may depute any other stockholder to vote for him at any general meeting, and the vote of such proxy shall be as effective to all intents and purposes, as if the proprietor were personally present and voting for himself.
Sec. 2. Be it further enacted, That after the organization of the company, as provided in the first section of this act, the president and directors thereof, in case they deem it necessary and proper, may, and they are hereby authorized to appoint commissioners to open books at such times and places as they may and shall direct, and keep the same open until a sufficient sum to construct the road hereby authorized, shall be subscribed, which book shall be returned to the president and directors of said company, and the persons so subscribing, their heirs and assigns shall become stockholders in said company to the amount so subscribed by them, and as such entitled to all the rights and privileges conferred by this act on the original subscribers.

Sec. 3. Be it further enacted, That the capital stock afore-said shall be divided into shares of twenty-five dollars each, and any person may subscribe for one or more shares, but shall not subscribe for part of a share. The stock subscribed shall be paid at such times and places, and by such installments as the president and directors of the company shall require, they first giving forty days notice in some newspaper in the State; and if any person holding any share in said company, shall fail to pay the installments as called for in pursuance of this act, the company may sue for, and recover the same, in any tribunal having jurisdiction thereof; or they may expose to sale the shares which such delinquent may hold, by giving ten days public notice of the same, and if the stock shall not sell for a sum sufficient to pay the sum due, the residue may be recovered of a person owning the same, and the books of the said company shall be good evidence of the sale and transfer of said stock.

Sec. 4. Be it further enacted, That the president and directors or a majority of them, shall on behalf of the corporation, have power and authority to contract for the construction, improving and repairing of said road, or any part thereof, and to make all such contracts touching the same, as may be necessary and expedient; and the said president and directors may appoint a treasurer, clerk and such other officers and managers as they may deem necessary, and when ten miles of said road shall be completed, a toll gatherer or toll gatherers, may also be appointed, all or any of whom they may require to give bond and security for the faithful performance of their several duties, and remove them at pleasure.

Sec. 5. Be it further enacted, That no general meeting shall be lawfully constituted, unless a majority of the shares is duly represented, and from and after the first general meeting, the succeeding one shall be held at such time and places as the preceding general meeting shall appoint, or in case they fail to make an appointment, then at such times
and places as the president and directors shall and may appoint, at which times and places, a president and directors shall be elected; but if a sufficient number does not attend, those present may adjourn to some future day; and to every annual meeting the president and directors shall make a report of all their proceedings and accounts, which shall be carefully examined by the meeting, and if found just and accurate, shall receive a vote of approval; and at every annual meeting, an equal dividend of all the nett profits arising from the toll, shall be ordered to be made to the proprietors of said company, in proportion to their several shares, after leaving in the hands of the treasurer a sufficient sum to answer the contingent charges: Provided always, That under no circumstances, shall a greater dividend be made than twenty per cent. per annum.

Sec. 6. Be it further enacted, That in all meetings of the proprietors each stockholder shall be entitled to one vote for each share under ten, and one vote for every two shares over that number.

Sec. 7. Be it further enacted, That as a compensation to said stockholders for the expenditures made under this act, the profits of said road are hereby vested in them, their executors and assigns for the period of forty years, to be completed [computed] from the erection of the first tollgate, in proportion to their respective shares; and it shall and may be lawful for the president and directors during the said term to demand and receive, at some convenient toll-gates to be by them erected, such tolls as they may prescribe: Provided, the tolls so collected do not exceed in annual profits the aforesaid; and the agents of the company may refuse a passage along said road, and through their said gates until the toll required by said company shall be paid; and if any person shall pass any of said gates without paying the toll, the company may sue for the same before any tribunal having cognizance thereof: Provided, That nothing in this act continued [contained] shall render any citizen of the State, residing within five miles of the gates through which he wishes to pass, liable to pay.

Sec. 8. Be it further enacted, That the road hereby authorized shall be made twenty feet wide, except in such places as shall require side cutting, where it shall be fifteen feet, and the inclination of said road shall not exceed one foot perpendicular to twelve feet horizontal.

Sec. 9. Be it further enacted, That said road shall be taken and considered a public highway, free for the passage of persons, animals and carriages of every description, on the payment of the tolls authorized by this act.

Sec. 10. Be it further enacted, That the president and directors may agree with the owners of any land [land] over
which said road is intended to pass for the purchase thereof, and in case of disagreement, or if the owner shall be *feme covert*, under age, *non composit* or out of the State, on application to any two justices of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county to summon a jury of twelve freeholders, to meet on the land to be valued, on a day expressed in said warrant, not less than ten [nor] more than twenty days thereafter, and the sheriff, on receipt of said warrant, shall summon the jury, and when met shall administer an oath or affirmation, provided six or more appear, that they will impartially value the land in question, and consider the damages the owner thereof may sustain in consequence of being divested of his property therein, and that he will not in his valuation spare any person through favor, nor injure any one through malice or hatred, and the inquisition so taken shall be signed by the sheriff and six or more jurors, and returned to the clerk of the county court of said county to be recorded; and in all such cases, the jury is hereby directed to describe the land valued, and such valuation shall be conclusive, and the president and directors shall pay the same to the owner of the land valued, or his legal representative, and if neither can be found in the State, or if found should refuse to receive the money, then the clerk of the county court, and on payment thereof, the said corporation shall be seized in fee of the land so valued: *Provided*, no such condemnation shall authorize said company to appropriate any house, yard or garden of any person, without the consent of the owners.

Sec. 11. Be it further enacted, That the president and directors may agree with the proprietors for a quantity of land, not exceeding four acres at any one place, at or near each place intended for the collection of tolls for the purpose of erecting the necessary buildings, and in case of disagreement or any of the disabilities aforesaid, the same proceedings may be had, and the same conveyances shall follow, as provided in the preceding section.

Sec. 12. Be it further enacted, That every stockholder may transfer his stock by a deed registered in the company's books, after due proof of its execution, and not otherwise, except by will, which shall also be proven, and registered in the books of the company, before the person claiming under the will shall be entitled to draw any part of the profits: *Provided*, that no transfer shall be made, except for one or more whole shares, and that no share shall at any time be sold, conveyed, transferred or held in trust, for the use and benefit of another, whereby the said president and directors or stockholders, members of said company, or any of them, shall be made to answer any such trust; but that every such
person, appearing to be the owner of stock shall, as to others of the company, be to every intent and purpose, taken absolutely as such, but between the trustee and the person for whose benefit such trust shall be executed, the common remedy may be pursued.

Sec. 13. Be it further enacted, That if at any general meeting of said company, held for the election of officers, directors and managers of said company, a majority of stock shall not be represented, then and in that case the president and directors, then in office, shall continue therein until a meeting of the stockholders, so constituted, can be had.

Sec. 14. Be it further enacted, That said company may change the track of said road at pleasure, and shall have all the power to condemn land for that purpose, as is given by this act for the condemnation of land for its original location.

Sec. 15. Be it further enacted, That this act shall be deemed a public act, and be in force from and after its ratification. [Ratified the 10th day of February, 1855.]

Chap. 295. AN ACT TO INCORPORATE THE INDIAN GRAVE GAP TURNPIKE COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That M. P. Penland, Logan Gibbs, John O. Griffith, Sydney Peterson, William M. Carson, Jason C. Whitson and E. O. Hull, be and they are hereby appointed commissioners to open books, and receive subscription to the amount of three thousand dollars, which, together with the sum of three thousand dollars to be raised as hereinafter directed, shall constitute the capital stock of the company hereby incorporated, and it shall be the duty of said commissioners to open books or direct the opening thereof, under such persons as they or a majority of them may deem proper, at Marion and Burnsville, and such other places as a majority of them may think fit, on or before the 1st day of June next, after giving public notice, at least twenty days before the times and places appointed; and said commissioners shall open books from time to time as they may think proper, until the whole amount of said stock shall be subscribed.

Sec. 2. Be it further enacted, That the subscriptions of stock shall be in shares of twenty dollars each, and as soon as the said amount of three thousand dollars shall be subscribed and secured by private subscription, then it shall be lawful for the public treasurer, and he is hereby directed and empowered to subscribe on the part of the State, and
pay over to said commissioners, under the direction of the governor, three thousand dollars out of the proceeds of the sales of the State lands in the counties of McDowell, Burke, Yancey, Madison and Buncombe, where the proceeds of said sales have not been otherwise appropriated by act of the General Assembly, entered since the first day of January, A. D., 1855, or which hereafter may be entered in said counties as the said proceeds shall accrue and come to the hands of said treasurer, until the said sum of three thousand dollars on the part of the State shall all be paid over as aforesaid, the governor being empowered to appoint a director on the part of the State, who, together with the commissioners hereinbefore named, shall constitute a board of directors for the survey, location and construction of said road.

Sec. 3. Be it further enacted, That the capital stock created as aforesaid, shall be applied in laying out and making a turnpike road from the town of Marion, in McDowell county, running thence by J. L. Carson’s, up Buck Creek Gap to South Toe River, in Yancey county, and thence by the way of Burnsville to Indian Grave Gap, in the county of Yancey, at the Tennessee line, and that said road shall be made sixteen feet wide clear of obstructions, except where side cutting may be necessary, in which case it shall be at least fourteen feet wide, and so graded as not to rise more than one foot in sixteen.

Sec. 4. Be it further enacted, That as soon as the sum of three thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a general meeting of the stockholders at Burnsville, in the county of Yancey, and when a majority of the stockholders shall attend, it shall and may be lawful for them to appoint a president, treasurer and three directors, who shall hold their offices one year, and until their successors are appointed; and the said president and treasurer and directors and their successors in office, in connection with a director to be appointed by the governor on the part of the State, shall constitute a body corporate, by the name and style of “the Indian Grave Gap Turnpike Company,” and by that name may sue and be sued, plead and be impleaded in any court of record in this State; and as such, shall have succession and a common seal, and shall possess and enjoy all the rights and privileges necessary to carry into effect the object of the corporation.

Sec. 5. Be it further enacted, That the number of votes to which the State or any stockholder shall be entitled, shall be according to the number of shares he or she may hold in the proportion following, that is to say, for one share and not more than two, one vote; for every two shares above two and not above ten, one vote; for every five shares above
ten and not exceeding fifty, one vote; and for every ten shares above fifty, one vote.

Sec. 6. Be it further enacted, That said company may at any time increase its capital stock to seven thousand dollars, or to a larger sum if necessary to complete said road, either by opening books for subscription of new stock, or by borrowing money on the credit of the company.

Sec. 7. Be it further enacted, That when said road shall be completed as directed in this act, the company may erect one or more tollgates at such places on said road as may be convenient, and may demand and receive toll in the following rates, that is to say, for a man and horse, ten cents; for loose horses and mules, five cents each; for cattle, three cents each; for hogs and sheep, one cent each; for each six horse wagon, seventy-five cents; for each four horse wagon, fifty cents; for each two or three horse wagon, twenty-five cents; for carts, twelve and a half cents each; for buggies and barouches, gigs, sulkies, twenty cents each; for four-wheeled pleasure carriages, forty cents each; and if any person or persons shall for the purpose of avoiding the payment of said tolls, either breaking through or going around any toll gate without paying said lawful toll, the person or persons so offending, shall be subject to pay five dollars, to be sued for and recovered in the name of said company, by warrant before any justice of the peace of the county wherein such tollgate may be situated, and be further liable to damages: Provided, That no citizen of Yancey or McDowell shall be subject to pay toll on said road.

