PRIVATE LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT ITS

Session of 1856-'57.

RALEIGH:

HOLDEN & WILSON, PRINTERS TO THE STATE.

1857.
PRIVATE LAWS
OF
NORTH-CAROLINA.
1856-'57.

BANKS.

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 1st 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 stock not exceeding three 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 same 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, nine 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 whatsoever; and also to have and use a common seal, and the same to alter or renew at pleasure; and also 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 laws 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 one million 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 charter by the stockholders, open books for receiving subscription to said stock at such times as they may appoint, at the following places, to wit: Raleigh, Fayetteville, Wilmington, New-Berne, Tarborough, Windsor, Edenton, Elizabeth City, Plymouth, Washington, Goldsborough, Hillsborough, Greensborough, Salisbury, Milton, Charlotte, Morganton, and at such other places, and under the direction of such other persons as they may designate, and the said books shall be kept open for the space of ninety days from and after the first day of October next, and not more than one million of dollars shall be subscribed for by individuals, and any amount of the said million of dollars remaining unsubscribed by individuals after twelve months, may be taken by the State upon the same terms as the other half million herein provided for.

Sec. 3. Be it further enacted, That the State of North-Carolina shall be entitled to subscribe for five thousand shares, and not more than one hundred and twenty-five thousand dollars shall be paid in in any one year, and the sinking fund established by this Legislature shall be pledged for the redemption and payment of the bonds of the State subscribed as aforesaid at par value, and upon notice being given to the governor of the acceptance of this charter, the treasurer is hereby authorized and required to subscribe on the books to be opened at Raleigh, in behalf of the State,
to the capital stock of said bank, five thousand shares of one hundred dollars each, or one-half million of dollars, to be paid as hereinafter provided for, and such subscription shall in no case be scaled or reduced.

Sec. 4. Be it further enacted, That if a greater sum than one million five hundred thousand dollars shall be subscribed, the president and directors of the bank shall reduce all subscriptions other than that of the State, according to a scale by them to be established for that purpose, until the subscription by the State and the subscriptions scaled as aforesaid shall amount to the aforesaid sum of one million five hundred thousand dollars: Provided, That 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 subscribers (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 shares subscribed by the State shall be made in bonds of the State bearing six per cent interest, payable semi-annually at ——, with coupons attached, which bonds may be hypothecated, or sold by the president and directors, if the interest of the bank hereafter requires it, but not otherwise; but all payments on shares subscribed by individuals or corporations shall be in gold or silver coin of the United States, or Spanish milled dollars, or the 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 ninety days thereafter, until the whole shall be paid.

Sec. 6. Be it further enacted, That any subscriber (State not excepted) may pay the whole of his subscription, or any greater 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 cent. per annum on each 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 eleven directors, seven elected by the individual stockholders and four on the part of the State, the public treasurer in office being always one of them, and in general meeting of the stockholders for the purpose of directing and managing the affairs of the bank, the State shall be entitled to cast one-fourth of the votes [to] which individual stockholders are entitled to cast.

Sec. 8. *Be it further enacted*, That every director of the principal bank, except the treasurer, shall be the proprietor of at least ten shares of stock, and in the branches shall be a stockholder.

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 an amount of capital as the directors of the bank may assign, and all branches or agencies of the bank may be removed at the pleasure of 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 dividends of the profits on the additional stock
shall be declared until the time of declaring the first dividends 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 15th day of April and October 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, 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 on 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 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 the bank at all times whenever thereunto required by the General Assembly, or by any person by them authorized to require the same, shall lend money to the State: Provided, That the bank shall not be required to lend at any one time a sum exceeding two hundred thousand dollars: And, provided further, That the bank shall always be notified in writing sixty days previous thereto of the time when such loan or any part thereof will be required; and 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 the individual stock as they accrue by the cashier of the principal bank and paid to the 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 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 on 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.

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 more than 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 director of another bank.

SEC. 21. Be it further enacted, That none shall be entitled
to emolument, 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 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 select 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 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 authorised, 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 dollars, 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 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 the intent to defraud the corporation or any person whatever, such officer, agent or servant, so offending shall be held and deemed guilty of felony, and upon conviction thereof in the superior court, shall be punished by fine, imprisonment not
exceeding five years, and standing 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 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 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 a 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 [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 require [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 sale upon judgments or decrees rendered in favor of the banks.

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, promising the payment of money to any person or his order, or to the bearer, shall be binding and obligatory on the same, in the like manner, and the like force and effect, as upon any private person, if issued by him in his natural or private capacity, and shall be assigned 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 one dollar; and no certificate of deposite or other acknowledgment of indebtedness shall be issued, drawn or made by any cashier, teller, or officer of the bank, for a less sum than twenty dollars: *Provided*, That the Legislature may at any time hereafter, restrain the bank from issuing notes, bills or checks, of a less denomination than five dollars.

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 cent. per annum, for or on account of its loans or discounts, which may be received in advance at the time of discount.
When to draw 12 per cent.

To receive on deposit.

Violations.

Inspection of books.

To convene stockholders.

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 cent. 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 said bank shall at all times, when required, receive on 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 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 corporation 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 hereinafore provided; and if a majority of said stockholders, representing one-half 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 stokliolders 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, nevertheless, That by such repeal, no right, estate, duty or obligation, possessed 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, 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 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 director, or other officer or clerk so offending, shall be removed from office, and disqualified from thereafter holding any office in the bank or its branches.

SEC. 44. Be it further enacted, That if any officer or director of the bank, or any of its branches, shall receive any gift, gratuity or reward from any person, in consideration
of his obtaining for such person any loan or bank accommodation, or if any officer or director of said bank, or any of its branches, shall discount 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 in the superior court, shall be fined and imprisoned at the discretion of the court.

Sec. 45. Be it further enacted, That this act shall be null and of no effect, unless the same is accepted within six months next after the adjournment of this General Assembly.

Sec. 46. Be it further enacted, That books shall be opened in the town of Concord, Cabarrus county, at the same time, and under the rules and regulations by which they are required to be opened at other places, under the direction of Robert W. Allison, Daniel Coleman, Robert S. Young, Caleb Phifer, Rufus Barringer and Rich. P. Harris, or any three of them, for subscription to the capital stock in said bank; and when the sum of one hundred and fifty thousand dollars shall have been subscribed on the books so opened, and the instalments paid in as required by this act, the directors of said bank are required to establish a branch of said bank in the town of Concord, Cabarrus county, with a capital of not less than one hundred and fifty thousand dollars, to be governed by the same rules and regulations as the other branches of said bank: Provided, Nothing herein contained shall be so construed as to compel the principal bank to continue the said branch, to the detriment of said bank.

Sec. 47. Be it further enacted, That the directors of said bank are required to establish a branch in the town of Lexington, with a capital not exceeding four hundred thousand dollars, ($400,000,) to be governed by the same rules and regulations as the other branches of said bank: Provided, Nothing herein contained shall be so construed as to compel the principal bank to continue the [the] said branch, to the detriment of said bank: Provided further, That the capital of said branch shall be subscribed in said town. [Ratified the 2d day of February, 1857.]
AN ACT CONCERNING THE BANK OF CAPE FEAR.

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 sections 17, 18 and 22, of the act passed at the session of the General Assembly of this State of 1854-'55, entitled "an act to re-charter the bank of Cape Fear," and ratified the 16th day of February, 1855, be and the same are hereby repealed.

Sec. 2. Be it further enacted, That said bank shall have authority to issue bills, bonds, and notes for any sum not less than three dollars, and for such less sum which may be authorized by any general law of this State: Provided, however, That nothing herein contained shall prevent any subsequent General Assembly of this State from prohibiting said bank from issuing any bill, bond, or note for any sum less than five dollars.

Sec. 3. Be it further enacted, That no president or salaried officer shall represent any stock by proxy.

Sec. 4. Be it further enacted, That the General Assembly may, at any time within five years, increase the capital stock of said bank to an amount not exceeding three millions dollars, and the State shall have the right to subscribe for the same amount of stock in said bank, and upon the same terms and conditions as may be contained in a re-charter of the Bank of the State. And upon such subscription of stock the public treasurer shall divide, as nearly as may be, in making his deposits, the public moneys between the said bank and the Bank of the State: Provided, That all such deposits shall be made in the city of Raleigh. [Ratified the 2d day of February, 1857.]

AN ACT TO AMEND AN ACT OF THE SESSION OF 1854-'5, ENTITLED "AN ACT TO INCORPORATE THE BANK OF CLARENDON, AT 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 section the sixteenth of the act of 1854-'5,
entitled "an act to incorporate the bank of Clarendon, at Fayetteville," be and the same is hereby amended so as to authorise said bank to pay out the notes of other banks less than five dollars.

SEC. 2. Be it further enacted, That it shall and may be lawful for the bank of Wilmington and its officers to take, receive, pass and pay out the notes of other banks of this State of a less denomination than five dollars which are now or hereafter may be lawfully issued by other banks under their respective charters.

SEC. 5. Be it further enacted, That this act shall be in force from and after its ratification.

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AN ACT TO PROVIDE FOR THE ENLARGEMENT, INCREASE OF DEPTH, AND COMPLETION OF THE ALBEMARLE AND CHESAPEAKE CANAL.

Preamble.

"Whereas the Albemarle and Chesapeake Canal Company, under authority of the seventh section of their charter, passed February 8th, 1856, have issued certain bonds guaranteed by this State, which bonds are found unavailable for the purposes of said company in the construction of their canal, and whereas said company has heretofore furnished the board of internal improvements satisfactory evidence that the sum of five hundred thousand dollars has been subscribed by solvent parties to the capital stock of said company." Now 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 Albemarle and Chesapeake Canal Company may surrender its bonds guarantied by this State to the public treasurer, who shall receive and cancel the same, and in lieu thereof the board of internal improvements for and on behalf of the State, shall subscribe to the capital stock of the company the sum of two hundred and fifty thousand dollars, which subscription shall be paid to said company in the six per cent. coupon bonds of this State, in the usual form, running thirty years from date, im-
1856-'57.—Chap. 46.

Immediately upon the return to the public treasurer of the said guarantied bonds; and whenever said company shall certify to the board of internal improvements, under the corporate seal and [and] the signature of the [the] president of said company, that the sum of two hundred thousand dollars (in addition to the subscription of the five hundred thousand dollars hereinbefore mentioned) has been paid to said company in cash, labor and materials, and that said canal is open for navigation, then the said board of internal improvements shall subscribe in behalf of the State to the capital stock of said company the further sum of one hundred thousand dollars, which subscription shall be paid in the six per cent. coupon bonds of this State as aforesaid.

Sec. 2. Be it further enacted, That after the expiration of five years from the time when the first freighted vessel shall pass through said canal from the Albemarle sound to Chesapeake bay, the said company shall not be allowed to charge or receive any tolls on any vessel, barge, steamboat or other craft passing through the same, until they furnish to the governor of the State satisfactory evidence that a sea-going vessel, drawing seven and a half feet water, has passed through same and [and] the waters connecting its two sections with each other and the Albemarle sound and Chesapeake bay. And the said company shall forfeit all the privileges, immunities and emoluments of their said charter, and said charter shall be null and void, if after five years as aforesaid, they shall charge or receive any tolls on any vessel, barge, steamboat or other craft through said canal or any part thereof, unless, at the time such charge is made or tolls received, there is navigation in the channel for ordinary sea vessels drawing seven and a half feet through said canal and the waters aforesaid from Albemarle sound to Chesapeake bay: Provided, however, That said forfeiture shall not attach, during time necessary for repairs and improvements, nor in case of obstruction produced by the malicious act of any person or cause other than the negligence of the company, nor in any case if the obstruction be removed within twenty days after written notice of the same to the president or superintendent of said company.