Sec. 8. Be it further enacted, That all hands liable to work on public roads residing within four miles of said road, shall be required to work eight days in each and every year upon said road, under the direction of the company, and for failure shall be liable to the same fines and penalties, and recoverable in the same manner as in the case of persons failing to work on other public roads in this State.

Sec. 9. Be it further enacted, That if at any time the said company shall suffer said road to get out of repair, and so remain for the space of fifteen days, the president and directors shall be subject to indictment in any court of record, and on conviction shall be fined at the discretion of the court.

Sec. 10. Be it further enacted, That notice of process on the principal agent of said company, or on the president, or any of the directors thereof, shall be deemed and taken to be due and lawful notice of service of process.

Sec. 11. Be it further enacted, That all lands over which said road may be located, which have not heretofore been granted, shall vest in said company, and any grant thereof issued thereafter shall be void.

Sec. 12. Be it further enacted, That this act shall be in
force from its ratification, and shall continue in force fifty years from and after the completion of said road, and shall be regarded as a public act. [Ratified the 16th day of February, 1855.]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TUCKASEGE AND KEOWEE TURNPIKE COMPANY, PASSED AT THE SESSION OF 1850-51.

Chap. 296.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act be and is hereby amended as follows, to wit: The commissioners named in the second section of said act are hereby authorized to open books in the town of Webster, in the county of Jackson, at any time after the passage of this act, after giving ten days previous notice at the courthouse of said county, under the direction of such agents, and at such other times and places as they may direct, for the purpose of receiving subscriptions of stock in said company, at such times and places as a majority of the commissioners may determine, until the full amount of stock necessary to complete the road and its branch, as herein provided for, shall be subscribed.

SEC. 2. Be it further enacted, That the said company shall have the right to extend said road from Webster, on the Western Turnpike, under the same provisions of the charter, to Qualla town, to form a connection with the road authorized to be constructed by the Oconalufa and Qualla town Turnpike Company; and in like manner put up an additional tollgate, and receive additional tolls in proportion to the increased length of the road.

SEC. 3. Be it further enacted, That the said company shall have the right, under the same provisions and restrictions of the act referred to, to construct a branch of the same description from some point on the Tuckasege river to form a connection with the roads of Henderson county, at such point as may be selected by the company after formed.

SEC. 4. Be it further enacted, That as the work progresses in the construction of this branch of the road, the company shall, upon the completion of ten miles or more of the road, have the right to put up an additional tollgate, and charge additional tolls in proportion to distance, until the whole line is completed; and the provisions of the act with reference to the citizens of Jackson county shall be extended to the citizens of Henderson county, so far as to authorize the citizens of that county to perform the same labor in keeping up the road, and pass the tollgate in that county free of the payment of tolls required by this act.
Sec. 5. Be it further enacted, That as soon as the sum of two thousand dollars shall have been subscribed, in the manner and form required in the recited act, the agent of the State, to be appointed under this act, shall subscribe, payable as herein provided, two thousand dollars on the part of the State; and in like manner as the subscriptions shall be increased on the part of individuals and the county of Jackson, as authorized under this act, the agent of the State shall increase the subscription on the part of the State pari passu, until the road with its branch is completed, with the necessary bridges, culverts and drain ditches, on the plan adopted on the Western Turnpike with which it connects.

Sec. 6. Be it further enacted, That on condition that the county court of Jackson, after two thousand dollars shall have been subscribed by solvent individuals able to pay, of the stock of said company, determine to increase the subscriptions pari passu with the subscriptions on the part of the State, necessary to complete the road with its branches within the limits of Jackson county, as herein authorized, the citizens of Jackson county shall be exempt from the payment of tolls authorized to be collected under this and the recited act; but otherwise all persons shall alike pay the tolls on said road.

Sec. 7. Be it further enacted, That previous to the county court making the subscription of stock, as provided in the 6th section of this act, they shall authorize polls to be opened at all the precincts in the county, and submit the question to the qualified voters of the county, in the following manner: Subscription by the county, and no payment of tolls by the citizens of the county, or no subscription and payment of tolls; and if three-fifths of the votes polled be in favor of the subscription on the part of the county, then it shall be the duty of the county court, a majority of the acting justices of the peace being present, from time to time to increase the subscriptions in behalf of the county, until the road is completed, and the branch as far as the line of the county of Henderson.

Sec. 8. Be it further enacted, That to enable the county to pay for subscriptions, the county court is hereby authorized to issue bonds, bearing an interest of six per cent. payable annually, with coupons annexed, made payable by the county trustee in not less than twenty years, in sums not less than one hundred nor more than five hundred dollars, made payable to the treasurer of the company, to be endorsed by him to the purchaser or conductor on the road.

Sec. 9. Be it further enacted, That it shall be the duty of the county court, a majority of the justices of the peace being present, to lay a tax proportionately upon the land and polls, to pay the interest upon said bonds, and create a sink-
ing fund of one per cent; and it shall be the duty of the sheriff of the county to collect the tax thus levied, and pay it over to the county trustee to be kept on a separate fund, to pay over as herein provided, to the creditors of the county, and which shall not be applied to any other purpose whatsoever; and in default of the sheriff or trustee to make payment, he shall be liable on his bond, in the same manner as they are now liable in other cases.

Sec. 10. Be it further enacted, That in order to provide the means for the subscription of stock, to improve the roads in Jackson county, it shall be the duty of the Governor of the State to appoint a suitable agent who shall be a resident citizen of said county, who shall enter into bond with two or more good and sufficient securities, to be appointed by the county court, in the sum of ten thousand dollars, for the faithful performance of the duty, in such manner as the Governor may prescribe.

Sec. 11. Be it further enacted, That it shall be the duty of the said agent upon satisfactory evidence being furnished him, that a location and survey has been made for any lands which at the time was liable to entry to receive bonds payable to the State, with two or more securities subject to his approval, in four equal installments, payable in one, two, three and four years for the lands embraced in the certificate of survey.

Sec. 12. Be it further enacted, That upon payment being made in full of said bonds, which shall specify the tract for which they are given, it shall be the duty of the agents to issue receipts for payment at the time fixed by law, and upon such receipt and the payment of the fees, the secretary of State is authorized to issue grants for the said land, as in other cases.

Sec. 13. Be it further enacted, That the agent in making subscriptions of stock in said company, shall not be required to make the subscriptions any faster than the entries can be made available.

Sec. 14. Be it further enacted, That the said agent shall represent the State in the election of directors of the company, in proportion to the number of the shares of stock owned by the State in said company, and he shall be allowed for his services a commission of two per cent. payable out of the bonds given for entries of land in Jackson county; all of the vacant land in said county is hereby pledged for the use of constructing said road, and no entries shall be paid for in any manner, only as herein provided; nor shall the funds be applicable to any other purpose after the passage of this act, in forming a part of the inducement the citizens have in making the subscriptions as their part. [Ratified the 16th day of February, 1855.]
Chap. 297. AN ACT TO INCORPORATE THE SULPHUR SPRINGS AND PAINT ROCK TURNPike COMPANY, IN MADISON AND BUNCOMBE COUNTIES.

Corporate company.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of constructing a turnpike road from the Sulphur Springs, in Buncombe county, by way of James Gudger's, Peter Plemmons, and Joseph Worley's, Spring Creek and Shutin, in Madison county, to the Tennessee line at or near the Paint Rock, the formation of a corporate company with a capital stock of two thousand dollars, is hereby authorized to be styled "The Sulphur Springs and Paint Rock Turnpike Company."

Capitol stock.

SEC. 2. Be it further enacted, That for the purpose of creating the capital stock of said company, the following persons be and the same are hereby appointed commissioners, viz: James Gudger, J. W. Reeve, George Robinson, Peter Plemmons, Joseph Worley, John A. Fagg, John E. Patton, Robert L. Henry and Robert Paine, or any three of them, whose duty it shall be to open books for the subscriptions of stock at such times and places as they or a majority of them [may think] proper.

When incorporated.

SEC. 3. Be it further enacted, That whenever the sum of five hundred dollars shall have been subscribed, in shares of twenty dollars each, the subscribers, their executors, administrators or assigns shall be and they are hereby declared incorporated into a company by the name and style of "the Sulphur Springs and Paint Rock Turnpike Company."

Kind of road.

SEC. 4. Be it further enacted, That the turnpike road hereby authorized shall be made by the president and directors fifteen feet wide except there is side cutting, where it shall be twelve feet, and where it shall be necessary to carry it around precipitous promontories, it shall be ten feet wide; the inclinations of the road shall not exceed one foot in ten.

Commissioners.

SEC. 5. Be it further enacted, That it shall be the duty of the county court of Madison county to appoint commissioners to examine said road, and if found to be completed in accordance with the provisions of this act, the said company shall give public notice thereof.

Toll stations.

SEC. 6. Be it further enacted, That the president and directors shall be entitled to purchase as much as four acres of land, at such place or places as they may desire for the use of erecting the necessary buildings, where the tollgate is to be kept, hereby authorized; and said company shall be entitled to appoint a gate keeper or keepers on said road, and to receive the following tolls, to wit: On four-wheeled carriages of pleasure, fifty cents; on gigs or sulkies, thirty-seven and a half cents; on six horse wagons, sixty-two and a half cents; on five horse wagons, fifty-five cents; on four
horse wagons, fifty cents; on two horse wagons or peddlers' wagons, fifty cents; on one horse carts, twenty-five cents; on each and every horse or mule without a rider, two cents; on every head of cattle, two cents; on every head of hogs or sheep, one cent; and on all animals intended for public exhibition, one dollar each.

SEC. 7. Be it further enacted, That as a compensation to the said stockholders for constructing and keeping in repair the said turnpike road, and erecting gates and other necessary works, the whole profits of the said road are hereby vested in them and their executors and assigns, as tenants in common for the term of ninety years, to be computed from the time said road shall be completed: Provided, however, That nothing contained in this act, shall be so construed as to require any citizen living upon any of the waters of Sandy Mush, Pine Creeks, Spring Creek or Shutin to pay toll for travelling said road, nor to require any toll to be paid for travelling said road, by any of the persons required to work on said road under this act.

SEC. 8. Be it further enacted, That all hands liable to work upon the public roads, who now reside or may hereafter reside in three miles of said road on either side, shall be liable to do six days work in each and every year on said turnpike road, under the president and directors or agent of the company; and the hands within the limits aforesaid who shall, when warned as in other cases, refuse or fail to attend and work on the said road, shall be liable to the same fines and penalties, and recoverable in the same manner as fines are now collected from persons failing to work upon public roads; said hands shall be exempt from working on any other public roads.