Sec. 3. Be it further enacted, That said Albemarle and
Chesapeake Canal Company are hereby authorized to increase their capital stock to any amount not exceeding fifteen hundred thousand dollars.

Sec. 4. Be it further enacted, That after the payment of said State subscription, the governor of this State shall annually appoint three directors of said company, and such provisions of the charter of said company as relates to directors are hereby repealed.

Sec. 5. Be it further enacted, That all such provisions of the charter of said company as may be inconsistent with this act are hereby repealed, and the mortgage and pledge executed by said company to the governor on behalf of this State, are hereby declared null and void, and the governor shall satisfy said mortgage if received.

Sec. 6. Be it further enacted, That none of the provisions of any section of this act shall be in force until the whole of this act is accepted by said company.

Sec. 7. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

Chap. 47. AN ACT TO REVIVE AND AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CAMDEN AND PASQUOTANK NEW CUT CANAL COMPANY.

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, whereas an act was passed by the General Assembly on the fourteenth day of February, 1855, entitled "An act to incorporate the Camden and Pasquotank New-Cut Canal Company," whereby it was enacted, 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 subscription to the amount of eighty thousand dollars for the said undertaking; that the said books shall be opened for receiving subscription on the first day of May next, and continue open until the first day of October next inclusive; and on the first Mon-
day of the month of March, there shall be a general meeting of the said subscribers: and whereas, subscription books were, according to the requirements of the said act, after the required notice, duly opened by the directions of the said directors of the Dismal Swamp Canal Company, at South Mills, in Camden county in this State, and at Norfolk, in the State of Virginia, and kept open during, and until the expiration of the time specified for subscriptions to be received for the purpose contemplated by the act, but without any such subscription being received or offered: And whereas, the contemplated improvement is still desirable, and can be better effected by the direct agency and action of the company, with whose work the proposed canal would connect, to-wit: the Dismal Swamp Canal Company: Now, therefore, full power and authority is hereby given to the said Dismal Swamp Canal Company, to execute and carry out the work contemplated by the proposed Camden and Pasquotank New-Cut Canal Company, to assume all the liabilities and responsibilities imposed by the said act, and to receive and be invested with all rights and advantages possessed, or which might have been possessed and enjoyed by the said company, with the right to collect the tolls specified in said act.

SEC. 2. It is also hereby enacted, That the said work shall be commenced by the said Dismal Swamp Canal Company by the first day of July, 1858, and be completed in five years thereafter. [Ratified the 18th day of December 1856.]

COUNTIES.

AN ACT TO ALTER THE LINES BETWEEN THE COUNTIES OF WILKES AND CALDWELL.

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 that portion of the boundary line between the counties of Wilkes and Caldwell from Day's gap in the White Rock mountain to the Watauga line, be so altered,
run and established as to leave the whole of the Sampson's gap road in Caldwell county.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

Chap. 49. AN ACT TO REPEAL AN ACT TO FIX AND SETTLE THE DIVIDING LINE BETWEEN THE COUNTIES OF CHATHAM AND ALAMANCE.

Repeals the law of 1854-'5.

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 passed at the session of 1854-'55, chapter 100, section first, to fix and settle the dividing line between the counties of Chatham and Alamance, be and the same is hereby repealed.

Sec. 2. Be it further enacted, That this act shall take effect and be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

COURTS.

Chap. 50. AN ACT CONCERNING THE COUNTY COURTS OF 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 the county court of Granville, a majority of the justices being present, shall have power, in their discretion, at the first term of the court of pleas and quarter session for said county, which shall happen after the first day of January in every year, to order and determine that the several terms of said court in that year shall be held by classes of five justices, any three of whom shall have full power and authority to act, and they shall be entitled to receive for each day they shall hold court, a sum not exceeding three dollars nor less than one dollar per day, to be fixed by the court (a majority of the justices being present) to be paid out of the funds of the county, upon the certi-
ficate of the clerk, showing the number of days each justice has attended.

Sec. 2. Be it further enacted, That the said justices, at the said first term after the first day of January, shall draw by lot from the whole number of justices, five to hold said court, and they shall draw in the same manner a class of five from the whole number, except themselves, to hold the next court, and so on, each court drawing a class to hold the next, always excluding from the number to be drawn from, the name of those who had [held] any preceding court during the year; and it shall be the duty of the clerk to furnish the sheriff of said county a list of the justices drawn at each court, and he shall notify them at least five days previous to the term of the court they have been drawn to hold, unless it be the first, and then he shall notify them immediately.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, A. D., 1857.

AN ACT TO RESTORE JURY TRIALS IN CIVIL CAUSES IN THE COURTS OF PLEAS AND QUARTER SESSIONS OF ROBESON 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 so much of an act passed in 1820, entitled "an act granting to the superior courts of Robeson county original and exclusive jurisdiction in all cases where the intervention of a jury is necessary, as takes away jurisdiction in civil causes from the court of pleas and quarter sessions of Robeson county, be and the same is hereby repealed: Provided, however, That jury trials shall not be restored in said county, as aforesaid, without the concurrence of the justices of the court of pleas and quarter sessions, a majority being present: And, provided further, That if jury trials shall be restored in the county aforesaid, they may be dispensed with by a like majority at any term thereafter.

Sec. 2. Be it further enacted, That not less than fifteen,
nor more than twenty jurors shall be summoned to attend the several terms of said courts.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

Chap. 52. AN ACT TO ABOLISH JURY TRIALS IN THE COUNTY COURTS OF POLK COUNTY.

Jury trials abolished.

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 justices of the peace, of said county of Polk, are hereby required to dispense with jury trials at the several sessions of the county courts of said county, in each and every year, any law or usage to the contrary notwithstanding; and that an act granting to the superior courts of the counties of Yancey, Buncombe, Henderson, Haywood, Macon and Cherokee, original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary, passed by the General Assembly at the session thereof, of 1844-'45, be extended, with all its provisions to the county of Polk: Provided, That the proviso in the said act respecting Cherokee county, be not applied to the county of Polk. [Ratified the 24th day of January, A. D., 1857.]

Chap. 53. AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS OF PLEAS AND QUARTER SESSIONS IN THE COUNTY OF DAVIE.

Time of holding courts.

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 in February, 1857, the court of pleas and quarter sessions for the county of Davie, shall be holden on the second Monday of June, September, December and March respectively, in each and every year; and all proceedings and process of every kind, after the fourth Monday of February, 1857, depending in and returnable to either of said courts, shall
stand continued and be returned to the several courts here-in expressed respectively.

Sec. 2. Be it further enacted, That all laws and clauses of laws coming within the purview and meaning of this act, be, and the same are hereby repealed. [Ratified the 3d day of February, A. D., 1857.]

FISHING.

AN ACT TO REGULATE THE FISHING WITH SEINES IN NORTH CHAP. 54.
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 not be lawful for any person to fish any seine in North river, in either of the counties of Camden and Currituck, between Saturday, 7 o'clock, P. M., and Monday next ensuing, at sunrise, in each and every week.

Sec. 2. Be it further enacted, That any person violating the provisions of this act, shall forfeit and pay the sum of one hundred dollars, to be recovered by any person who will sue for the same, in any court of competent jurisdiction, one half to the use of the informer, and the other to the use of the county in which suit shall be brought. [Ratified the 2d day of February, 1857.]

AN ACT CONCERNING FISHING IN SALMON CREEK, IN BERTIE CHAP. 55.
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 law regulating the hauling of seines in Salmon creek, in Bertie county, be so amended that it shall not be lawful for any person to haul any seine in said creek from sunset Saturday until sunrise Monday, under the same penalties as are now provided by law.
Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

MANUFACTURES.

CHAP. 56. AN ACT TO INCORPORATE THE YADKIN MANUFACTURING COMPANY IN THE COUNTY OF MONTGOMERY.

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 Ephraim Maunay, Valentine Mannay, William McAllister, Enoch H. Davis and Moses S. Holmes, their associates, successors and assigns be, and they are hereby created a corporation and body politic in law and in fact, by the name of the Yadkin Manufacturing Company, for the purpose of manufacturing wood, cotton, grain, and other articles in the county of Montgomery, and shall be subject to all of the rules, regulations and restrictions contained in the 26th chapter of the Revised Code, so far as they are applicable to such a corporation and are not inconsistent with the provisions of this act.

Sec. 2. Be it further enacted, That the capital stock of said corporation shall be fifty thousand dollars, in shares of twenty-five dollars each, which may be increased to two hundred thousand dollars by a majority of the stockholders (in interest) at any time, or from time to time in general meetings, according to such regulations as they may adopt.

Sec. 3. Be it further enacted, That said company shall have power to purchase and hold such property, both real and personal, as they may acquire for the purpose above mentioned. [Ratified the 2d day of February, A. D., 1857.]

CHAP. 57. AN ACT TO REVIVE THE CHARTER OF THE NEUSE RIVER MANUFACTURING COMPANY, AND FOR OTHER PURPOSES.

An act to revive and amend an act ratified the 20th day of January, 1855, entitled "An act to amend an act enti-
tled 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. 

Whereas, The property known as the Manteo Paper Mills, incorporated by the above recited act, has been recently sold, and William R. Poole, of the county of Wake, has become the purchaser thereof, and is desirous of having the corporate privileges, conferred by said act, continued and extended to him and his associates; 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 all the corporate privileges, rights and immunities conferred by the said act, be, and the same are hereby secured and revived, extended and conferred upon William R. Poole, of the county of Wake, and his associates, his and their successors and assigns, in as full and ample a manner as the same were conferred on James F. Jordan, William R. Miller and William D. Cooke, their successors, associates and assigns, and that the said William R. Poole, his associates, and his and their successors and assigns, are hereby created a corporation and body politic in law and in fact, by the name and style of the "Forest Manufacturing Company," with all the powers, and subject to all the restrictions in said act specified and contained.

SEC. 2. Be it further enacted, That this act shall take effect from and after its ratification.

SEC. 3. Be it further enacted, That section 3d of the above revived act, be, and the same is hereby repealed, and declared null and void. [Ratified the 2d day of February, 1857.]

AN ACT AUTHORIZING AND EMPOWERING THE NEUSE MANUFACTURING COMPANY TO INCREASE THEIR CAPITAL 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 the stockholders of the Neuse Manufacturing Company, a corporation in the county of Wake, be and they are hereby authorised to increase their capital...
stock to any sum not exceeding fifty thousand dollars, the whole capital stock to be divided into such number of shares as they may deem best, the said shares not being of less value than one hundred dollars each. [Ratified the 3d day of February, 1857.]

MILITIA.

Chap. 59. AN ACT CONCERNING THE MILITIA IN THE COUNTY OF UNION.

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 lower regiment of the militia of Union county, being that on the Anson side of the county, shall hereafter be known as the one hundred and twelfth regiment of the North-Carolina militia, and shall be attached and belong to the eleventh (11th) brigade of the fourth division of the militia of the State of North-Carolina; all laws and clauses of laws coming in conflict with this act are hereby repealed.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 24th day of January, 1857.]

MINES.

Chap. 60. AN ACT TO BE ENTITLED "AN ACT TO INCORPORATE THE TUCKASEGE 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 Daniel F. Goodhue, John Probaseve, David Christy and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of "The Tuckasege Mining Company," for the purpose of exploring for 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 courts of law and equity whatsoever, in all suits and actions; may have a common seal, and the same alter at pleasure; may contract and be contracted with; and for the purposes aforesaid, may purchase, sell, hold and convey personal property and real estate not exceeding one hundred thousand acres of land for the term of ten years from and after the ratification of this act, to be reduced to twenty thousand acres from and after the expiration of said ten years, and the lands so conveyed shall be held by said company in fee simple with power to use and improve the same, to sell or lease the same or any part thereof, or to make contracts for the working or leasing of its mines, and to do with said lands and the mines therein, under the limitations of this act, whatever an owner of lands in fee simple may do according to the laws of this State.