SEC. 9. Be it further enacted, That this act shall be in force from and after its ratification, and be regarded as a public act. [Ratified the 14th day of February, 1855.]

AN ACT TO INCORPORATE THE HOWARD GAP TURNPIKE COMPANY. Chap. 298.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the stockholders in the company formed under the act of 1835, entitled an act to authorise the laying out and establishing a turnpike road from the South-Carolina line, at some point near the Black House, in Rutherford county, to Cain Creek Bridge, in Buncombe county, be and they are hereby incorporated into a body politic and corporate, by the name and style of the "Howard Gap Turnpike Company;" and by that name may sue and be sued, plead and be impleaded in any court of law and equi-
ty, have succession and a common seal, and break and alter it at pleasure, and have power to make all necessary by-laws for the government of the company: Provided, The same are not inconsistent with the constitution and laws of this State.

Sec. 2. Be it further enacted, That the stock shall be divided into shares of twenty-five dollars, and shall be deemed personal property, and transferable on the books of the company as the by-laws may prescribe.

Sec. 3. Be it further enacted, That an annual meeting of the stockholders shall be convened at such time and place as may be designated by the company, at which meeting a president and two directors shall be elected to serve for one year, and till others are duly elected and enter upon the duties of their several offices; and shall have power to make all contracts on behalf of said company, erect toll-gates and transact all business pertaining to said corporation; and all contracts and agreements signed by the president, shall be obligatory on the company without a seal: and if from any cause, the annual meeting of stockholders shall not be held, or a president and directors shall not be elected as herein provided, the corporation shall not be desolved, but the same shall continue until such meeting is held and election made, in pursuance of the by-laws of the company.

Sec. 4. Be it further enacted, That the president and directors may appoint toll gatherers, superintendent and other agents, require bond for the faithful performance of their several duties, prescribe the rate of tolls, declare dividends of the profits, and pay the same to the stockholders pro rata: Provided, The annual profits shall not exceed twenty-five per centum: And provided further, That no person shall be liable to pay toll at any gate within four miles of his or her residence, except market wagons and pleasure carriages.

Sec. 5. Be it further enacted, That said company shall have power to change the location of the road at pleasure, and to intersect the Buncombe Turnpike road, at or within the corporate limits of Hendersonville; and for this purpose shall have and possess all the powers for condemning and appropriating lands for the same, conferred on the French Broad Turnpike Company, by an act passed at the last session of the General Assembly.

Sec. 6. Be it further enacted, That in all annual or occasional meetings of the stockholders, a majority in interest shall constitute a quorum for the transaction of business, and each stockholder shall have one vote for every share owned by him or her, and all questions shall be determined and elections made by a majority of the votes present.

Sec. 7. Be it further enacted, That the stockholders may
be represented by proxies to be verified as required by the by-laws of the company:

Sec. 8. Be it further enacted, That this act shall take effect from and after its acceptance by the company, and continue in force for the period of sixty years; and all laws and clauses of laws, inconsistent with the same, are hereby repealed. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE SALEM, WINSTON AND VIRGINIA TURNPIKE AND PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful to open books in the town of Salem, under the direction of D. H. Starbuck, Francis Fries and E. Belo; in the town of Winston, under the direction of A. J. Stafford, Robert Gray and Harmon Miller; in Germantown, under the direction of R. D. Golding, J. S. Gibson and M. T. Benton; in Danberry, under the direction of Wilson Fultin, Nathaniel Moody and Samuel A. Taylor; at Martin & Banner's Store, under the direction of Thomas Martin, William G. Martin and William Padrell, or any two of them at either of the places named, and at such other places as the above commissioners may think proper, to superintend the receiving of subscriptions to an amount not exceeding fifty thousand dollars, in shares of twenty-five dollars each, for the purpose of constructing a turnpike and plankroad from Salem, through Winston, Germantown, Danbury, by or near Piedmont Springs, to the Virginia line, near Martin & Banner's Store.

Sec. 2. Be it further enacted, That the time for receiving such subscription shall be advertised in the nearest and most convenient newspaper, and the books for receiving the same shall not be closed within twenty days after being opened; said commissioners shall have power to open said books from time to time as they may think proper, until the whole number of shares is subscribed.

Sec. 3. Be it further enacted, That when the sum of ten thousand dollars shall be subscribed for, in manner as aforesaid, the subscribers, their executors, administrators or assigns shall be and they are hereby declared to be incorporated into a company by the name and style of the Salem, Winston and Virginia Turnpike and Plankroad Company, and by that name may sue and be sued, plead and be impleaded, and have a common seal, which they may alter and renew at pleasure.

Sec. 4. Be it further enacted, That the subscribers to the stock of said company, at their first meeting, and the pro-
priectors of stock at every annual meeting thereafter, shall elect seven directors, and the directors when elected shall choose one of their member president, who shall continue in office until the next annual meeting after their election, and until their successors shall be chosen; but the said directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at every general meeting: the president with any three or more of the directors, or in the event of the necessary absence of the president, any five or more of the directors, who may appoint one of their number president pro tem., shall constitute a board for the transaction of business: in case of vacancy in the board of directors from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Sec. 5. Be it further enacted, That said company shall in all other things be governed in accordance with the provisions of the act for the government of turnpike and plank-roads.

Sec. 6. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

Chap. 300. AN ACT TO AMEND AN ACT ENTITLED “AN ACT TO INCORPORATE THE TUCKASEGE AND NANTAHALA TURNPIKE COMPANY,” PASSED AT THE SESSION OF 1850-'51.

Extension.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the first section of said act be and is hereby amended so as to authorize the company to have further time to complete said road, and to have power to extend it to Qualla Town, in the county of Jackson, and westward to some point on the western turnpike.

Sec. 2. Be it further enacted, That all the provisions of the recited act shall apply to the portions of the road to be extended, except so far as changed by this act, and the company shall have power to increase their capital stock by opening books under such agents and at such times and places as a majority of the commissioners may appoint, to such an amount as may be sufficient to complete said road as well as a bridge across the Tennessee river and one across the Tuckasege river; for the latter they shall be allowed the same tolls as may [as are] authorized to be received at the bridge to be constructed across the former by an act of this session.

Free tickets.

Sec. 3. Be it further enacted, That the company shall
have the right to grant free tickets to all such citizens living within two miles of the road or within the counties through which the road may be located, on such terms as may be fixed on by the stockholders owning a majority of the stock in value, as may be established from time to time at their annual meetings, for the portions of the road authorized under this act.

Sec. 4. Be it further enacted, That the company shall have the right to put up one or more additional toll gates and to charge and receive additional tolls in proportion to the increased distance the road may be constructed: Provided, however, That the company shall only have the right to require the hands living within three miles of the road herein authorized to be constructed on the south side of the Tuckasege river to perform the labor in keeping up said road as therein provided. [Ratified the 16th day of February, 1855.]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE OCONALUFTA AND qualla TOWN TURNPIKE COMPANY IN THE COUNTY OF JACKSON, PASSED AT THE SESSION OF 1850-'51.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act be, and the same is hereby amended, as follows: To authorize the county court of Jackson county instead of Haywood county, to appoint the commissioners to receive the road when completed.

Sec. 2. Be it further enacted, That the said company shall have power to erect a toll bridge across the Oconalufa river at such point as they may select, and the necessary quantity of land if required, may be condemned therefore as provided for under the 10th section of this act.

Sec. 3. Be it further enacted, That the said company upon completing said bridge, shall be entitled to receive the following tolls and no other: For every pleasure carriage, twelve and a half cents; every two horse buggy, ten cents; every one horse buggy, five cents; for every five or six horse wagon, twenty-five cents; four wheeled carriages of pleasure, fifty cents; gigs or sulkies, thirty-seven and a half cents; six horse wagon, sixty-two and a half cents: five horse wagon, fifty-five cents; four horse wagon, fifty cents; on two horse or peddler's, fifty cents; on one horse cart, twenty-five cents; on each horse or mule with a rider, ten cents; without a rider, two cents; every head of cattle, two cents; on every head of hog or sheep, one cent.

Sec. 4. Be it further enacted, That said company shall have the right to refuse a passage across said bridge, until
the tolls required by this act are first paid; to embrace the citizens of Jackson as well as other persons.

Sec. 5. Be it further enacted, That the said company have the right to use any portion of the old road which has been constructed on the Smoky mountain, and abandoned by allowing in the stock of the new company, the value of the labor performed thereon, by individual or individuals on the old road, to be ascertained by referees mutually chosen.

Sec. 6. Be it further enacted, That this act shall be regarded a public act, and the company shall have a corporate existence of fifty years, from the time the road is completed. [Ratified the 16th day of February, 1855.]

Chap. 302. An act to repeal the 4th section of an act passed at the session of 1850-'51, entitled "An act to amend an act entitled an act to incorporate the Caldwell and Ashe Turnpike Company, passed by the General Assembly at its session of 1846-'47, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the 4th section of the above recited act be and the same is hereby repealed.

Sec. 2. Be it further enacted, That all that portion of the Caldwell and Watanga Turnpike Road which lies between James C. Harper's mill, on the Yadkin river, and Philip Shull's mill, on the Watanga river, shall hereafter form and constitute the Caldwell and Watanga Turnpike Road, and the Caldwell and Watanga Turnpike Company may receive the same tolls for passing over the same as are now allowed by law.

Sec. 3. Be it further enacted, That those portions of the Caldwell and Watanga Turnpike Road not embraced within the limits above mentioned, are hereby declared to be public highways in the counties of Caldwell and Watanga respectively, and shall be placed under the jurisdiction of the court as other public highways now are, and shall be kept in repair as other public highways in said counties respectively are now or may hereafter be kept in repair.

Handy to work. Sec. 4. Be it further enacted, That all hands liable to work on public roads residing on the waters of the Yadkin river above James C. Harper's mill, shall be required to work six days in each year on the Caldwell and Watanga turnpike road; and any person liable as aforesaid, who shall fail, neglect or refuse to work on the same, after being duly notified so to do, as now required by law by such persons as the said company may appoint, shall forfeit and pay the sum of one dollar for each and every day they shall so fail.
neglect or refuse to work, to be recovered in the same way as similar fines and forfeitures are now recoverable by law; and in consideration of the service hereby required, the hands performing the same shall be exempt from working on any other public road in said county, and shall also be exempt from the payment of tolls for passing over said road.

Sec. 5. Be it further enacted, That all laws and clauses of laws coming within the provisions and meaning of this act be and the same are hereby repealed, and this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE JONATHAN'S CREEK AND TENNESSEE MOUNTAIN TURNPIKE COMPANY, IN THE COUNTY OF HAYWOOD, PASSED AT THE SESSION OF 1846-'47.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a majority of the stockholders formed under the above recited act, shall have the power to change the location of said road, if they shall see proper to do so, so as to commence at or near Andrew Ferguson's, instead of seven miles of Waynesville, as now provided.

Sec. 2. Be it further enacted, That when the company shall have completed four miles of the said road, as required by the provisions of said act, they shall have the power to compel the hands living along and within two miles of said road, to perform six days labor upon it, for the purpose of keeping it up, in each and every year, and in consideration of which, said hands shall not be liable to work upon any other road.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

AN ACT TO INCORPORATE THE RANDOLPH AND THOMASVILLE TURNPIKE OR PLANKROAD COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Ransom Harris, Jones K. Wood and Jesse Thornburg be and they are hereby appointed commissioners at Science Hill, in the county of Randolph, for the purpose of opening books to receive subscription in shares of fifty dollars, to an amount not exceeding twenty-five thousand dollars, for the purpose of constructing a turnpike of gravel,
stone or other materials, from Thomasville, in Davidson county, to the most practicable point within the county of Randolph, upon the Fayetteville and Western or the Uwharrel Branch Plank Road, and for this purpose books may be opened by such other persons and at such other places as the commissioners above named shall appoint.

Sec. 2. Be it further enacted, That the subscribers to such road and their successors are hereby created a body politic by the name and style of the Randolph and Thomasville Turnpike or Plankroad Company. [Ratified the 14th day of February, 1855.]

Chap. 305. AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE THE INDIAN GRAVE GAP TURNPIKE COMPANY," PASSED AT THIS SESSION.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the second section of said act shall be so amended and so construed as to embrace the moneys received for entries of vacant land, for which grants have issued, or may issue, subsequent to the first day of January, 1855, although such lands may have been entered prior to that date. [Ratified the 16th day of February, 1855.]

WARDENS OF THE POOR.

Chap. 306. AN ACT TO AMEND AN ACT ENTITLED AN ACT FOR THE POOR OF THE COUNTY OF RANDOLPH.

To discriminate.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter the wardens of the poor for the county of Randolph, in hiring out the poor of said county, shall be at liberty in receiving bids, to discriminate between the bids of each person, as they may deem deficient in moral qualification, and of those that are of good moral qualification for taking care of the poor of said county, and be at liberty to reject the bid of any person whose moral qualities they may deem unsuitable to have charge of said poor, and accept the bid of a suitable person, though said bid is not the lowest bid offered.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification; and the ratification of this act shall be the repeal of any and all acts coming in conflict with the same. [Ratified the 16th day of February, 1855.]
AN ACT TO AUTHORIZE THE WARDENS OF THE POOR IN PASQUOTANK AND YANCEY COUNTIES, TO SELL A PORTION OF THE LAND IN SAID COUNTY (COUNTIES) ON WHICH THE POOR HOUSE IS SITuate.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor of Pasquotank and Yancey counties, or their successors in office, have power and are hereby authorized to sell and dispose of the land or any portion thereof in said counties, known as the poor land, on which the poor houses in said county (counties) are situate, at public or private sale, and make to the purchaser good title thereto in fee simple; the proceeds of said sale to be appropriated to the use and benefit of the poor of said counties.

Sec. 2. Be it further enacted, That this act shall go into effect from and after its ratification. [Ratified the 20th day of January, 1855.]

AN ACT TO COMPENSATE THE WARDENS OF THE POOR OF MECKLENBURG COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Mecklenburg, seven magistrates being present, shall have power, and they are hereby authorized to allow compensations to the wardens of the poor of said county; Provided, They shall not allow to the chairman an amount exceeding five per cent. upon his disbursements and to the members of the board more than one dollar and fifty cents per day, when actually employed on the duties of the board. [Ratified the 19th day of January, 1855.]

AN ACT TO PAY THE WARDENS OF THE POOR IN THE COUNTIES OF ALAMANCE AND DUPLIN.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions of the counties of Alamance and Duplin, a majority of the justices of said court being present, may in their discretion pay the wardens of poor of said counties for their services so much, as in their judgment, they may deem an adequate compensation.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 9th day of January, 1855.] 41
Chapter 310. An Act to Incorporate the Charlotte Gas Light Company.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful to open books in the town of Charlotte, under the discretion [direction] of John Irwin, Daniel Parks, Leroy Springs, H. B. Williams, Thomas Brunm, William Johnston and William W. Elms, of the town of Charlotte, or any three of them, for the purpose of receiving subscriptions to an amount not exceeding fifty thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock for the purpose of manufacturing and selling gas for lighting the town of Charlotte and its vicinity: the time of receiving such subscriptions shall be published in one or more of the newspapers of the town of Charlotte; and the books when opened may be kept open so long as the commissioners aforesaid, or a majority of them, may determine; and so soon as it shall appear that the sum of five thousand dollars has been subscribed, and five dollars on each share has actually been paid thereon, it shall be the duty of said commissioners, or a majority of them, to call a meeting of the subscribers at such time and place as they may designate by advertisement in one or more of the newspapers published in Charlotte, at least ten days before the time appointed for the holding of such meeting, and the power to re-open said books, after such meeting of the first subscribers, shall be vested in the president and directors as hereinafter provided.

Sec. 2. Be it further enacted, That when five thousand dollars shall have been subscribed for, in the manner aforesaid, such subscribers and their successors shall be and they are hereby declared to be incorporated into a body politic, by the name and style of the Charlotte Gas Light Company, and in that name may sue and be sued, plead and be impleaded, shall have perpetual succession, and shall possess and enjoy all the rights, privileges and immunities of a corporation or body politic in law, and make all such rules, by-laws and regulations, not inconsistent with the constitution and laws of this State or that of the United States, as shall be deemed necessary or judicious for the well ordering and conducting the affairs of said company.

Sec. 3. Be it further enacted, That upon any subscription for stock in said company, there shall be paid five dollars on each share at the time of subscribing, which payment shall be made to the commissioners receiving said subscriptions, and the residue thereof shall be paid in such instalments and at such times as the president and directors of
said company may require; and the moneys received by
the commissioners shall be paid over to the treasurer of said
company so soon as one shall have been appointed; and up-
on their failure to do so, after demand in behalf of said com-
pany, the same may be recovered from such defaulting
commissioner or commissioners, in the name of the compa-
ny, before any court having jurisdiction.

Sec. 4. Be it further enacted, That at the general meet-
ing of the stockholders, called by the commissioners as be-
fore directed, and at every annual meeting thereafter, the
stockholders shall elect from among themselves, seven di-
rectors, who shall continue in office unless sooner removed,
until the next annual meeting of the stockholders, and until
their successors shall be elected, and the said directors so
chosen, shall elect one of their body president of said com-
pany, who shall receive such compensation for his services
as may be fixed by a majority of said board of directors; the
president with three or more of the directors, shall consti-
tute a board for the transaction of business, and if the office
of president, or if the office of director become vacant, the
directors may, a majority being present, elect one of the
stockholders a director, and may fill the vacancy in the office
of president as before authorized, and if the president shall
at any time be absent, the president may appoint some other
number [member] of their body to act as president during
his absence.

Sec 5. Be it further enacted, That if any stockholder shall
fail to pay any instalment for the stock subscribed for by
him, or any stock standing on the books of said company
in his name, within one month after such instalment has
been required, and within one month after the same has been
advertised in Charlotte, the treasurer of said company may
by order of the board of directors thereof, sell by public
auction, a sufficient number of any shares in said company,
held by such defaulter, to pay all such instalments then due
by him, together with all necessary incidental charges; and
the treasurer shall give notice of the time and place of such
sale, and of the sum then due on each share, by advertising
the same for two successive weeks in some newspaper pub-
lished in Charlotte, and the shares so sold shall be transfer-
based by the treasurer of [to] the purchaser, in the books of
said company, and such purchaser shall be liable for all fu-
ture instalments on the stock so purchased by him.

Sec. 6. Be it further enacted, That said corporation shall
have full power and authority to manufacture, make and
sell gas made of rosins, coal, oil, turpentine or any other ma-
terial or substance whatsoever, in such quantities as may be
required within the town of Charlotte or its vicinity for
lighting the streets, stores, and all other places and buildings

Election of di-
rectors.

Failure to pay.
Powers.
there situate, or for any other purposes; to purchase and hold such lots and parcels of land in the town of Charlotte, or in its vicinity, as may be necessary or convenient for the erection of all such suitable buildings or improvements as may be required in the manufacture of gas, or in the retention or distribution thereof; to erect on such lots or parcels of land all such buildings, or make thereon all such improvements as may be necessary or convenient for the purposes aforesaid; to lay pipes or other conductors for conveying gas through, upon, over or under any or all of the streets, alleys or public lots or squares of the town of Charlotte: Provided, Such streets, alleys, public lots or squares shall be left in as good condition as they were in at the time of laying such pipes or conductors; also to hold such personal property of any nature or kind whatsoever, which may be necessary for the continuance of said company in carrying on the business aforesaid; and also, from time to time, to repair, re-construct, maintain and preserve all such works, fixtures, machines or other property held by them, as may be necessary for conducting the business of said company.

Sec. 7. Be it further enacted, That there shall be annual meetings of stockholders of said company, at such times and places as the preceding general meeting shall have appointed; and the stockholders may be represented at such general meetings, or at any called general meeting, by proxy, under such rules as the by-laws may provide: Provided, That any proxy made to the president, or any director, or agent, or officer of the company, shall be void at all such general meetings; every stockholder shall be entitled to one vote for every share of stock held or represented by him, and no person shall be authorized to act under a proxy from a stockholder, unless he be a stockholder himself.

Sec. 8. Be it further enacted, That the president and directors of said company shall have power to make contracts with any, person or persons in behalf of the company, for doing or performing any work or for any matter or thing whatsoever connected with the business or the general management of said company; they may appoint a treasurer, secretary and other officers, and take from them bonds and security for the faithful performance of their respective duties, which bonds shall be payable to the company.

Sec. 9. Be it further enacted, That if any person or persons shall negligently or wilfully by any means whatsoever injure, impair or destroy any conduit pipe, cock, machine, building or structure whatsoever, or anything appertaining to the works of said company, the person or persons so offending shall forfeit and pay to said company double the amount of the damages sustained by such injury, and the same may be recovered in the name of said company with
AN ACT TO INCORPORATE THE COLUMBIA AND CHARLOTTE MAGNETIC TELEGRAPH COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Charles J. Fox and William W. Elms, of the State of North-Carolina, James Pagan, E. G. Palmer and Thomas S. Piggott, of the State of South-Carolina, and their successors in office, are hereby created a corporation and body politic, for the purpose of maintaining a magnetic telegraph line, heretofore created between the town of Columbia, in the State of South-Carolina, for transmitting intelligence by means thereof, under the name and style of "the Columbia and Charlotte Telegraph Company," and the said company shall have power to extend the said line to Salisbury.

SEC. 2. Be it further enacted, That the stock of said company shall consist in shares of fifty dollars each, and that the capital stock of said company shall be of an amount necessary for the successful operation of said company, and shall not be invested or employed for any other purpose whatever.