Sec. 2. Be it further enacted, That the capital stock of said company shall not be less than two hundred thousand dollars, and shall not exceed two millions of dollars, and shall be divided into shares of one hundred dollars each; each share shall entitle the holder thereof to one vote, and all votes may be cast in person or by proxy.

Sec. 3. Be it further enacted, That so soon as two hundred thousand dollars are subscribed to the capital stock of said company, the first meeting of said corporation may be called by the persons named in this act or a majority of them, at such times and places 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, or repeal such by-laws and regulations for the management of the business of said corporation, as a majority of the stockholders or the directors elected by them, not repugnant to the laws of this State and of the United States.

Sec. 4. Be it further enacted, That the said corporation may provide for the sale and transfer of the shares of its capital stock in such manner and form as such 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 such
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 all delinquent shares, declare and pay dividends on the shares in any of said mines, in such manner as the by-laws may direct.

Sec. 5. Be it further enacted, That said corporation shall have power to build and construct any wagon-road or railroad from any of its mines to connect with any railroad or other road built or which may hereafter be constructed, passing into or through the counties of Cherokee, Macon and Jackson, or either of them; or passing through the State of South Carolina, Georgia or Tennessee, or either of said States, which adjoin to said counties of Cherokee, Macon and Jackson, or either of them, by and with the consent of the president and directors governing and controlling said roads at the time of connection proposed.

Sec. 6. Be it further enacted, That if such corporation shall construct any wagon-road or railroad as provided in the preceding section, it shall have power to appropriate the necessary lands for the right of way therefor, upon paying the owner of such lands a just compensation for the lands so appropriated, which compensation shall be estimated by three disinterested freeholders of the county in which said road may be constructed, who shall be appointed by the county or superior court for such county; said freeholders, in estimating such damage, shall deduct therefrom the benefit which will accrue to the other real property of such owner in said county, by reason of the construction of said road.

Sec. 7. Be it further enacted, That if said corporation shall construct any road contemplated by this act, it shall have power to charge, collect, and receive such rate of tolls or fare for the passage of passengers or freight thereon, as other like roads are by law entitled to receive, and if the company shall construct any railroad contemplated by this act, it shall have power to connect with any other railroad with which it may intersect, by such contract as the direct-
ors of the companies making such connection may seem just and right.

SEC. 8. 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. 9. Be it further enacted, That the mining operations, and its ownership of real estate, shall be confined exclusively to the counties of Cherokee, Macon and Jackson.

SEC. 10. Be it further enacted, That this act shall take effect, and be in force from and after its passage. [Ratified the 24th day of January, 1857.]

AN ACT TO INCORPORATE THE AMERICAN EXCHANGE MINING AND SMELTING 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 Henry B. Elliott, William S. Marsh, Alexander S. Horney, Samuel Rankin, and Alfred H. Marsh, 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 American Exchange Mining and Smelting 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 impleaded in any court of law and equity, and may also have, use, exercise and enjoy all the powers and privileges proper and necessary for the opening and working of mines, and manufacturing and smelting the ores of the company, and of having 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 purposes aforesaid. And the said company shall have power, for the purposes aforesaid, 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 one hundred thousand dollars, to be
divided into shares of ten dollars each; and the said corpo-
ration shall have power to increase their capital stock to one
million of dollars, whenever they shall deem it advisable;
and the lands, mines, machinery and other property of any
of the said company, shall constitute a part of the capital
stock, at such prices as may be agreed on by the owners
thereof on the one part, and those who may associate with
them and constitute the aforesaid corporation by subscrib-
ing for stock payable in money on the other part.

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 Henry B. Elliott, William
S. Marsh, Alexander S. Horney, Samuel Rankin and Alfred
H. Marsh, or a majority of them shall designate; and the
stockholders shall be entitled at all their meetings to one
vote for each share of stock so held in person or by proxy,
and the shares of said capital stock shall be assignable and
transferable in such manner as shall be provided by the
by-laws of said company, and shall be considered as per-
sonal property.

Sec. 4. Be it further enacted, That the affairs of the said
company shall be managed by a board of five 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 are chosen, as shall be provided for in
the by-laws of the corporation, and until the first election of
directors shall be held: the said Henry B. Elliott, William
S. Marsh, Alexander S. Horney, Samuel Rankin and Alfred
H. Marsh, or a majority of them, shall have full power and
authority to exercise all the corporate powers of the com-
pany; 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 pow-
ers as may be given by the by-laws of said company; and
in case of any vacancy in the presidency or board of direc-
tors 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 shall not be so construed as to give to the said company any banking privileges or any right to issue notes "payable to bearer" for circulation as bank notes, or to exempt the lands and other property of the corporation from taxation.

Sec. 6. Be it further enacted, That this act shall continue in force for a term of ninety-nine years, and be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

PLANKROADS.

An Act to Amend an Act Passed in the Year 1848-'49, Entitled "An Act to Incorporate the Fayetteville and Western Plankroad Company," and Also to Amend the Act Passed in the Year 1850-'51, Entitled an Act to Alter and Amend an Act Passed by the General Assembly at the Session of 1848-'49, Entitled "An Act to Incorporate the Fayetteville and Western 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 said company shall have power to repair their road at such points as they may deem expedient, with stone, gravel, or such other material as they may deem most suitable.

Sec. 2. Be it further enacted, That the fine of five dollars, incurred by any individual for the offences described in the 16th section of the act of 1848-'49, and in the 3d section of the act of 1850-'51, amending the same, may be recovered by warrant before a justice of the peace in any county of the State where the offender may be found.

Sec. 3. Be it further enacted, That whenever said company shall have constructed their road so as to occupy any portion of an established public road or way, it shall be

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Chap. 62. May use stone, gravel, &c.

Fine of $5.

When using public roads.
Chap. 63. AN ACT RELATING TO THE FAYETTEVILLE AND ALBEMARLE 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 in the construction of the Fayetteville and Albemarle plankroad, from Little's mills to Albemarle, the president and directors be, and they are hereby authorised to use such other materials than plank as they may deem best, and that in the repair and reconstruction of said road other materials than plank may be used wherever the president and directors may direct.

SEC. 2. Be it further enacted, That so much of the act of the last Legislature, entitled an act concerning the Fayetteville and Albemarle plankroad company, as requires the dividend to be made on the 15th day of December and the 15th day of June in each year, be repealed, and that the semi-annual dividend be made to conform to the financial year as now provided by the by-laws of the company, viz: the 1st February and the 1st August in each year, and that the 8th section of said act be repealed. [Ratified the 3d day of February, 1857.]
AN ACT TO AMEND THE CHARTER OF THE "WESTERN PLANKROAD COMPANY," 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 "Western Plankroad Company" is hereby authorised to reconstruct, in whole or in part, said road out of other material than plank, as the directors thereof may deem requisite and necessary for the interest of said company: Provided, always, That said road be kept in good and sufficient repair with all necessary bridges and culverts. [Ratified the 8th day of January, 1857.]

AN ACT TO AUTHORISE PLANKROAD AND TURNPIKE COMPANIES TO USE STONE AND GRAVEL IN THE CONSTRUCTION AND REPAIR OF THEIR ROADS.

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, after the passage of this act, for any plankroad or turnpike companies in this State, whether any such provisions be contained in the charter or not, to use stone and gravel in the construction and repair of their roads on the plan of macadamised roads, and either may use plank on such portions of their roads as may be deemed expedient; and that the said roads may receive tolls for the roads so constructed and built.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage. [Ratified the 8th day of January, 1857.]

RAILROADS.

AN ACT TO INCORPORATE THE CHERAW AND COALFIELD RAILROAD.

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 Pedee valley, across the southern part of this State, so as to effect a direct communication between one of said roads in South-Carolina, and the coalfields on Deep River, in Chatham county, North-Carolina, by Carthage, in Moore county, the formation of a company is hereby authorized, which when formed, shall have a 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, Dr. C. Chalmers, W. D. Harrington, Dr. W. Hayes, D. C. Campbell, Dr. S. C. Bruce, Col. J. Morrison, Samuel Barrett, Dr. H. Turner, in the State of North-Carolina, and Duncan Maloy, J. C. Wadsworth, Robert Kendall and W. Threadgill, of the State of North-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 recovered 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 open, 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 the 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 payment 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 person 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 million 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 North-Carolina and South-Carolina, and appoint a time and place for the meeting of the stockholders, and shall cause the same to be published in one or more 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 on 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 or 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 di-
rectors 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 period 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 effectuated, the corporation shall not be dissolved nor 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, shall be called the Coalfield and South-Carolina Railroad Company, and have and continue succession of members, may make and have a common seal, and break and alter 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 this or any 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 Pec Dee valley across the southern part of this State, 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 purchase all private rights of way or water courses that may be in 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, workshops, barns, stables, residences and accommodations for servants, agents and mechanics, and for the stabling and maintaining all animals of labor, and the same 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.

**Right of way.**

SEC. 9. 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 the 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 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 there sustained shall form the measure of damages for land or right of way; and the proceedings of 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 vest in said company in fee simple so soon as the valuation thereof is paid, or tendered and refused; when 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 condition of giving to the opposite party a bond with good and sufficient security, to be approved by the clerk of the court where the valuation is returned, in a penalty equal to double the valuation conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be reversed for the payment of the valuation thereafter to be made by the jury and confirmed by the court, and in all [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 company for the purpose 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. 10. 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 owner 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 purpose 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 acquired said right or title as aforesaid, then he or they, and all claiming under him or them, shall be forever bound to receive the same: Provided, That nothing herein contained shall affect the rights of 

Sec. 11. **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 purpose of said road, and no longer.

Sec. 12. **Be it further enacted**, That the said company, shall, at all times, have the exclusive right of conveyance or transportation of persons, merchandize 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, merchandize 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, merchandize and produce, with their privilege, 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, merchandize and produce, and the said company shall have power to take at their store house, which they may establish or annex to said road, all goods, wares, merchandize 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 regulations establish, or as may be agreed upon with the owner.

Sec. 13. Be it further enacted, That whenever 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 prescribed to the construction and size or burthen of all carriages and vehicles, and the materials of which they may be made, that shall be used on said road and the locomotive power that shall be applied or used with them.

Sec. 14. 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 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 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 thereof, 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 owner of the lands through which the said road may be constructed, as to the 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 other plea whatever.

*Sec. 15.* 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 prescribed 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 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 office by resignation, removal, expiration of their term, or otherwise.

*Sec. 16.* Be it further enacted, That every subscriber or holder of stock in said company, shall pay 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 ad-
vertisement 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. 17. 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 the 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 on the minutes of the directors, and giving notice thereof to the next general meeting of the stockholders, at 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 to prescribe the mode of calling the same.

Sec. 18. Be it further enacted, That the following officers and persons, while in the actual employment of said company, shall be exempted from military duty and from serving on juries: the chief engineer and assistant engineers, the commissioners 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 the travelling, for the purpose of attending to the transportation of passengers and goods on said road.

Sec. 19. Be it further enacted, That the said company may 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 the further subscription of stock under such rules and regulations and restrictions as they may prescribe.

Sec. 20. 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 ninety-nine years, and the profits thereof shall be divided among the stockholders in proportion to the stock by them respectively [held], during which time the stock of said company and the real estate of said company, which may be purchased by them and connected with, and subservient to, their works hereby authorized, shall be exempted from taxation; Provided, That nothing herein contained shall be so construed as to deprive the General Assembly for this State of the right of imposing taxes of dividends and profits according to the stock of said company, whenever in their [their] discretion it may be deemed necessary or expedient; 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. 21. 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 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 subscribers [reside], or by
any action of assumpsit in any court of competent jurisdiction, or by any warrant before a justice of the peace when the same does not exceed one hundred dollars; and in case of the assignment of the stock before the whole amount shall be paid to the company, then for all sums due on said stock, both the original subscriber and the first and all subsequent assigns shall be liable to the company, and the same may be recovered as above prescribed.

Sec. 22. 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 equal dignity with the judgments in the distribution of assets of a deceased stockholder by his personal representative.

Sec. 23. 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. 24. Be it further enacted, That in all annual or occasional meetings of the stockholders, a majority of the stock and all meeting of directors shall constitute a quorum to do business.

Sec. 25. 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, 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. 26. Be it further enacted, That the said company shall be entitled to all the rights, privileges and immunities therein grant [granted] in each of the States, North and South-Carolina, whenever such State shall pass an act similar to this, so that this act of incorporation shall enure, and
be in force in the States aforesaid: Provided, That this State may at any future time cross the same, or connect therewith, at any one or more points, any other road, at the discretion of the General Assembly.

Sec. 27. Be it further enacted, That the said Cheraw and Coalfield Railroad [Company] shall have power to borrow upon the credit of said company any amount they may see fit, not exceeding two millions of dollars, and may give a mortgage or loan [lien] on said road or any 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 plankroad or other railroad 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. 28. 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.

Sec. 29. Be it further enacted, That the State of North-Carolina shall have the right to connect with or construct branches, on terms of equality in every respect with the road which may be constructed under this charter.

Sec. 30. Be it further enacted, That the company herein authorised shall for the purpose of placing the railroad of North-Carolina, which may also be constructed, to the Coalfields on terms of equality, with the North-Eastern road which is already completed, shall annually pay to the treasurer of the State of North-Carolina, against the first day of January in each and every year, a bonus for the protection received of twenty cents per ton for the entire tonnage which passes over their road, and the same for each traveller; and shall annually report to the governor of this State the full amount of business transacted on the road, and for failure to report and make payment as herein provided, shall forfeit for each and every offence one thousand dollars, to be seized, and recovered in the name of the governor of the State, for the use of the State: Provided, That nothing herein contained shall be so construed as to prevent any future Legislature from imposing an additional tax on freight and
passengers: Provided further, That no tax shall be imposed upon said railroad other than that imposed by this charter greater than that imposed upon the other railroads in North Carolina which shall reduce the nett profits of said railroad below 6 per cent. per annum.

SEC. 31. Be it further enacted, That this act shall be in force from and after its passage. [Ratified the 2d day of February, 1857.]

AN ACT TO ALTER AND AMEND THE CHARTER OF THE WILMINGTON, CHARLOTTE AND RUTHERFORD 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 acts of the last General Assembly incorporating the Wilmington, Charlotte and Rutherford Railroad Company be, and the same are hereby altered and amended in the particulars hereinafter recited, a majority of the stockholders of said company in general meeting concurring therein. It shall be competent for said company to commence the construction of the said road at any eligible point on the west bank of the north west branch of the Cape Fear river, or the town of Fayetteville, and from that point as a temporary terminus to continue the work westwardly, as if said point had been mentioned in the original charter with the other points named therein, and that it shall likewise be competent for said company, at a future day, to extend their road eastwardly, near or into the town of Wilmington, on the east side of the Cape Fear river; and until the town and the said temporary terminus shall be connected by such eastern extension, the said company shall have power and authority to purchase or lease and to erect, have, and to hold, all necessary wharves, ware-houses or other structures within said town, and to connect the same with said temporary terminus by means of steam or other boats or vessels to be used on said river for that purpose.

SEC. 2. Be it further enacted, That in case the railroad company shall fail to build that portion of the road between said temporary terminus and the town of Wilmington, with-
in six years from and after the passage of this act, that then said town of Wilmington, as a corporation, or the citizens thereof, or both combined, shall have power and authority to build said portion of the road, and for the costs of the same the railroad company shall issue certificates of stock to the parties, entitled thereto as contributors to said work.

**Sec. 3. Be it further enacted,** That the said road shall consist of two great divisions: The eastern, commencing at the temporary or other eastern terminus, and terminating at Charlotte; and the western, commencing at that point to be regularly built to the western terminus of said road; and that each of said divisions shall be built in sections of twenty-five miles each; save the last section of each division, which may be less, and save also that portion from the town of Wilmington to the aforesaid temporary terminus, which shall constitute a separate and distinct section, whatever may be its length, and whenever the same may be built.

**Sec. 4. Be it further enacted,** That nothing in this act and in the original charter shall be so construed as to prevent the said company from putting under contract the whole or any part of their road at any time, so as to prepare the road-bed, bridges and trestle for the reception of the superstructure at the earliest practicable day. It shall likewise be competent for the company to commence and complete either division of the road by itself, or to commence and prosecute the work on both divisions at one and the same time; and the mortgage and pledge required to be executed upon the completion of the first section of either division as aforesaid, shall be drawn, held and taken as applying to each of the great divisions of the road as separate and distinct works, and as if said divisions were included in separate and distinct mortgages and pledges, subjecting either division to forfeiture and foreclosure for a failure on its part, and authorizing and requiring a foreclosure and forfeiture of that division only which shall fail to comply with the conditions thereof; and said mortgage and pledge shall be so drawn, held and construed until the two divisions shall be completed, and thenceforth the fulfilment of the conditions as to the entire liabilities of the company shall attach to the entire road and subject the whole work
as aforesaid to forfeiture upon the non-performance of the conditions and provisions required of the two divisions separately as aforesaid.

Sec. 5. Be it further enacted, That the said company shall have power and authority to open books for subscription for the capital stock of the company from time to time, and when they may deem the same practicable with the means they may have at command; they shall have authority to construct a branch from some suitable point on the line of their road to the town of Fayetteville, and also to locate and construct one or more branches from their main stem in the counties of Richmond and Anson to the coalfields in the counties of Moore and Montgomery, and likewise to construct a branch from their main stem in the county of Richmond to the town of Gold Hill.

Sec. 6. Be it further enacted, That the bonds endorsed by the State shall only be used for the purpose of building the main stem of the road, and shall not be used in building the different branches mentioned in the charter.

Sec. 7. Be it further enacted, That each and every county on the line of the whole road shall be authorized and empowered to subscribe for any number of shares of the capital stock of said company not exceeding four thousand, under the provisions following: A majority of the justices of each county, at any term of the county court, shall determine the number of shares for which they propose the county shall subscribe, and appoint a day for holding an election in relation thereto, and cause the same to be entered upon the minutes of the court, and it shall be the duty of the sheriff of the county, in at least four public places to advertise the object and the day of the election, for at least sixty days prior thereto, and on said day to open, and keep open the polls, agreeable to the acts regulating the elections for members of the General Assembly, and all qualified voters for members of the House of Commons in said county, favoring the subscription, may vote "yea," and all opposing may vote "no," and the result of such election shall be faithfully made known to the justices holding the first county court thereafter, and be made a matter of record; the result being favorable to the subscription, the
same shall be ample and full authority for the chairman of the court, and it shall be his duty to make the subscription as proposed in the name of the county. To enable the justices of said county to meet the installments that may be required upon such subscription, or otherwise pay for the same, they are hereby invested with authority to issue the bonds of the county, redeemable in a period not exceeding twenty years from the dates thereof, to bear interest payable semi-annually, at a rate not exceeding seven per cent. per annum; and it shall be the duty of the justices of the county regularly to provide the means for meeting the interest on the county bonds as the same shall become due, by laying such taxes annually on the persons, lands and other property within the county as shall and may be sufficient for that purpose; and the said justices shall likewise annually appoint a county agent, to negotiate any loan or loans that may be necessary, to sell and dispose of the bonds, to receive the tax imposed to meet the interest, and regularly and faithfully apply the same to its payment, to represent the said county in all meetings of the stockholders of the railroad company, and to receive the dividends that may become due upon the county stock, and apply the same either to the interest, or to a sinking fund for the extinguishment of the principal, as the justices of the county court may direct; and it shall likewise be the duty of the justices of the county in due season to make ample provisions by taxation or otherwise, for liquidating the principal of said bonds as they shall come to maturity.

Sec. 8. Be it further enacted, That all incorporated towns, banks and other bodies, politic and corporate, within this State, shall have power and authority to subscribe for any number of shares of the capital stock of said company, the sense of a majority of the corporators being first taken, and ascertained to favor the same; and such corporations shall have power and authority to issue all necessary bonds, and make all necessary assessments and levies of taxes that may be necessary to meet the obligations thereby incurred. And the board of commissioners, directors, or other board appointed for administering the affairs of any such corporation, shall have power to appoint an agent or agents to
make such subscription, and attend to the payments required on the same, receive the dividends, and represent such corporation in all meetings of the stockholders, and to do and perform all other matters and things necessary to the full enjoyment of the right herein conferred upon such bodies, politic and corporate.

Sec. 9. Be it further enacted, That the stockholders in general meeting shall, from time to time, have power to increase or diminish the number of directors, and that the same shall never exceed twenty nor be less than seven.

Sec. 10. Be it further enacted, That it shall be competent for said company, at all times, to own as many shares and other chattel property as the successful prosecution of its operations may require; and to invest its profits and means as a sinking fund in the bonds and stocks of this State, or in any other bonds, stocks or securities as the president and directors may select as suitable, safe, and proper modes of investment.

Sec. 11. Be it further enacted, That in case the road bed shall be in such a state of preparation on either or both of said divisions of the road as may make it desirable to commence laying the superstructure at more points than those already specified, it shall be lawful for the president and directors of the company at any time to commence and prosecute the laying of the track and completing the road according to the foregoing provisions, as well from the western as from the eastern termini of said divisions, and in that case the sections referred to in this act, as the last section of said divisions, shall be those which shall last be completed and finished.

Sec. 12. Be it further enacted, That this act shall be in force from and after its ratification; and upon its acceptance by the stockholders of the company it shall be held, taken, and construed in the place and stead of so much and such parts of the original charter as are incompatible with its provisions.

Sec. 13. Be it further enacted, That said company shall have power and authority to construct a branch from its main stem, at any eligible point west of the Catawba river.
to connect with the railway of the Western North-Carolina Railroad Company at any point on the west side of said river. [Ratified the 2d day of February, 1857.]

Chap. 68. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE WESTERN NORTH-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 an act entitled "an act to incorporate the Western North-Carolina Railroad Company," passed by the General Assembly at the session of 1854-'55, be and the same is hereby so altered and amended as to authorise and empower the board of directors of said company, as soon as the amendments proposed by this act shall be accepted by the individual stockholders of said company, to open books for subscription of stock, by individuals, to the capital stock of said company, to the amount of two or three hundred thousand dollars, or to a sum intermediate between two and three hundred thousand dollars as said board of directors may determine; and upon said subscription being made, and five per cent. thereon being paid by solvent persons or counties, a subscription of double the amount so subscribed by individuals shall be made on behalf of the State, to the capital stock of said company in the manner and by the persons, and upon the certificate of such estimated cost, or individual subscription being made as directed by the charter of said company, and the payments of the installments due from the State on said subscription shall be made in the manner, and upon the terms now prescribed in said charter.

Sec. 2. Be it further enacted, That the stock subscribed under and by virtue of the first section of this act shall be added to the stock already subscribed to the capital stock of said company, and the aggregate of stock thus made shall be expended in constructing, equipping and putting in full operation the first section or division of said road, in the same manner as if the additional subscription now authorised had been authorised by the charter of said company when originally granted, which first section or division shall extend
to the town of Morganton, in the county of Burke, and no further: that said board of directors may locate said road within two miles of the town of Newton, in Catawba county, or said board may locate a branch of said road extending from the main line to said town; said branch not to exceed three miles in length: Provided, nevertheless, That in case said board of directors shall not locate said line of railroad in less than two miles of the town of Newton, nor construct said branch as aforesaid, then the subscribers (living in said town) are hereby released from the subscriptions by them made to the capital stock of said railroad, and the president of the company is hereby authorised to execute a release to the persons herein designated.