SEC. 3. Be it further enacted, That the persons named in the first section of this act, shall have power to call a meeting of the corporate body hereby created, giving three weeks notice of the time and place of meeting, in at least one newspaper published in this State, or the State of South-Carolina, for the purpose of choosing a president and directors, and such other officers as may be deemed necessary for the management of their affairs; the officers so elected shall hold their offices for one year, and until their successors shall be elected, and shall exercise such powers pertaining to the management of said magnetic telegraph, not inconsistent with the constitution and laws of this State, and of the United States as may be authorized by the by-laws of said corporation.

SEC. 4. Be it further enacted, That at every election, each share shall entitle its owner to one vote, and absent stock-
holders may be represented by agents or proxies, producing written authority therefor; in case of a tie, the election shall be decided by lot.

Sec. 5. Be it further enacted, That the company hereby incorporated, shall have power to sue and be sued, complain and defend in any court of law and equity, having competent jurisdiction, to make and use a common seal, and the same to alter at pleasure, to hold and purchase such real and personal estate as the lawful purposes of the company may require, and the same to sell and convey when no longer so required, to appoint such officers and agents as may be necessary to manage the business of the corporation, and to make by-laws not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock.

Sec. 6. Be it further enacted, That said corporation shall have power to set up their fixtures along and across any of the highroads and waters of this State, without its being a public nuisance, or subject to be abated by any private persons, the said fixtures to be so placed as not to interfere with the common use of such roads or waters of this State, or with the convenience of any land owner, more than is unavoidable; but said corporation shall be responsible for any damages which any person or corporation shall sustain by the erection, continuance and use of such fixtures, and in any action brought for the recovery thereof, by the owner or possessor of any lands, the damages to be awarded, may, at the election of said corporation, include the damage of allowing the said fixtures permanently to continue; in payment of which damages, the right of the corporation to continue such fixtures, shall be confined as if granted by the parties to the suit: Provided, That no person or body politic, shall be entitled to sue for and recover damages as aforesaid, until the said corporation, after due notice, shall have failed or refused to remove in reasonable time, the fixtures complained of; and every person who shall destroy or commit a trespass upon the fixtures of said corporation, erected in pursuance of the authority hereby given, or that has been heretofore erected, actually interrupting, or with intent to interrupt the operation of the telegraph, shall pay to the said corporation five hundred dollars for such offence, and shall be further liable for all damages which the said corporation may suffer in repairing the injury, and in the interruption of their business, to be recovered in an action of trespass, and shall be further liable to indictment, and on conviction, be fined or imprisoned, or both, at the discretion of the court; and if any person incurring the penalty aforesaid, shall, through insolvency or other cause, be unable or shall fail to pay the penalty and damages aforesaid, and
shall a second time destroy or commit a trespass upon said fixtures, he shall be subject to imprisonment, not less than one month nor over six months in the county jail, on conviction thereof before any court of competent jurisdiction.

SEC. 7. Be it further enacted, That said corporation shall be bound, on application of any of the officers of this State or of the United States, acting in the event of any war, insurrection, riot or other civil commotion or resistance of public authority, or in the prevention of [or] punishment of crimes, or the arrest of persons charged or suspected thereof, to give to the communications of such officers immediate dispatch; and if any officer, clerk or operator of said company, shall refuse or willfully omit to transmit such communication, or shall designedly alter or falsify the same for any purpose whatever, he shall be subject to fine and imprisonment, in proportion to the aggravation of the offence, upon conviction thereof before any court of competent jurisdiction: for transmitting such communication, the company shall charge no higher price than for private communications of the same length.

SEC. 8. Be it further enacted, That this act shall go into operation from and after its ratification. [Ratified the 14th day of February, 1855.]

AN ACT TO INCORPORATE THE CAROLINA CITY COMPANY.

Chap. 312.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Wm. H. Washington and George S. Stevenson, of the county of Craven; and Alfred A. McKethan, Nathan A. Stedman, John D. Williams and Thos. R. Underwood, of the county of Cumberland, and divers their associates and successors, executors, administrators and assigns be, and they are hereby incorporated into a company by the name and style of "the Carolina City Company," for the purpose of laying out a city in [on] Beaufort Harbor, and assisting to build improvements there, and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and by their corporate name may sue and be sued, plead and be impleaded in any court of law and equity in this State, and may have and use a common seal, which they may alter and renew or change at pleasure, and shall have all other rights which other corporate bodies may of right enjoy and exercise, and make all by-laws necessary for the government of the company, not inconsistent with the constitution of this State, or of the United States.

SEC. 2. Be it further enacted, That in all purchases of
land by this company, the board of directors shall first agree with the owner or owners thereof, and such sum as is agreed upon by the company, shall be raised by assessing the shares pro rata, as well as all other outlays for the objects of this company, when there is [are] no other funds in the treasury of the company unappropriated; and all deeds and conveyances to and in the name of the "Carolina City Company," shall be held as the company's property and be valid in law, and the company may sell or lease their property from time to time as they may see proper: Provided, That no sale, lease or conveyance shall be made at any time without an order of the board of directors first made, and in every sale, lease or conveyance the signature of the president of the company, certified by the secretary, shall be good in law for the transfer of the property sold, and shall be a full and ample title and binding on the company.

Sec. 3. Be it further enacted, That the capital stock of the company shall be divided in one hundred thousand shares of the value of five ($5.00) dollars each, and said shares shall be transferable on the books of the company, by certificates signed by the president and countersigned by the secretary in person or by attorney at the office of the company.

Sec. 4. Be it further enacted, That the office of the company shall be either in Fayetteville or Carolina City, as the company may prefer; and annual meetings shall be held at it to examine the affairs of the company, and to elect six directors for the ensuing year, who shall appoint one of their number president; and the board may appoint such other officers and agents as may be necessary for the business of the company, and in all elections by the company, each share shall be entitled to one vote.

Sec. 5. Be it further enacted, That dividends of the nett profits may be declared at such times as the board may think proper.

Sec. 6. Be it further enacted, That the stock of this company shall be deemed personal estate, and pass as such to each shareholder and his representative.

Sec. 7. Be it further enacted, That this act shall be in force from and after its ratification, and shall be in force thirty years. [Ratified the 15th day of February, 1855.]

Chap. 313. AN ACT TO INCORPORATE THE DANBURY HYDRAULIC COMPANY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Wilson Fulton, S. H. Taylor, Nathaniel Moody and John Pepper, and such other persons as may
hereafter be associated with them, their successors and assigns shall be and are hereby created, constituted and declared a body corporate and politic, by the name and style of the Danbury Hydraulic Company, for the purpose of supplying the town of Danbury, in the county of Stokes, with water; and by that name they and their successors shall have perpetual succession and a common seal, and shall be capable of suing and being sued, pleading and being pleaded, in all the courts of law and equity and before a justice of the peace, and may hold, acquire, possess and enjoy real and personal estate.

Sec. 2. Be it further enacted, That the stock of said company shall not be less than three hundred dollars, nor more than twelve hundred dollars, and to be divided into shares of twenty dollars each.

Sec. 3. Be it further enacted, That the said Wilson Fulton, S. H. Taylor, Nathaniel Moody and John Pepper, or any three of them, shall open books of subscription of stock, and when the sum of three hundred dollars is subscribed, they and their successors are hereby declared to be incorporated into a company under the said name and style, and with the authority aforesaid, and it shall be their duty to call a general meeting of the stockholders.

Sec. 4. Be it further enacted, That such general meeting of stockholders, and annually thereafter, a majority of the stock always being represented, shall elect from their number three persons as a board of directors, (each share being entitled to one vote, either by person or proxy;) for a term of one year and until others are elected, unless removed for cause, and in case of such removal, refusal to act, death or resignation of any one of said directors, the stockholders as aforesaid shall fill such vacancy.

Sec. 5. Be it further enacted, That such company shall have power to make, ordain and establish laws, rules and regulations for their own government, and generally to do and perform all such matters and things as rightfully belong and are usually incident to bodies corporate and politic.

Sec. 6. Be it further enacted, That the board of directors shall be and are hereby invested with the rights and powers necessary for the construction and keeping in repair said water works, and to require from the stockholders from time to time such advances of money on their respective shares as the wants of the company may demand, until the whole of [the] stock is paid in; and in case of refusal of any one to pay when required as aforesaid, the said directors shall proceed to collect the same by process of law.

Sec. 7. Be it further enacted, That the board of directors are further invested with the right and power to acquire by gift or purchase any and all lands necessary for the construc-
tion of said water-works, and in case the owner or owners of any land which they desire to acquire shall refuse to make them title on such terms as said directors shall deem reasonable, then and in that case the board of directors shall have power to apply to some justice of the peace for said county, whose duty it shall be to issue his warrant to the sheriff of said county to summon eighteen freeholders to meet at such time and place as the warrant may designate, from which number the sheriff shall draw a jury of twelve men who shall view such lands as the directors may desire and assess the damages the owner or owners thereof may sustain on account of such water-works, which inquisition shall be signed by the jury and sheriff and by him returned into the clerk's office of the county court of Stokes, and there kept by him on file, when the board of directors shall pay or make a tender of such damages to the owner or owners of said land, then the title of the same shall vest in this corporation as fully and absolutely as if the land had been conveyed by the said owner or owners to said company in fee simple.

Sec. 8. Be it further enacted, That it shall be lawful for the board of directors to demand, sue for and recover by law, a reasonable annual tax from all persons, stockholders excepted, for the use and privileges of the water: Provided, Such persons are citizens or owners of property in Danbury, and on refusal to pay said tax imposed by the stockholders in their general meeting, the directors may refuse such person or persons all use of water until such tax shall be paid.

Sec. 9. Be it further enacted, That if any person or persons shall wilfully or maliciously injure or in any manner hurt or damage said water-works, or the free passage of water, or counsel, aid or assist in the same, such persons, their aiders and abettors shall be liable to be indicted therefor, as for a misdemeanor, and on condition [conviction] shall be fined or imprisoned, or both, at the discretion of the court before which such conviction shall take place.

Sec. 10. Be it further enacted, That the directors may issue certificates for shares of stock in said company, and deliver one of such certificates signed by said directors to each person for the number of shares subscribed by him, which certificates shall be transferable by him, subject however to all payments due or to become due thereon; and further, the purchaser of said stock shall be subject to all the laws, rules and regulations and enjoy all the privileges of original stockholders.

Sec. 11. Be it further enacted, That the board of directors shall appoint a clerk to keep a record of all their proceedings, and a treasurer to keep the moneys and funds of
said company, who shall give bond and security for the safe keeping of the same.

Sec. 12. Be it further enacted, That the board of directors may from time to time declare dividends on the stock and pay the same by order on the treasurer or to the stockholders of the company.

Sec. 13. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1855.]

AN ACT IN FAVOR OF WILLIAM N. BROOKS, OF THE COUNTY OF HYDE. Chap. 314.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the secretary of the State be, and he is hereby authorized and required to issue to Wm. N. Brooks, of the county of Hyde, a grant for a lot or parcel of land covered by water, ordinarily to the depth of two feet, beginning on the shore of Pamlico Sound, nearest to the southeast corner of said Brooks' tract of land, near Naylor's creek, running thence along the shore, four hundred and twenty-five feet, to a stake, thence at right angles with the shore, two hundred and ten feet, to a stake in the sound, then parallel with the shore four hundred and twenty-five feet to a stake; thence to the beginning; which said grant shall convey the title to said land to the said W. N. Brooks and his heirs for ten years, and no longer, for the purpose hereinafter mentioned, and no other.