Sec. 3. Be it further enacted, That the board of directors of said company be, and they are hereby authorised and empowered to open books of subscription of stock, by individuals, to the capital stock of said company to an amount sufficient to meet one-third of the cost of constructing the second division of said road, which second section or division shall extend from the town of Morganton to some point not more than ten miles east of the western portal of the Swannanoa tunnel; which books may be opened and subscriptions received at such times and places as shall be deemed most expedient by the said board: Provided, That nothing herein contained shall authorise a subscription of stock on behalf of the State, to the second division of said road, till the first division to Morganton shall be completed, equipped and in full operation as provided in the original charter.

Sec. 4. Be it further enacted, That before any proposition for subscription of stock by counties shall be submitted to the people for their approval, provided in the charter, the county court of the county proposing to subscribe (a majority of the acting justices of the peace of said county being present) shall determine on the amount of stock to be subscribed by said county, and the manner in which the question shall be submitted to the people, the time when the vote shall be had thereon, and the person by whom the subscription on behalf of said county shall be made, and said court shall have power to make all such orders, rules and regulations for the issue and sale of the county bonds.
necessary to insure the payment of the stock subscribed, and to lay such tax from time to time as may be necessary to pay the interest on said bonds, and ultimately liquidate the principal of the same.

Sec. 5. *Be it further enacted*, That so soon as the foregoing amendments shall be accepted by the private stockholders of said company in a general meeting held by them to consider the same, all such clauses in the charter of said company (and no more) as are in conflict with this act are hereby repealed and declared null and void.

Sec. 6. *Be it further enacted*, That if the said company shall accept the foregoing amendments to their charter, said acceptance shall be certified to the board of internal improvements under the seal of the company, signed by the president and countersigned by the secretary.

Sec. 7. *Be it further enacted*, That a general meeting of the stockholders of said company may be held to consider the foregoing amendments immediately after the ratification of this act, and the same shall be in force from and after its acceptance by the private stockholders in general meeting assembled.

Sec. 8. *Be it further enacted*, That it shall be competent for the present or any future General Assembly of this State to authorize any other railroad company, or other company formed for the construction of any public improvement, to connect with the railway of the said Western North-Carolina Railroad Company at any point on its line; and that whenever any such connection shall be made, the Western North-Carolina Railroad Company shall join in the erection of any warehouses and passenger sheds that may be necessary to render such connection as perfect as possible, and regularly use the same for the reception and delivery of all passengers, goods, and other articles whatever; and the said railroad company shall not discriminate by its charges against the company or companies so connecting with its railway.  [Ratified the 2d day of February, 1857.]
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 communication between the town of Edenton in the State of North-Carolina, and the city of Norfolk in the State of Virginia, a company is hereby incorporated under the name and style of the “Albemarle and Suffolk Railroad Company,” which shall have a corporate existence as a body politic for the space of ninety nine years, and by that name may sue and be sued, plead and be impleaded, in any court of law and equity in the State of North-Carolina, and may have and use a common seal; and shall be capable in law and equity of purchasing, holding, leasing and conveying estate, real, personal and mixed, and of acquiring the same by gift or devise so far as may be necessary for the objects herein contemplated, and no further; and said company may enjoy all other rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government, not inconsistent with the constitution and laws of the State of North-Carolina.

Sec. 2. Be it further enacted, That the capital stock of said company may be created by subscriptions, on the part of individuals, counties, towns and incorporated companies, in shares of one hundred dollars, and equal in amount to a sum sufficient to construct and equip the road herein authorized to be constructed, and no more.

Sec. 3. Be it further enacted, That John Thompson, of the town of Edenton, Josiah T. Granberry, of the county of Gates, Andrew Chesson, of the county of Washington, John R. Kilby, of the town of Suffolk, and William Hardy, of the city of Norfolk, are hereby appointed commissioners to receive subscription to the capital stock of said company, in each of said towns and counties, any three of whom may have power to act, first giving ten days previous notice in some one of the newspapers of this State, of the time of opening books for that purpose; and said commissioners, or
any five of them, may, at any time after said books have been kept open for the space of twenty days, have power to call together the subscribers to the capital stock of said company, for the purpose of completing the organization thereof, and after its organization the said company may, from time to time, receive further subscriptions to its capital stock as it may deem proper.

Sec. 4. Be it further enacted, That said company may hold annual meetings of its stockholders, and oftener if deemed necessary; and at said annual meetings seven directors shall be elected, to hold office for the term of one year or until their successors shall be appointed; and any of said meetings shall have power to make or alter the by-laws of the said company: Provided, That in all such meetings of the stockholders, a majority of all the stock subscribed shall be represented in person or by proxy, which proxies shall be verified in the manner prescribed by the by-laws of the company, and each share thus represented shall be entitled to one vote on all questions.

Sec. 5. Be it further enacted, That it shall be the duty of the directors of the company to select one of their own number as president of said company, who shall be a citizen of North-Carolina, and to fill all vacancies that may occur in their board; to have constructed, as speedily as practicable, a railway with one or more tracks, from the town of Edenton via Gatesville or near thereto, or to some point on the Virginia line, said point to be hereafter determined, with the intent to continue said road on to Suffolk in the State of Virginia, or near thereto, to connect either with the Seaboard and Roanoke Railroad or the Petersburg and Norfolk Railroad, whenever the Legislature of Virginia confers corporate powers upon said company to that end; and to manage all the affairs of said company, both before and after the completion of said road.

Sec. 6. Be it further enacted, That said company shall have the same power to call for and enforce the payment of stock subscribed, as was heretofore granted to the North-Carolina Railroad Company by their charter of incorporation; and shall have power to condemn land for the use of the company, when a contract of purchase cannot be made.
with the owner thereof, to the same extent and in the same manner, and under the same rules, regulations and restrictions as the said North-Carolina Railroad Company were authorized to do by their said act of incorporation.

Sec. 7. Be it further enacted, That all contracts made and entered into by the president of the company shall be binding upon the company, whether with or without a seal; and the president shall, under the instruction of the board of directors, issue certificates of stock to the stockholders, which shall be transferable in the manner prescribed by the by-laws of the company.

Sec. 8. Be it further enacted, That said company shall have power to borrow money for the completion of said road, and issue their bonds for the payment of the same, bearing interest not exceeding seven per cent. per annum, according to the forms that may be prescribed by their by-laws, and may secure the payment of said bonds by procuring personal endorsers, or executing mortgages upon their road and other property.

Sec. 9. Be it further enacted, That said company may have the exclusive right of transporting persons and freight upon said road, at such rates of charges as the board of directors may fix; and may have power to farm the same to any person or corporation.

Sec. 10. Be it further enacted, That all counties and towns subscribing stock to said company, shall do so in the same manner and under the same rules, regulations and restrictions as are set forth and prescribed in the act incorporating the North-Carolina and Atlantic Railroad Company, for the government of such towns and counties as were allowed to subscribe to the capital stock of said company.

Sec. 11. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]
Chap. 70. AN ACT TO INCORPORATE THE MOUNTAIN 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 a company is hereby authorized to be formed, with a capital stock of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be called and known as the "Mountain Railroad Company," for the purpose of building and constructing a railroad with one or more tracks, to be used with steam and other motive power from some point on the Western North-Carolina Railroad, in Catawba county, the nearest and most practicable route to or near the town of Lenoir, in the county of Caldwell; and such company, when formed as hereafter directed, shall have power to receive, possess, own and transfer real and personal property, to have a common seal, and to pass such by-laws not inconsistent with the laws of this State, as may be necessary to carry out the object of the corporation; shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this State to condemn land for right of way and all other purposes necessary to carry into effect the purposes of said company; and shall generally have and possess all the rights, privileges and immunities, and be subject to the limitations and restrictions of corporate bodies in this State, and shall [have] the exclusive right to transfer and carry persons, produce and merchandize, on and along such railroad, at such prices as they may fix.

SEC. 2. Be it further enacted, That for the purpose of creating the capital stock of said company, Henry Cansler, of Lincoln county, John Wilfong, of Catawba, and Ed. W. Jones, of Caldwell, are hereby appointed commissioners, whose duty it shall be, as soon after this act as may be, to appoint such commissioners to open books of subscription, at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe.

SEC. 3. Be it further enacted, That whenever the sum of one hundred and fifty thousand dollars has been subscribed to the capital stock of said company by solvent subscribers,
it shall be the duty of the commissioners aforesaid to call a
general meeting of the stockholders, after giving such no-
tice as to them shall seem sufficient, and at such time and
place as they shall determine; and at all general meetings
of said stockholders, not less than a majority of all the stock
subscribed shall constitute a quorum for the transaction of
business; and said stockholders when so met in general
meeting, shall have power, and it shall be their duty to elect
a president and five directors for said company, and in elect-
ing such president and directors, and in enacting such by-
laws as may be necessary, each share of stock represented
either in person or by proxy, shall be entitled to one vote: 
Provided, If a majority of such stockholders shall not
attend said first general meeting, such as do attend and are
present may adjourn from day to day until a majority shall
appear.

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

Sec. 5. Be it further enacted, That it shall be the duty of the president and directors of said company to appoint
a treasurer, who shall remain in office such length of time
as the company in their by-laws shall determine; and said
president and directors shall remain in office one year and
until others are chosen, and shall have a general direction
and management of the affairs of said company, and shall
appoint some suitable person as engineer, whose duty it
shall be to make the necessary surveys for the location of
said railroad, and furnish the president and directors with
such surveys [survey] and estimates of the cost; said direc-
tors shall have power to fill any vacancy that may occur in
their board, and in the absence of the president, to elect
one for the time; they shall also appoint a secretary, whose
duty it shall be to keep a fair and correct record of the pro-
cedings of said board, and of all the proceedings of the
stockholders in general meeting, in a book to be provided
for that purpose.
Sec. 6. Be it further enacted, That the board of directors shall, at least once a year, make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener, if required by any by-law of the company, and also call a general meeting of the stockholders whenever they may deem it expedient, and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.

Sec. 7. Be it further enacted, That all persons, incorporated towns, banks and other bodies politic and corporate in this State, shall have power and authority to subscribe for any number of shares in the capital stock of said company, the sense of the corporation being first duly taken and ascertained to favor the same; the said subscription to be made by any agent or agents of such company or corporation properly authorized by them to make the same, and when so made shall be binding on such company or corporate body in the same manner and to the same extent that it is on the individual subscribers, and such body corporate or company shall be represented in all general meetings of the stockholders.

Sec. 8. Be it further enacted, That if the capital stock hereby authorized shall not be sufficient, it shall be lawful for the company at any time to increase it to an amount not exceeding one million five hundred thousand dollars, that will be sufficient to build and equip said railroad, by opening books for subscription at such times and places as the president and directors may agree upon.

Sec. 9. Be it further enacted, That this act shall be in force and take effect from and after its ratification. [Ratified the 2d day of February, 1857.]

Chap. 71.  
AN ACT TO AMEND THE CHARTER OF THE 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 in lieu of the bonds authorised to be issued by the Western Railroad Company under the 23d and 24th
sections of the act of incorporation of the same, the said company is hereby authorised to issue their bonds for such an amount and in such manner and form, payable at such time and place, and bearing such interest as said company may authorise, and to secure the payment of the same, they are hereby authorised to make and deliver to such person or persons as they may select, a mortgage or mortgages on all the real and personal estate of the same, together with all their franchises and privileges.

SEC. 2. Be it further enacted, That the justices of the county court of any county or the authorities of any incorporated town in this State shall have full power and authority to subscribe to the stock of the said company to the amount they shall be authorised to do by the inhabitant of said county or town, and they may issue bonds or other evidences of debt to enable them to borrow money to pay such subscription at a rate of interest not exceeding seven per cent per annum, and to levy and collect taxes to pay the same: Provided, however, That before any such subscription be made the question shall be submitted to the qualified voters of the House of Commons of such county, or the qualified voters of such town, and no subscription shall be made unless a majority of those voting approved thereof.

SEC. 3. Be it further enacted, That in any suit brought by or against said company, no stockholder therein, not being in his individual capacity a party to such suit, shall be incompetent as a witness on account of his being a stockholder in the same.

SEC. 4. Be it further enacted, That so much of the 6th section of the charter as requires the stockholders annually to elect a treasurer be repealed, and that hereafter the treasurer shall be appointed by and amenable to the board of directors.

SEC. 5. Be it further enacted, That the said Western Railroad Company be authorised to acquire either by purchase or otherwise in the Coalfield on Deep river not exceeding one thousand acres of land, and to use and dispose of the same for mining and other purposes.

SEC. 6. Be it further enacted, That if the capital stock of said company as authorised by the charter be insufficient to
carry out the purposes of the same, it may be increased by said company to a million and a half of dollars. [Ratified the 3d day of February, A. D., 1857.]

Chap. 72. AN ACT TO INCORPORATE THE SOUTHERN AIR-LINE RAILWAY 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. L. Hinton of Pasquotank, J. M. Cox of Perquimons, Edward Wood of Chowan, Charles Latham of Washington, R. S. Donnel of Beaufort, Geo. S. Stephenson of Craven, W. P. Ward of Jones, L. W. Humphrey [of] Onslow, A. J. DeRosset, Jr., of New Hanover, Marshall Parks of Norfolk, Addison M. Burt of Newport, Archibald Cherry of Camden, and such other persons as may be hereafter associated with them, and their successors and assigns are hereby incorporated for the term of ninety years, under the name and style of the Southern Air-line Railroad Company, for the purpose of constructing and operating a railway from such point on the northern boundary of this State, in the counties of Currituck, Camden, Pasquotank, or Gates, as the said company may select, upon such route as said company may determine, through, or within a quarter of a mile of the town of Washington, in the county of Beaufort, to the town of Wilmington, or to such point on the Wilmington and Weldon Railroad as said company may determine.

SEC. 2. Be it further enacted, That books of subscription may be opened at such times and places, and in such manner, as the persons named in the preceding section, or any three of them, may designate, for the purpose of receiving subscriptions, to an amount not exceeding four millions of dollars, to constitute the capital stock of said company, in shares of one hundred dollars each, payable one dollar per share at the time of subscription, and the balance as may be called for by said company; and as soon as five hundred thousand dollars shall be subscribed, the said company may be organized by the election, at a general meeting of the
subscribers, of nine directors, who shall choose one of their own number as president of said company, and the said company shall not forfeit or lose any of its rights, powers, or privileges: Provided, The construction of said railroad be commenced within ten years after the passage of this act. If the money which any stockholder has to pay upon his shares be not paid as required by said company, said shares may be forfeited, or the amount due thereon may be recovered by action at law.

Sec. 3. Be it further enacted, That the said company may acquire and hold lands not exceeding one hundred feet in width, along the line of their said railway, together with as much more as they may require for necessary stations, engine houses, shops, ware-houses, wharves, and other proper erections and fixtures, and may establish and maintain such ferries or bridges, as may be necessary or proper in the construction and management of their said railway, and may hold and employ all necessary steam, ferry and other boats, vessels, wharves, and apparatus, and may borrow money, or acquire property upon the issue of their bonds, notes, bills, or other evidences of debt, and take, accept, or endorse any notes, bills of exchange, [or] other evidences of debt, and may mortgage, convey or pledge their lands or other property, and in consideration of the expense of building and maintaining said railway, may demand and receive such compensation for the transportation of passengers and freight and for the use of the property of said company, as they deem proper.

Sec. 4. Be it further enacted, That in case of disagreement between the company and the owners or occupants of lands, required for the said railway, and its improvements and appurtenances, 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 to the sheriff of the county, to summon a jury of twelve disinterested freeholders, not related to the parties, 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 sum-
mon 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 he will fairly, justly, and impartially value the land so required by said company, and all damages the owners shall sustain by reason of the taking of said land, according to the best of his skill and judgment; and the inquisition thereon taken, shall be signed by the sheriff, and 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 said company to the persons legally authorized to receive the same; in case such persons refuse to receive the same, the amount shall be deposited with the clerk of the county, 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. 5. Be it further enacted, That it shall be lawful for any county to subscribe to the capital stock of said company any amount not exceeding $10,000: Provided, That before the same is done, the question shall be submitted to the legally qualified voters of said county at an election to be appointed by the court of pleas and quarter sessions of the county, and a majority of voters voting at the time shall be sufficient to authorize the same; and it shall be lawful for the county making such subscription to issue bonds to raise the necessary funds for the payment of the same.

Sec. 6. Be it further enacted, That the said Southern Air-line Railway Company shall be invested with all the rights, powers and privileges, and be subject to the rules, regulations and limitations prescribed for bodies politic and corporate by the Revised Code of this State, except as otherwise provided in this act.

Sec. 7. Be it further enacted, That for the better security of passengers and movements of trains, the said company may establish a telegraph line, and for messages other than those of the company may make such charges and receive such compensation therefor as the directors may establish.
SEC. 8. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 3d day of February, 1857.]

AN ACT TO INCORPORATE THE "SALEM AND GERMANTON 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 constructing a railroad communication from High Point, on the North-Carolina Central Railroad, by Salem and Winston, in the county of Forsythe, and Germanton to or near Danbury, in the county of Stokes, a company is hereby incorporated under the name and style of the "Salem and Germanton Railroad Company," which shall have a corporate existence, as a body politic, for the space of ninety-nine years, and by that name may sue and be sued, plead and be impleaded in any court of law and equity in the State of North-Carolina, and may have and use a common seal, and 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 may be necessary for the objects herein contemplated, and no further; and said company may enjoy all other rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government, not inconsistent with the constitution and laws of the State of North-Carolina or of the United States.

SEC. 2. Be it further enacted, That the capital stock of said company may be created by subscriptions, on the part of individuals, counties, towns and incorporated companies, in shares of one hundred dollars, and equal in amount to a sum sufficient to construct and equip the road herein authorized to be constructed, and no more.

SEC. 3. Be it further enacted, That Francis Fries, Dr. Commissioners A. T. Zevely, E. Belo, of the town of Salem; A. J. Stafford, Joseph Masten, Robert Grey, of the town of Winston; R.
D. Golding, J. S. Gibson, M. T. Benton, of the town of Germanton, are hereby appointed commissioners to receive subscriptions to the capital stock of said company in each of said towns and counties, any three of whom may have power to act, first giving ten days previous notice in one of the newspapers of this State, of the time of opening books for that purpose; and said commissioners, or any five of them may, at any time, after said books have been kept open for the space of twenty days, have power to call together the subscribers to the capital stock of said company, for the purpose of completing the organization thereof; and after organizing the said company, may, from time to time, receive further subscriptions to its capital stock, as it may deem proper.

Sec. 4. Be it further enacted, That said company may hold annual meetings of its stockholders, and oftener, if deemed necessary; and at said annual meetings seven directors shall be elected, to hold office for the term of one year, or until their successors shall be appointed; and any of said meetings shall have power to make or alter the by-laws of the company: Provided, That in all such meetings of the stockholders, a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company; and each share thus represented shall be entitled to one vote on all questions; that it shall be the duty of the directors of the company to select one of their own number as president of the said company, who shall be a citizen of North-Carolina, and to fill all vacancies in their board; and may have constructed, as speedily as practicable, a railway with one or more tracks, from High Point on the Central Railroad, to or near the Virginia line, in the county of Stokes, as provided in the first section of this act.

Sec. 5. Be it further enacted, That said company shall have the same power to call for and enforce the payment of stock subscribed, as was heretofore granted to the North-Carolina Railroad Company by their charter of incorporation; and shall have power to condemn land for the uses of the company when a contract of purchase cannot be made with the owner thereof, to the same extent, and in
the same manner, and under the same rules regulations and restrictions as the said North-Carolina Railroad Company were authorized to do by their said act of incorporation.

SEC. 6. Be it further enacted, That all contracts made and entered into by the president or superintendent of the company, whether with or without a seal, shall be binding upon the company, and the president shall, under the instructions of the board of directors, issue certificates of stock to the stockholders, which shall be transferable in the manner prescribed by the by-laws of the company.

SEC. 7. Be it further enacted, That the said company shall have power to borrow money for the completion of said road, to issue their bonds for the payment of the same, bearing interest not exceeding seven per cent. per annum, according to the forms that may be prescribed by their by-laws, and may secure the payment of said bonds by procuring personal endorsers, or executing mortgages upon their road and other property belonging to said company.

SEC. 8. Be it further enacted, That said company may have the exclusive right of transporting persons and freight upon said road, at such rates of charges as the board of directors may fix; and may have power to farm or lease the same to any person or persons or corporation.

SEC. 9. Be it further enacted, That all counties and towns subscribing stock to said company shall do so in the same manner, and under the same rules, regulations and restrictions, as are set forth and prescribed in the act incorporating the North-Carolina and Atlantic Railroad Company, for the government of such towns and counties as were allowed to subscribe to the capital stock of said company.

SEC. 10. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1857.]
Chap. 74. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE ATLANTIC AND NORTH-CAROLINA 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 whenever it shall be certified in the manner now required by the charter of said company, to the board of internal improvements, that all the solvent stock has been paid for except that of Carteret county, the board of internal improvements shall order the fourth instalment of the State's subscription to be paid: Provided, The insolvent stock of said company does not exceed the sum of twelve thousand dollars.

SEC. 2. Be it further enacted, That this act shall be in force from and after its passage. [Ratified this 2d day of February, 1857.]

Chap. 75. AN ACT TO INCORPORATE THE GARYSBURG AND WINDSOR 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 constructing a railroad communication between Garysburg and Windsor, a company is hereby incorporated under the name and style of the Garysburg and Windsor Railroad Company, which shall have a corporate existence as a body politic for the space of ninety years, and by that 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, and shall be capable in law and equity of purchasing, holding, claims, (lands) and conveying estate, real, personal and mixed, and of acquiring the same by gift or devise so far as may be necessary for the object herein contemplated and no further, and said company may enjoy all other rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and
regulations for its government not inconsistent with the constitution and laws of the State of North-Carolina.

Sec. 2. Be it further enacted, That the construction of said road shall commence at Garysburg and thence on to Mud Castle, on Halifax road to Jackson, Rich Square, Roxabel and to Windsor; that the capital stock of said company may be created by subscription on the part of individuals, counties towns and incorporated companies in shares of fifty dollars, and equal in amount to a sum sufficient to construct and equip the road herein authorised to be constructed, and no more.

Sec. 3. Be it further enacted, That John H. Patterson, R. O. Britton and Thomas White, of the city of Petersburg, John B. Odom, K. Biggs and S. Chery, of Norfolk city, State of Virginia, Thomas J. Person, Robert Ellis and R. Gary of Garysburg, Wm. S. Copeland, David A. Barnes and H. Faison of Jackson, M. W. Smallwood, J. T. Lamberson and Wm. T. Josey, of Rich Square, S. A. Norflet, A. W. Capehart and J. H. Hardy of Roxabel, L. T. Webb, J. J. Taylor and Wm. Gray of Windsor, are hereby appointed commissioners to receive subscription to the capital stock of said company, in each of said towns and counties; any three of whom may have power to act jointly, giving ten days previous notice in some one of the newspapers in this State of the time of opening the books for that purpose; said commissioners or any five of them may at any time after said books have been kept open for the space of twenty days have power to call together the subscribers to the capital stock of said company for the purpose of completing the organization thereof, and after its organization the said company may from time to time receive further subscription to its capital stock as it may deem proper.