Sec. 2. Be it further enacted, That the said W. N. Brooks and his heirs and assigns shall have the sole and exclusive right to occupy, use and enjoy the said land and water, for the purpose of planting and raising oysters for the markets of this State alone, during the said term of ten years: Provided, That the said W. N. Brooks shall forfeit all right to said land unless the same shall be staked around and kept so, without an interval of more than twelve months: And provided further, That nothing herein contained shall be so construed as to prevent persons from passing over said land in canoes and other vessels.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

AN ACT TO INCORPORATE THE SHOCCO SPRINGS COMPANY, IN THE Chap. 315. COUNTY OF WARREN.

Sec. 1. Be it enacted by the General Assembly of the State Body corporate
of North-Carolina, and it is hereby enacted by the authority of the same, That Jas. W. Alston and Kemp P. Alston, and their associates, successors and assigns, are hereby created and constituted a body corporate, by the name and style of the "Shocco Springs Company," for the purpose of establishing fit, proper and convenient accommodations for such persons as may choose to visit Shocco Springs, in the county of Warren, for the use of the mineral waters of said springs, or otherwise; with liberty also to carry on the business of mining and manufacturing, on any land which may be owned by the company, in the county of Warren, within two miles of said springs.

Sec. 2. Be it further enacted, That for the purposes aforesaid, the company may acquire and hold in fee simple or otherwise, such real estate, at and about said springs, as may be hereafter lawfully conveyed to said corporation, to the extent of two thousand acres of land, with all such fixtures and appurtenances as may be erected or placed thereon for any such business as aforesaid, and may also hold all such personal estate as may be necessary to prosecute the same, the value of both kinds of estate not to exceed one hundred and fifty thousand dollars, with the privilege of hereafter extending the same to two hundred thousand dollars.

First meeting.

Sec. 3. Be it further enacted, That the first meeting of the corporation may be called by the persons hereinbefore named, at such time and place as may be agreed upon by them; and at such meeting, or at any meeting thereafter of the members of the company, the corporation shall have power to make all needful and proper by-laws, rules and regulations to conduct its business, the same being consistent with the laws of the land.

Sec. 4. Be it further enacted, That the company may divide their original stock into such number of shares, and provide for the mode of selling and transferring the same, as they may deem expedient: Provided, however, That no share shall be less than twenty dollars.

Sec. 5. Be it further enacted, That the company may lay and collect assessments, declare forfeited and sell the shares of delinquent stockholders, in such manner as they may resolve by any by-law duly passed.

Sec. 6. Be it further enacted, That the company may appoint all suitable officers and agents, and shall keep regular books of record and transfer, which shall at all times be open for the inspection of any stockholder. [Ratified the 16th day of February, 1855.]
AN ACT TO INCORPORATE THE FEMALE BENEVOLENT SOCIETY OF Chap. 316.
NEWBERN, IN THE TOWN OF NEWBERN.

Sec. 1. Be it enacted by the General Assembly of the State Body politic.
of North-Carolina, and it is hereby enacted by the authority of the same, That Elizabeth D. Davis, Elizabeth Ryden, Phebe Taylor, Sharah A. Taylor, Mary Ann Moore, Susan Taylor, Sarah Jerkins, Mary H. Wills, Catharine Taylor, Eliza Allen, Eliza Chapman, Ann Bryan, Nancy Hay, Elizabeth A. Taylor, and their successors, be and are hereby constituted a body politic and corporate, by the name of the Female Benevolent Society of Newborn, and by that name shall have perpetual succession and a common seal, may sue and be sued, acquire and transfer property, and pass all such by-laws and regulations for their own government as shall not be inconsistent with the constitution and laws of the State and the United States.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3rd day of February, 1855.]

AN ACT TO ENCOURAGE THE KILLING OF WOLVES IN JACKSON Chap. 317.
COUNTY.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Jackson county, a majority of the justices of the peace being present, be empowered and required to order the trustee of the county to pay to any person the sum of two dollars for each and every Wolf's scalp, or upon satisfactory evidence being produced that the applicant or the person for whom he applies did kill a Wolf or Wolves in the county of Jackson.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 9th day of January, 1855.]

AN ACT FOR THE RELIEF OF SOLOMON NEWTON. Chap. 318.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Solomon Newton shall have a right to purchase section No. 2 of Willnotas' reservation in Jackson county, at a price to be fixed by Jacob Siler and Mark Coleman, who are hereby appointed commissioners for that purpose; and on the value of the lands being ascertained as aforesaid, he may file his bonds, payable to the State in one
and two years, in legal instalments with good security, to be judged of by the agent of the State for the collection of Cherokee bonds; and when it is certified to the secretary of State by said agent, that said bonds are fully paid, he shall issue a grant to said Newton of all such rights that the State has in said lands.

Sec. 2. Be it further enacted, That this act shall take effect and be in force from and after its ratification. [Ratified the 15th day of February, 1855.]

Chap. 319. AN ACT TO AUTHORIZE SAM. W. CHADWICK, LATE SHERIFF OF CRAVEN COUNTY, TO COLLECT ARREARS OF TAXES DUE HIM.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel W. Chadwick, late sheriff of the county of Craven, be and he is hereby authorized and empowered to collect all arrears of taxes due him in the years 1851, '52 and '53, which collection shall be made under the same rules, regulations and restrictions as other collections of taxes under the laws of the State: Provided, That the authority by this act granted shall not extend to persons who have removed from the county, nor to executors or administrators, nor to any person who will voluntarily swear before any justice of the peace of said county, that he or she verily believes that the arrears of taxes claimed from him or her have been paid.

Sec. 2. Be it further enacted, That the power and authority hereby granted shall cease and determine with the year 1856.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

Chap. 320. AN ACT TO REGULATE THE INSPECTION OF FLOUR IN THE TOWN OF FAYETTEVILLE.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the inspector of flour in the town of Fayetteville, to appoint one or more persons of good repute and skill in the quality of flour, to assist him in the execution of his office, such assistants having first taken the oath prescribed in the act of 1810, to regulate the inspection of flour in this State, shall be authorized to inspect and brand flour in the same manner as the inspector himself might do.
SEC. 2. Be it further enacted, That if the said inspector shall refuse to appoint one or more assistants, at the first court of pleas and quarter sessions held for the county of Cumberland after the first Monday of January, in each and every year, he shall be fined a sum not less than fifty dollars, recoverable before a justice of the peace, or any court of said county having jurisdiction thereof.

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of February, 1855.]

AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1852 AND 53, ENTITLED "AN ACT CONCERNING THE PLACE OF TRIAL FOR CIVIL PROCESS RETURNABLE BEFORE JUSTICES OF THE PEACE."

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited act be so altered and amended, as to extend the provisions of the same to the county of Columbus. [Ratified the 14th day of February, 1855.]

AN ACT CONCERNING HAW RIVER, IN ALAMANCE COUNTY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Haw River from the Chatham line to the Shallow Ford, in Alamance county be, and the same is hereby declared a water course sufficient instead of a fence. [Ratified the 9th day of February, 1855.]
RESOLUTIONS
OF A PRIVATE NATURE, PASSED BY THE
General Assembly of North-Carolina.
1854-'55.

RESOLUTION IN FAVOR OF THE WILMINGTON AND RALEIGH RAILROAD COMPANY.

Whereas, The Wilmington and Raleigh Railroad Company, for the purpose amongst other things, of securing to the literary board or to the State of North-Carolina certain sums of money heretofore due, or indemnity for liabilities heretofore incurred on account of the same, hath conveyed certain property consisting of lots, their road, engine, &c.; and whereas, it has become necessary for said company under a change of their arrangements, to make sale of a portion of the said property; therefore,

1. Resolved, That the parties to whom the conveyances aforesaid, for the benefit of the State or of the literary board has been made, be, and they are hereby authorized upon payment of the debt or debts, and the discharge of the liabilities hereinbefore allowed, to release said company all interest, claim, or demand had or made by or in behalf of the State or the literary board to the property so conveyed by or in behalf of the said company, each release following upon the payment of the debt or the discharge of the liability incurred on behalf of the property released. [Ratified the 13th day of February, 1855.]

RESOLUTIONS CONCERNING THE MARINE HOSPITAL IN OR NEAR THE TOWN OF WILMINGTON, IN NORTH CAROLINA.

1. Resolved, That the directors of the "Marine Hospital Association of Wilmington," be and they are hereby authorized to pay over all the unappropriated funds in their possession to the trustees of the Seaman's Friend Society, to be applied to the objects of the Seaman's Friend Society.

2. Resolved, That a committee, consisting of two on the part of the Senate and three on the part of the House, be
Committee. appointed by the speakers of the two houses, to memorialize Congress on the necessity of establishing a United States Marine Hospital in the town of Wilmington, setting forth such facts in relation thereto as they may deem necessary.

3. Resolved, That the governor of the State be requested to correspond with the governors of the different States wherein State Marine Hospitals are located, for the purpose of obtaining information in relation thereto, to be laid before the next General Assembly.

4. Resolved, That the real estate and other property belonging to the Seaman's Friend Society, be and the same are hereby exempted from the payment of State and county taxes for the future. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF JOHN GREEN.

Grant to issue. Resolved, That the secretary of State be instructed and required to issue a grant to John Green, upon the production of his receipt from the public treasurer for the payment of the purchase money, No. 493, dated the 14th of December, 1829, for one hundred acres of land, situated in Montgomery county, and entered by John Green, as appears by the certificate of the entry taker, No. 9107. [Ratified the 9th day of January, 1855.]

RESOLUTION IN FAVOR OF BRYANT R. HINNANT, LATE SHERIFF OF THE COUNTY OF JOHNSTON.

B. R. Hinnant. Resolved, That the public treasurer be, and he is hereby required to pay over to Bryant R. Hinnant, late sheriff of the county of Johnston, the sum of one hundred and nineteen dollars and sixty-six cents, that being the amount herefore overpaid by him into the treasury, and that he be allowed the same in the settlement of his accounts. [Ratified the 9th day of February, 1855.]

RESOLUTION IN FAVOR OF N. W. WOODFIN AND E. V. BLACKSTOCK.

Grant to issue. Resolved, That the secretary of State be authorized to issue a grant to N. W. Woodfin and E. V. Blackstock, for four hundred acres of land in Buncombe county, described in an entry No. 6,736, and accompanying papers on file in the secretary's office: Provided, That the rights by any entry or grant heretofore made for the land covered by the grant hereby authorized, shall not be affected by anything con-
A RESOLUTION IN FAVOR OF THOMAS N. ALEXANDER.