Sec. 4. Be it further enacted, That said company may hold annual meetings of its stockholders and oftener if deemed necessary, and at such annual meetings seven directors shall be elected to hold office for the term of one year or until their successors shall be appointed, and any of said meetings shall have power to make or alter the by-laws of the company: Provided, That in all such meetings of the stockholders a majority of all the stock subscribed shall be
represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company, and each share thus represented shall be entitled to one vote on all questions.

Sec. 5. *Be it further enacted*, That it shall be the duty of the directors of the company to select one of their own number for president of the said company, who shall be a citizen of North-Carolina, and to fill all vacancies that may occur in their board; to have constructed as speedily as practicable a railway with one tract from Garysburg to Windsor.

Sec. 6. *Be it further enacted*, That said company shall have the same power to call for and enforce the payment of stock subscribed as was heretofore granted to the North-Carolina Railroad Company by their charter of incorporation, and shall have power to condemn land for the use of the company, when a contract of purchase cannot be made with the owner thereof, to the same extent and in the same manner, and under the same rules, regulations and restrictions as the said North-Carolina Railroad Company were authorised to do by the said act of incorporation.

Sec. 7. *Be it further enacted*, That all contracts made and entered into by the president of the company shall be binding upon the company, whether with or without a seal; and the president shall, under the instructions of the board of directors, issue certificates of stock to the stockholders, which shall be transferable in the manner prescribed by the by-laws of the company.

Sec. 8. *Be it further enacted*, That the said company shall have power to borrow money for the completion of said road and issue their bonds for the payment of the same, bearing interest not exceeding six per cent per annum, according to the forms that may be prescribed by their by-laws, and may secure the payment of said bonds by procuring personal endorsers, or executing mortgages upon their road and other property.

Sec. 9. *Be it further enacted*, That said company may have exclusive right of transporting persons and freight upon said road at such rates of charges as the board of di-
rectors may fix, and may have power to farm the same to any company or corporation.

Sec. 10. Be it further enacted, That all counties and towns subscribing stock to said company shall do so in the same manner and under the same rules, regulations and restrictions as are set forth and prescribed in the act incorporating the North (Carolina) and Atlantic Railroad Company, for the government of such towns and counties as were allowed to subscribe to the capital stock of said company.

Sec. 11. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857]

AN ACT TO PROVIDE FOR THE COMPLETION OF THE ATLANTIC AND NORTH-CAROLINA RAILROAD.

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 is authorised and instructed to loan in behalf of the State to the Atlantic and North-Carolina Railroad Company an amount not exceeding four hundred thousand dollars ($400,000) to be paid in coupon bonds of the State, bearing interest at six per cent, to be paid semi-annually, and running thirty years, on the condition that they set aside the receipts of the road over and above their annual expenses as a sinking fund to pay the said debt and interest, the whole amount of the said debt and interest to be paid before the said company shall order any dividends on the stock of the company, and that said sinking fund so produced shall be semi-annually paid into the public treasury.

Sec. 2. Be it further enacted, That no part of said loan or bonds shall be delivered to the said company until the president and directors thereof shall execute and deliver to the governor of this State a mortgage on the entire road and its warehouses, stations and rolling stock, conditioned to save the State harmless against loss of both principal and interest of said loan. [Ratified the 2d day of February, 1857.]
Chap. 77. AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE THE GREENVILLE AND FRENCH BROAD RAILROAD COMPANY, PASSED AT THE SESSION OF 1854-'55, CHAPTER 229."

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 the act, entitled an act to incorporate the Greenville and French Broad Railroad Company, passed by the General Assembly at its session of 1854-'55, chapter 229, be and the same is hereby so altered and amended as to authorise the said Greenville and French Broad Railroad Company to construct the northern portion of said road, extending from Ashville or some convenient point within two miles thereof, to the State line of Tennessee, with such gauge, and to use the same thereon as the said company may choose to adopt, instead of being restricted to the North-Carolina gauge authorised by said act.

SEC. 2. Be it further enacted, That the seventeenth section of said act be, and the same is hereby so altered and amended as to authorise the directors of said company to call for instalments of ten per centum instead of one per centum, as by the said section is now authorised, in payment of the stock subscribed to the capital stock of said company.

SEC. 3. Be it further enacted, That this act shall take effect from its ratification. [Ratified the 2d day of February, 1857.]

Chap. 78. AN ACT EXTENDING THE POWERS OF 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 if any sale be made under a deed of trust or mortgage, executed by the Roanoke Valley Railroad Company on all its works and property, and there be a conveyance pursuant thereto, such sale and conveyance shall pass to the purchaser at the sale, not only the works and property of the company as they were at the time of ma-
king the deed of trust or mortgage, but any works which
the company may after that time and before the sale have
constructed, and all other property of which it may be pos-
sessed at the time of the sale, other than debts due to it; up-
on such conveyance the said company shall be dissolved,
and the said purchaser or purchasers shall forthwith be a
corporation by any name set forth in conveyance or in any
writing, signed by him, and recorded in the court in which
the conveyance shall be recorded.

Sec. 2. Be it further enacted, That the corporation cre-
ated by or in consequence of such sale and conveyance,
shall succeed to all such franchise rights and privileges, and
perform all such duties as would have been had or should
have been performed by the first company but for such
sale and conveyance, save only that the corporation so cre-
ated shall not be entitled to the debts due the first com-
pany, and shall not be liable for any debts of or claims against
the said first company, which may not be expressly assumed
in the purchase, and that the whole profits of the business
done by such corporation shall belong to said purchaser and
his assigns; his interest in the corporation shall be personal
estate, and he or his assigns may create so many shares of
stock therein as he or they may think proper, not exceed-
ing together the amount of stock in the first company at
the time of the sale, and assign the same in a book to be
kept for that purpose; the said shares thereupon shall be
upon the footing of shares in a joint stock company gen-
erally, except only that the first meeting of the stockholders
shall be held on such a day, and at such a place, as shall be
fixed by the said purchaser, of which due notice shall be
given.

Sec. 3. Be it further enacted, That the said first com-
pany, notwithstanding such sale and conveyance, shall have
corporate powers to sue for the collection of debts due to it,
and the prosecution of rights and claims existing previous
to its dissolution. [Ratified the 2d day of February, 1857.]
AN ACT TO LAY OFF AND ESTABLISH A PUBLIC ROAD IN THE COUNTIES OF DAVIE AND DAVIDSON, AND TO ESTABLISH A PUBLIC FERRY ACROSS THE YADKIN RIVER.

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 Bailey, Elisha Gibbs and Styren L. Purchase of the county of Davie, and Nathan Gaither, and William B. Hampton of the county of Davidson, be, and they are hereby appointed commissioners to view, lay off and establish a public road, beginning at or near Smith's store on the Mocksville and Wilksborough public road, in the county of Davie, running thence by or near James Perry's, the most direct and convenient way, to Smith Grove Camp Ground, thence intersecting and running with or near the Shady Grove road, by or near Shady Grove Church to the Yadkin river, on the lands of William B. March, thence across said river to the Lexington and Clemmonsville public road, near the residence of Nathan Gaither in the county of Davidson, and along or near said road to the North-Carolina Railroad at Lexington.

Sec. 2. Be it further enacted, That a majority of said commissioners shall have power to fill vacancies in their board.

Sec. 3. Be it further enacted, That said commissioners, or a majority of them, after having been first sworn, before some justice of the peace of one of said counties, shall assess the damage that ought to be paid any person or persons, over whose land said road may pass, and shall make due return of their proceedings to the court of pleas and quarter sessions of [the] counties of Davie and Davidson, at their first terms respectively, after the ratification of this act; and upon the return of said commissioners, it shall be the duty of said courts to cause to be paid to owners [of] lands so condemned, in their respective counties, such sum or sums as may be assessed by the commissioners aforesaid.

Sec. 4. Be it further enacted, That after said road shall have been laid off and established as hereinbefore provid-
ed, it shall be the duty of the courts of pleas and quarter sessions of said counties of Davie and Davidson, to appoint overseers and hands for the working and keeping up of said road, as other public roads are required by law to be kept up.

SEC. 5. *Be it further enacted*, That William B. March, his heirs and assigns are hereby authorized and required to establish and keep up a public ferry on the Yadkin river, at the point and place where the aforesaid public road shall cross the aforesaid river, on the lands of said William B. March.

SEC. 6. *Be it further enacted*, That the right to establish and keep up said ferry shall be, and is hereby vested in the said William B. March, his heirs and assigns, for, and during the full end and time of fifty years.

SEC. 3. *Be it further enacted*, That it shall be lawful for the said William B. March, his heirs and assigns, to receive such tolls and rates of ferriage at the said ferry, as shall be prescribed and regulated by the court of pleas and quarter sessions of Davie county; and it shall be the duty of said court to prescribe and regulate such tolls at their first term of said court next after the ratification of this act.

SEC. 8. *Be it further enacted*, That a branch of said public road be laid off and established, commencing about one mile west of the Yadkin river, and running in a south-west direction, about one and a half miles, intersecting the Fulton and Shady Grove road, at or near Peter Fesinger's black smith-shop, in the county of Davie.

SEC. 9. *Be it further enacted*, That this act shall take effect, and be in force, from and after its ratification. [*Ratified the 3d day of February, 1857.*]
lay off and make a public road from the Caldwell and Watauga Turnpike, on the top of the Blue Ridge at or near Amos Green's, in Watauga county, the nearest and best way to Collelsville in Caldwell county, and that they assess any damages that private persons may sustain by locating said road upon their [land], and furnish the clerks of the county court of Caldwell and Watauga, as the law may require, a list of such allowances for damages as they may make, which allowance for damages shall be paid as other county charges are paid: Provided, That any person who may be entitled to damages, and who may think the allowance so made insufficient, may appeal to the county court of his county, where the matter may be determined as in cases of appeal from a justices judgment.

To give bond. Sec. 2. Be it further enacted, That the commissioners, before they enter upon the duties hereby imposed or receive into their hands any money hereby appropriated or to be subscribed by individuals, to aid in the construction of said road, shall be required to give bond payable to the State of North-Carolina, in the sum of two thousand dollars, conditioned for the faithful application of the funds to the purposes hereby intended, which bond shall be filed in the office of the clerk of the county court of the county of Caldwell.

Compensation. Sec. 3. Be it further enacted, That said commissioners shall be allowed seventy five cents a day each for their services in laying out and making said road, and when the same shall be completed, they shall report it to the county court of Caldwell and Watauga respectively, to be there after kept up as other public roads.

Sec. 4. Be it further enacted, That whenever it shall be made to appear to the treasurer of the State by the certificate of the commissioners aforesaid, attested by the clerk of the county court of Caldwell county, to which he shall affix his seal of office, that the sum of four hundred dollars has been subscribed in cash or labor upon said road by solvent persons at prices to be fixed by the commissioners, it shall be the duty of said treasurer, and he is hereby required to pay over to said commissioners or their order the sum of five hundred dollars, to be expended jointly with the indi-
vidual subscription, under the direction and management of the aforesaid commissioners, in making said road; the treasurer to pay the said sum out of any unappropriated money in the treasury, and to be allowed the same in the settlement of his public accounts.

Sec. 5. Be it further enacted, That no part of the road Grade. hereby authorized to be laid off shall exceed in steepness a grade of one foot perpendicular to sixteen feet horizontal, if that grade shall be attainable; and that this act shall take effect from and after its ratification. [Ratified the 3d day of February, 1857.]