Resolved, That the treasurer of the State be authorised to pay Thomas N. Alexander, late sheriff of Mecklenburg county, one hundred dollars, out of any moneys in the treasury not otherwise appropriated, on account of over-payment made by him on merchant's tax, for the year 1852. [Ratified the 14th day of February, 1855.]

RESOLUTION IN FAVOR OF HENRY NUTT.

Resolved, That the public treasurer pay to Henry Nutt, II. Nutt, of Wilmington, the sum of fifty dollars, it being the amount paid into the public treasury by said Nutt, as agent for a foreign insurance company, more than he was required to pay by the laws of the State, owing to a mistake of the receiver of the tax list; and that he be allowed the same in the settlement of his public accounts. [Ratified the 5th day of February, 1855.]

RESOLUTION IN FAVOR OF CHARLES H. THOMPSON.

Resolved, That the treasurer pay to Charles H. Thompson, of Wake, forty-five dollars, it being purchase money for two eight day octagon clocks, furnished for the use of the General Assembly. [Ratified the 1st day of February, 1855.]

RESOLUTION IN FAVOR OF JAMES MCKIMMON.

Resolved by the General Assembly, That the public treasurer be directed to pay to James McKimmon eight dollars and eighty cents for articles furnished the clerk of the Senate's office. [Ratified the 14th day of February, 1855.]

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

Resolved, That the public treasurer pay to W. H. & R. S. Tucker thirty-one dollars twenty-six cents, it being for articles purchased for the use of the present General Assembly as set forth in the above account. [Ratified the 15th day of February, 1855.]
RESOLUTION IN FAVOR OF WM. H. HIGH, SHERIFF OF WAKE COUNTY.

W. H. High.  

Resolved, That the public treasurer be, and he is hereby directed to refund to Wm. H. High, sheriff of Wake county, the sum of twenty-five dollars ($25.00) improperly paid into the public treasury in the settlement of his tax accounts the present year, in consequence of an error committed in taking the tax list.  [Ratified the 1st day of February, 1855.]

RESOLUTION IN FAVOR OF D. A. RAY & CO.

D. A. Ray & Co.  

Resolved, That the public treasurer pay to David A. Ray & Co. one hundred and forty dollars ($140.00) out of any moneys in the treasury not otherwise appropriated, for storage of seven gun carriages and their fixtures, from the 15th day of June, 1844, to the 30th day of June, 1851, and that the public treasurer be allowed the same in the settlement of his accounts.  [Ratified the 9th day of January, 1855.]

RESOLUTION IN FAVOR OF ABNER WALKER, GUARDIAN, ETC.

Resolved, That the treasurer be directed to pay to Abner Walker, guardian of the heirs of John Walker, dec'd, twelve ($12,) the amount paid by said Walker upon an improper listment of said estate.  [Ratified the 14th day of February, 1855.]

RESOLUTION FOR THE LOAN OF MONEY BY THE LITERARY BOARD TO THE CLINTON FEMALE INSTITUTE, IN SAMPSON COUNTY, AND FOR OTHER PURPOSES.

1. Resolved, That the literary board be authorized and required to loan to Clinton Female Institute, in the county of Sampson, out of any moneys belonging to said board not otherwise appropriated, the sum of three thousand dollars, on condition that said institute give good personal security for the payment of the interest, to be paid semi-annually, and the principal at the end of five years from the date of the note.

2. Be it further resolved, That the president and directors of the literary fund, be directed to loan to the trustees of the Wesleyan Female College, in the town of Murfreesboro', in the county of Hertford, the sum of four thousand five hundred dollars, upon the condition that the trustees aforesaid, shall execute a bond with good and sufficient security to the same, for the payment of the principal and the
interest semi-annually, and [on] the first of January and July in each and every year. *Provided,* That at the time of making application for the said sum by the said trustees there be that amount belonging to the literary fund, not otherwise appropriated.

3. *Be it further resolved,* That the president and directors of the literary fund be directed to loan to the Chowan Female Institute the sum of four thousand five hundred dollars upon the same conditions and under the like restrictions as is [are] above prescribed in the loan to the Wesleyan Female College. *[Ratified the 14th day of February, 1855.]*

RESOLUTION IN FAVOR OF THE TRUSTEES OF MOUNT PLEASANT ACADEMY, IN THE COUNTY OF CHEROKEE.

Resolved, That the literary board be authorized to lend to the trustees of the Mount Pleasant Academy, in the county of Cherokee, the sum of two thousand dollars, for the term of five years, upon condition that they execute a bond, with undoubted personal security for the payment of the same, and the interest semi-annually. *[Ratified the 16th day of February, 1855.]*

RESOLUTION IN FAVOR OF THE DOORKEEPERS.

Resolved, That the public treasurer pay to each of the doorkkeepers of the Senate and House of Commons, fifty dollars, for the purpose of defraying the expenses of hiring servants to bring up wood and water for the present General Assembly, and that he be allowed the same in the settlement of his public accounts. *[Ratified the 15th day of February, 1855.]*

RESOLUTION IN FAVOR OF WILLIAM THOMPSON.

Resolved, That the public treasurer pay to Wm. Thompson, one hundred and eight dollars and fifty cents, for repairing the furniture of the two Halls of the Capitol, by direction of the board of public buildings, and that he be allowed the same in the settlement of his public accounts. *[Ratified the 14th day of February, 1855.]*

RESOLUTION IN FAVOR OF E. D. DAVIS, SHERIFF OF JACKSON COUNTY.

Resolved, That the public treasurer pay to E. D. Davis,
sheriff of Jackson county, the sum of twelve dollars, it being the balance due him for making the election returns for governor, and that he be allowed the same in the settlement of his public accounts. [Ratified the 20th day of January, 1855.]

RESOLUTION IN FAVOR OF H. S. SMITH, CLERK OF THE COMMISSIONERS TO REVISE THE STATUTES.

Resolved, That in compliance with the recommendation of the commissioners to revise statutes, the public treasurer be directed to pay to H. S. Smith, clerk of the commission, five hundred dollars as additional and full compensation for his services. [Ratified the 1st day of February, 1855.]

RESOLUTION IN FAVOR OF W. W. HOLDEN AND JOHN H. DECARTERET.

Resolved, That the treasurer pay to W. W. Holden six hundred and one 25-100ths dollars for printing Revised Statutes, and to John H. DeCarteret sixty-six dollars for binding and stitching the said statutes, under contracts made with the commissioners of the revisal. [Ratified the 9th day of January, 1855.]

RESOLUTION IN FAVOR OF THOS. I. JUDKINS.

Resolved, That the public treasurer of the State be authorized to pay Thomas I. Judkins, sheriff of the county of Warren, the sum of ninety-four dollars, which he improperly paid to the comptroller of the State in his last settlement for the public taxes of the county of Warren, for the year 1853, the said sheriff having accounted for four billiard tables, when in reality there were only three in said county. [Ratified the 20th day of January, 1855.]

JOINT RESOLUTION IN FAVOR OF OLIVER H. PERRY.

Resolved, That the public treasurer pay to Oliver H. Perry fifty dollars as a compensation for attention and services, in carpeting the halls, furnishing settees, &c. and that he be allowed the same in the settlement of his public accounts. [Ratified the 20th day of January, 1855.]
1854-'55.—Resolutions.

Resolutions.

Resolved, That the public treasurer pay to Edward Stanly the sum of five hundred dollars, in full for all extra services as attorney general, in suits against the stockholders and bondsmen of the Raleigh and Gaston Railroad Company. [Ratified the 16th day of February, 1855.]

Resolved, That the public treasurer pay to the Hon. Warren Winslow the sum of one hundred and fifty dollars, in consideration of the [his] services for twenty-five days, as Governor of the State. [Ratified the 20th day of January, 1855.]

Resolved, That the treasurer of the [State] be directed to pay to Jasper Tinnin, a deaf mute of the county of Orange, fifty dollars, it being the amount which Jasper Tinnin forfeited and paid to the sheriff for peddling goods in the county of Orange, without a license. [Ratified the 9th day of January, 1855.]

Resolved, That the treasurer be, and he is hereby author-
ized to pay S. D. Poole forty-four 50-100ths dollars, for his services as clerk, and his mileage from and to Carteret. [Ratified the 20th day of January, 1855.]

[RESOLUTION IN FAVOR OF JEPHTHA WOODWARD.]

Be it resolved by the General Assembly of the State of North-Carolina, That the secretary of State be authorized to issue to Jeptha Woodward, and his heirs at law, a grant of fifteen acres of land lying in the county of Anson, and bounded according to certificate and plat of survey, now on file in the office of secretary of State, according to provision of the Revised Statutes, chapter 42, and section 25, in such cases made and provided. [Ratified the 20th day of December, 1854.]

RESOLUTION IN FAVOR OF C. C. STONE.

Resolved, That the public treasurer pay C. C. Stone, out of any money in the treasury not otherwise appropriated, twenty-three dollars and seventy cents, excess of taxes paid by him to the sheriff of Chatham, and accounted for by the latter in the settlement of his accounts. [Ratified the 15th day of February, 1855.]

RESOLUTION CONCERNING THE ENGROSSING CLERKS.

Resolved, That the principal clerks of the two houses be authorized to employ such additional assistance as may be necessary to enable the engrossing clerks to perform in time the business of their office. [Ratified the 14th day of February, 1855.]

RESOLUTION IN FAVOR OF W. H. WINDER.

Whereas, the General Assembly of the State of North-Carolina, at the session of 1850 and 1851, passed an act entitled "an act to authorize and direct the public treasurer to make sale of certain lands owned by the State; and whereas, a part of a tract of land called "Bushy Branch" was sold, and whereas, it appears from the treasurer's report, made on the 21st November, 1842, that the purchase money for the same has been paid into the public treasury; and whereas, there has heretofore no title been made to the purchaser, therefore,
Resolved, That the governor be directed to make title to W. H. Winder, the assignee of the purchaser: Provided, That nothing herein contained shall prejudice the title or claim of any other person, nor commit the State to any warranty. [Ratified the 14th day of February, 1855.]

RESOLUTION IN FAVOR OF B. F. MOORE AND ASA BIGGS, COMMISSIONERS TO REVISE THE STATUTES.

Resolved, That the public treasurer pay to B. F. Moore and Asa Biggs, commissioners to revise the public statute laws, the sum of fifteen hundred dollars each, in addition to what has already been received by them, as a compensation for their services in revising and reporting the statutes aforesaid. [Ratified the 10th day of February, 1855.]

RESOLUTION IN FAVOR OF WARREN L. POMEROY.

Resolved, That the public treasurer pay to Warren L. Pomeroy two hundred and twelve dollars and sixty-five cents, the same being the amount of his account for the stationery furnished to the present General Assembly. [Ratified the 14th day of February, 1855.]

RESOLUTION IN FAVOR OF WALTER GWYN, CHIEF ENGINEER.

Resolved, That the public treasurer be directed to audit the accounts of Walter Gwynn, civil engineer, herewith transmitted, and to settle whatever amount of balance may be found due him for additional expenditures incurred by him in making the survey authorized by law for the Atlantic and North-Carolina Railroad, and for the North-Carolina and Western Railroad. [Ratified the 14th day of February, 1855.]

RESOLUTION CONCERNING THE DEBTS DUE FROM THE SEABOARD AND ROANOKE RAILROAD COMPANY.

Whereas, The Seaboard and Roanoke Railroad Company are indebted to the State of North-Carolina in two several bonds for the sum of five thousand three hundred and eighty-seven dollars and fourteen cents, each principal money, one payable the third January, 1853, the other the third January, 1855; and whereas, the said company desire further time in which to pay the same;
Further time. Be it therefore resolved, That upon the said company's paying the bond due the third of January, 1853, on the third of January, 1857, together with the interest thereon, the public treasurer is hereby authorized to grant to the said company the further time of four years, in which to pay the bond due on the third of January, 1855. [Ratified the 16th day of February, 1855.]

**Resolution in Favor of H. D. Turner.**

H. D. Turner. Resolved, That the public treasurer pay to H. D. Turner twenty-nine dollars and twenty-five cents, being for books furnished the Senate, under a resolution thereof. [Ratified the 16th day of February, 1855.]

**Resolution in Favor of Henry J. Brown.**

H. J. Brown. Resolved, That the treasurer be authorized and he is hereby instructed to pay Henry J. Brown, out of any moneys in the treasury not otherwise appropriated, twelve dollars, as per account herewith filed, for certain articles therein named, furnished to the legislature. [Ratified the 16th day of February, 1855.]

**Resolution in Favor of James M. McGowan.**

J. M. McGowan. Resolved, That the public treasurer pay to James M. McGowan fifteen dollars, for five days services rendered as doorkeeper to the Senate at the last session of the General Assembly. [Ratified 16th day of February, 1855.]

**Resolution in Favor of W. A. Winburn.**

W. A. Winburn. Resolved, That the public treasurer be instructed, and he is hereby authorized to pay to W. A. Winburn, or his agent, the sum of twenty-five dollars and twenty-five cents, out of any moneys in the treasury not otherwise appropriated; the same being for that amount of money overpaid by him in making his return of taxes for the county of Guilford. [Ratified the 14th day of February, 1855.]

**Resolution in Favor of Joseph Woltering.**

J. Woltering. Resolved, That the public treasurer pay to Joseph Wolter-
ing ten dollars and ninety cents for repairs to capitol, and articles furnished for the use of Senate and House of Commons. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF G. W. BULLARD OF CUMBERLAND COUNTY.

Resolved, That the public treasurer pay G. W. Bullard of G. W. Bullard Cumberland county the sum of twelve dollars, it being the amount of error made by the justice in returning his tax list of 1851, and paid in 1852, upon his dividends and profits. [Ratified the 16th day of February, 1855.]

RESOLUTION CONCERNING THE PRINCIPAL CLERKS OF THE TWO HOUSES OF THE GENERAL ASSEMBLY.

Resolved, That the public Treasurer be and he is hereby authorized to pay to James T. Marriott, principal clerk of the House of Commons, the sum of one hundred and twenty-five, and John Hill, principal clerk of the Senate, the sum of seventy-five dollars, extra of what is now allowed for copying and preparing their respective journals for the press, and that said clerks be allowed fifty days to complete said work. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF COLIN MCRae.

Whereas, Colin McRae, of Cumberland county, in the McCrae year 1853, in rendering his tax list gave in the sum of five hundred dollars as the amount of money at interest, the justice, in making out his return, charged said McRae five hundred dollars as interest received, thereby creating a debt of fifteen dollars, when he was only bound for ninety cents, making an error of fourteen dollars and ten cents.

Be it therefore resolved, That the public treasurer pay to Colin McRae the sum of fourteen dollars and ten cents, it being the amount which was wrongfully collected from him in consequence of the error committed by said justice. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF J. W. ERWIN, ADMINISTRATOR OF THE ESTATE OF C. P. WILKINS, DEC'D. LATE SHERIFF OF CLEAVELAND COUNTY.

Resolved by the General Assembly of the State of North Carolina, That the public treasurer pay to J. W. Erwin,
administrator of the estate of C. P. Wilkins, deceased, late sheriff of the county of Cleaveland, the sum of forty-two dollars and eleven cents, overpaid by said sheriff in the settlement of the public taxes due from said county for the year 1852; and that the public treasurer be allowed the same in the settlement of his public account. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF A. H. SANDERS, LATE SHERIFF OF MONTGOMERY COUNTY.

A. H. Sanders.  Resolved, That the public treasurer be, and he is hereby authorized to pay A. H. Sanders, late sheriff of Montgomery county, twelve dollars and twenty-one cents, out of any moneys not otherwise appropriated, it being the amount overpaid by him into the treasury, and that the treasurer be allowed the same in his settlement of public accounts. [Ratified the 14th day of February, 1855.]

RESOLUTION IN FAVOR OF D. D. BAKER AND OTHERS.

D. D. Baker.  Resolved, That the public treasurer be authorized and required to pay to D. D. Baker, one of the securities of Charles Baker, former sheriff of Yaney county, out of any moneys in the treasury not otherwise appropriated, the sum of two hundred and twenty-eight dollars and forty-eight cents, being money paid to the treasurer on judgments entered in the superior court of law for the county of Wake, for forfeitures in relation to the tax for the year 1850, and that D. D. Baker, D. S. Hampton, David Franklin, J. Gardner and Absalom Penland, securities of said Charles Baker, be discharged from the collection of the balance of said forfeitures. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF REUBEN WATTS, SHERIFF OF ALEXANDER COUNTY.

R. Watts.  Resolved, That the treasurer pay to Reuben Watts, sheriff of Alexander county, out of any moneys in the treasury not otherwise appropriated, the sum of eighty-six dollars ($86.00) overpaid by him in his settlement of public accounts with the comptroller. [Ratified the 14th day of February, 1855.]
RESOLUTION IN FAVOR OF JAMES M. CARROLL, OF CHEROKEE COUNTY.

Resolved, That Daniel F. Ramsour, entry taker, for the county of Cherokee, appointed under the act of 1852-'53, be authorized and he is hereby required to cancel four several bonds executed by James M. Carroll for the purchase of — acres of land by entry under the act aforesaid, the said land having been previously entered, and afterwards granted to James D. Curtis; and that the aforesaid entry taker deliver to the aforesaid Carroll or his duly authorized agent upon application, the aforesaid bonds ———, and that he be allowed the same in a settlement of his public accounts. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF PETER G. EVANS.

Whereas, Peter G. Evans is the holder of certain State bonds; and whereas, five coupons, to wit: Numbers 22, 397, 399, 400, and 487 attached to said bonds have been lost by said Evans; therefore, Be it resolved by the General Assembly of the State of North-Carolina, That the public treasurer be authorized and required to pay the amount of said coupons, upon said Peter G. Evans furnishing satisfactory evidence of their loss, and entering into satisfactory bond to indemnify the State from all liability on account of such payment. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF NEAL M. COLVARD, OF CHEROKEE COUNTY.

Resolved, That Neal M. Colvard, of Cherokee county, assignee of William F. Johnson, be authorized to file (with Jacob Siler, agent for the collection of Cherokee bonds,) his bonds for the purchase money of one hundred acres of land, according to certificate No. 398, heretofore issued to the said Johnson as a pre-emption, under the act of 1851 and '52, by the said Siler; and that a certificate of purchase be issued according to the survey thereof heretofore made. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF JOHN W. GARLAND.

Resolved, That the public treasurer be authorized and re-quired to pay to John W. Garland, out of any moneys in the treasury not otherwise appropriated, the sum of seventy-eight dollars, in consideration of his services in surveying,
locating and constructing the McDowell and Yancey Turnpike road, and that he be allowed the same in the settlements of his public accounts. [Ratified the 14th day of February, 1855.]

RESOLUTION IN FAVOR OF ROBERT MARTIN, OF CHEROKEE COUNTY. Grant to issue. Resolved, That the secretary of State be required, and he is hereby authorized to issue to Robert Martin, of Cherokee county, a grant for one hundred acres of land, according to survey of the same warrant to a certificate, No. 433, issued in his favor as a pre-emption under the act of 1850-51, by Jacob Siler, agent of the State: Provided, He pay the sum of twenty dollars, it being the price fixed by said law, and that he produce a certificate of survey for said land, duly made by the county surveyor or of the county of Cherokee, according to law. [Ratified the 14th day of February, 1855.]

RESOLUTION IN FAVOR OF JOHN CRAUS. Grant to issue. Resolved, That the secretary of state be authorized and required to issue to John Craus a grant for seventy-five acres of land, situated in the county of Wilkes, which land is covered by entry No. 5483. Also another for sixty acres, situated in the same county, and covered by entry No. 4051: Provided, That the grants hereby authorized to be issued, shall not effect any grant for the same lands, made previous to grant hereby authorized. [Ratified the 14th day of February, 1855.]

RESOLUTION IN FAVOR OF J. W. ERWIN.

J. W. Erwin. Resolved, That J. W. Erwin, administrator of C. P. Wilkins, deceased, late sheriff of Cleaveland county, be, and he is hereby authorized and empowered to collect all arrearages of taxes due his intestate as sheriff of said county for the years 1852, '53 and '54, and for this purpose he shall have and exercise all the powers now conferred by law upon sheriff for the collection of the public revenue; and the same when collected, shall be applied first for the indemnity of the securities to the official bonds of his intestate, and the residue, if any, shall be held by him as assets, and applied according to law in payment of debts and distributive shares. Provided, however, That no arrearages of taxes shall be collected by virtue of this act from any person who has re-
moved from the said county, or from any person, executor or administrator who will make affidavit before a justice of the peace, that the taxes claimed are not justly due. [Ratified the 16th day of February, 1855.]

RESOLUTION IN FAVOR OF SAMUEL W. CHADWICK.

Resolved, That the public treasurer be directed to pay S. W. Chadwick, former sheriff of Craven county, fifty-eight dollars, it being the amount overpaid by him to the public treasurer, in his settlement for the year A. D. 1853. [Ratified the 9th day of January, 1855.]

RESOLUTION IN FAVOR OF BARTLETT UPCUECH, OF WAKE COUNTY.

Resolved, That the treasurer of the State be directed, and Bartlett Upchurch, of Wake county, be hereby required to pay unto Bartlett Upchurch, the sum of eight dollars, overplus of taxes paid by him in the treasury of the State, in the year 1853. [Ratified the 14th day of February, 1855.]
NOTE.

The undersigned, printers to the State, deem it due to themselves to say that they are in no wise accountable for the many errors in this volume. Neither the Secretary of State, in copying the laws for us, nor ourselves in printing them, had any right to depart from the originals as they came from the Engrossing Clerk. We have, in many instances, supplied words which were necessary to the sense, but in all these instances we have included the words thus supplied in brackets [ ], and of course they form no part of the laws. This we considered the full extent of our powers in the premises; and in all other cases we have strictly "followed copy."

HOLDEN & WILSON, State Printers.