AN ACT TO FILL A VACANCY IN COMMISSIONERS TO IMPROVE Chap. 81. THE PUBLIC ROAD FROM BROWN’S FORD, ON THE YADKIN, IN WILKES COUNTY, TO WITHERSPOON’S FORD, IN CALDWELL COUNTY.

Whereas, An act was passed at the session of the Legislature of 1854-'55, to appoint commissioners to lay off and improve the public road from Brown’s ford on the Yadkin, in Wilkes county, to Witherspoon’s ford, in Caldwell county, appointing three commissioners in [in] Wilkes county and two in Caldwell county: And whereas, John B. Horton, one of the commissioners appointed by said act in Caldwell county, have (has) since died; therefore,

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 Thomas Isbell, of the county of Caldwell, be, and he is hereby appointed a commissioner to fill said vacancy, with all the powers and duties of the other commissioners in said act. [Ratified the 3d day of February, 1857.]
Chap. 82. AN ACT TO LAY OFF A PUBLIC ROAD FROM SOME SUITABLE POINT ON THE NEW ROAD LEADING FROM CHILDSVILLE, IN YANCEY COUNTY, TO PIEDMONT SPRINGS, IN BURKE COUNTY, BY WAY OF THE CRANBERRY IRON WORKS, TO THE TENNESSEE 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 A. D. Childs, Samuel Carpenter and John Johnson of Yancy and Watauga county, be, and they are hereby appointed commissioners to view and lay off a public road, commencing at some suitable point, on the new road leading from Childsville, in Yancy county, to Piedmont Spring, in Burke county, the point to be designated by said commissioners, thence by way of Cranberry Iron Works to the Tennessee line.

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 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 court of Yancy and Watauga counties, under their hands and seals; and it shall then be the duty of the respective courts of pleas and quarter sessions of said counties, to appoint 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 all other public roads are kept up.

SEC. 4. Be it further enacted, This act to be in force from and after its ratification. [Ratified the 2d day of February, 1857.]
AN ACT TO LAY OFF A PUBLIC ROAD FROM A SUITABLE POINT Chap. 83.
ON THE NEW ROAD LEADING FROM CHILDSVILLE, IN YANCY
COUNTY, TO PIEDMONT SPRING, IN BURKE 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 A. D. Childs, Samuel Carpenter and
John Johnson be, and they are hereby appointed commis-
sioners to lay off a public road from some suitable point on
the new road leading from Childsville in Yancy county, to
Piedmont Spring, in Burke county, said point to be design-
ned by the said commissioners, to pass by way of Wm. E. Wiseman’s house, thence to intersect the Iron Mountain
road in Yancy county.

SEC. 2. Be it further enacted, That before the said com-
misioners shall enter upon the duties of their office, they
shall take an oath before some justice of the peace, that
they will lay off said road the best and most convenient
way, having due regard to private property as well as to
public good.

SEC. 3. Be it further enacted, That it shall be the duty of said commissioners, when said road is laid off and the
survey completed, the said commissioners shall make a
report to the county court of Yancy 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 over-
seers and order out a sufficient number of hands liable to
work on public roads to complete the said road, agreeable
to the report of the said commissioners, and to keep up said
road as all other public roads are kept up.

SEC. 4. Be it further enacted, This act to be in force from and after its ratification. [Ratified the 3d day of
February, 1857.]
Chap. 84. AN ACT TO ALTER AND AMEND AN ACT PASSED AT THE SESSION OF 1852-'53 OF THE GENERAL ASSEMBLY, TO IMPROVE A ROAD 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 the act passed at the session of 1852-'53, to provide for the construction of a road from Reddie's river in Wilkes county, across the Blue Ridge, through the county of Ashe to the Tennessee line, be so amended as to extend the time of the appropriation of the proceeds of the public lands in said counties from five to eight years; Provided, That said appropriation from said lands shall not exceed two thousand dollars. And provided further, That said appropriation shall apply to the county of Ashe.

Proviso.

SEC. 2. Be it further enacted, That this act shall take effect, and be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

SAVINGS BANK.

Chap. 85. AN ACT TO AMEND THE "ACT INCORPORATING THE WILMINGTON SAVINGS BANK," PASSED 24TH FEBRUARY, 1855.

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 John A. Taylor, W. W. Pierce, D. Furgus, P. W. Faning, S. D. Wallace, A. Martin, T. W. Brown, A. H. Vanbokelin, G. R. French, T. H. Hawry, L. A. Hart, S. Jewett, Miles Costin, A. P. Repeton, George Davis, L. B. Huggins, T. C. Craft, W. C. Bettincourt, W. S. Ashe, John Dawson and all and every other person or persons who may hereafter become associated with them, shall be and 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 may receive and make transfers, contracts and conveyances, and may hold, possess and enjoy real and personal estate not exceeding one hun-
dred thousand dollars by virtue of the same; may have a common seal which they may alter and change at their pleasure from time to time: Provided, That the lands, tenements and hereditaments which the corporation may acquire, shall be only such as shall be requisite for the immediate accommodation of its officers for the transaction of its business and such as may have been bona fide mortgaged to it by way of security, or purchased of public sale upon judgments or decrees rendered in favor of the bank.

Sec. 2. Be it further enacted, That there shall be annually elected, after the expiration of the service of the first board of directors herein provided for, seven directors to manage the affairs of the society, who shall continue in office one year, and until their successors shall be elected; the board of directors for the time being shall elect one of their own body president, and in the case of the happening of any vacancy in the board of directors either by death, removal, resignation, refusal to act, or in any other manner, such vacancy may be filled by the remaining directors, or in such other manner as the by-laws of said society may prescribe; they shall also have power to appoint all such other officers or agents as they shall deem necessary to conduct the business and affairs of the society, to fix their compensations, and in their discretion to dismiss them; to take bonds to the society from the officers or agents so employed with security, conditioned in such form as they shall prescribe for the faithful performance of their several duties, and to secure the said society from losses, to regulate the manner of making and receiving deposits, the form of certificates of deposits and the manner of transferring the same; to provide for the investment of the funds of said society in such manner as they shall deem most safe and beneficial; to provide for and regulate the admission of members, and furnish proof of such admission; to provide for paying all necessary expenses, and for conducting the affairs of said society generally.

Sec. 3. Be it further enacted, That the seven persons hereinbefore first named shall constitute the first board of directors, and shall continue as such until the first Monday of July, in the year one thousand eight hundred and fifty-
seven, and thereafter until their successors shall be elected, and shall have power to pass such by-laws and regulations, and exercise all such power generally as may be necessary for the government of said society in the same manner and as fully as if they had been elected by the members after the said first Monday of July, eighteen hundred and fifty-seven.

SEC. 4. *Be it further enacted*, That the said society shall be capable of receiving from any person any deposit of money, and may invest all moneys so received in public stock created under and by virtue of any law of the United States or of this State, negotiable paper or other securities, at the discretion of the directors, and in the manner deemed most safe and beneficial.

SEC. 5. *Be it further enacted*, That in addition to the names hereby incorporated, all persons who have become depositors to the amount of thirty dollars, or at the end of six months from the date of the passage of this act, shall have become depositors in the amount of thirty dollars, shall have the privilege of becoming members of said society, and shall have a right require from the proper officer thereof under its by-laws, a certificate of membership, and when such depositor shall have received such certificate of membership he shall thereby become entitled to all the rights and privileges of a member of said society.

SEC. 6. *Be it further enacted*, That it shall be the duty of the directors, at least once in every six months, to appoint from the members of said society five competent persons as a committee of [of] examination, (any three of whom may act) whose duty it shall be to investigate the affairs of said society, and to make and publish a report thereof in one or more newspapers printed in the town of Wilmington; and it shall also be the duty of the directors on the first day of January and the first day of July in each and every year to make and declare a dividend of the interest and profits of the said society, after paying its expenses, and the same to pay over unto the depositors or their legal representatives within ten days thereafter, if demanded.

SEC. 7. *Be it further enacted*, That to provide for the annual election of directors of said society, after the first
board herein appointed, it shall be the duty of the directors for the time being, to give at least ten days notice thereof in some convenient newspaper prior to the said first Monday in July in each year, and also to appoint three judges of election, any two of whom may act.

Sec. 8. Be it further enacted, That the board of directors hereby appointed shall have power to pass all such by-laws as shall be necessary to execute the powers granted in this charter, and the directors for the time being shall have power from time to time to alter, repeal or amend the same: Provided, That all such by-laws as shall be made by the directors, may be altered or repealed by a majority of the members of said society, assembled at any annual meeting, called in pursuance of any by-laws made for that purpose; and a majority of the members may at any annual or general meeting, pass by-laws which shall be binding upon the directors: Provided, also, That such by-laws shall not be contrary to any law of this State or of the United States.

Sec. 9. Be it further enacted, That it shall not be lawful for said society to purchase or discount any debt or claim to become due at a rate of interest or discount exceeding the rate of six per cent, per annum, which interest may be taken in advance at the time of purchase or discount; and all contracts which may be made contrary to the foregoing provisions, shall be utterly null and void.

Sec. 10. Be it further enacted, That nothing herein contained shall be so construed as to authorize the society to issue any note, bill, order, certificate of deposit or obligation intended to circulate or pass as the representative or substitute for money.

Sec. 11. Be it further enacted, That nothing herein contained shall be so construed as to impair the right of the General Assembly to alter, modify or abolish this charter.

Sec. 12. Be it further enacted, That all other acts or parts of acts relating to this institution be, and the same are hereby repealed.

Sec. 13. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 8th day of January, 1857.]
Chap. 86. AN ACT TO INCORPORATE THE TRUSTEES OF COLUMBUS NORMAL SCHOOL IN THE COUNTY OF POLK.

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 L. Mills, John Walker, Daniel F. ---, Columbus Mills, Thomas Mills, Caleb King, James Jackson, Joseph McDowell Carson, sr., and their associates and successors, be and they are hereby constituted a body politic and corporate, under the name and style of the trustees of "Columbus Normal School," and as such may have a common seal, shall have power to sue and be sued, to receive, purchase, hold and sell real and personal estate in trust and for the use of said school, shall have succession, the right to make by-laws, and to have and enjoy all the rights and privileges of bodies corporate of this kind.

SEC. 2. Be it further enacted, That the trustees of said school shall consist in number of not more than twelve, nor less than eight, and that it shall require at least five for a quorum to do business.

SEC. 3. Be it further enacted, That all vacancies in the number of said trustees shall be filled by a majority votes of the trustees themselves.

SEC. 4. Be it further enacted, That the trustees aforesaid shall elect one of their number president, and one secretary and treasurer, and the treasurer shall execute a bond, in such sum as the county court of Polk county may determine, payable to the State of North-Carolina and conditioned for the faithful collection, safe keeping and legal disbursement of the funds of said school. And the said treasurer shall annually make a report to the board of trustees of the condition and application of the funds of said school, a copy of which shall be published in at least one newspaper of the State, and a copy sent to the superintendent of common schools.

SEC. 5. Be it further enacted, That the county trustee of Polk, when he shall have paid for the court house, jail and stocks, and for a clock and bell for said court house for said
county, shall pay over to the treasurer of the said board of trustees of "Columbus Normal School," all the balance of the moneys from the sale of lots of land in the town of Columbus, made for the benefit of the county, and the title to all lots of land remaining unsold in said town belonging to the county shall vest, and is hereby vested in the said treasurer of said trustees of Columbus Normal School, and to his successors in office in special trust for the use of said school.

Sec. 6. Be it further enacted, That the trustees aforesaid shall meet on the ______ day of ______, 1857, in the town of Columbus, and shall proceed to select in said town a location for said Normal School; and whenever individuals shall subscribe one thousand dollars for the erection of a building for said school, the said trustees may subscribe and pay fifteen hundred dollars for the same, and for proper furniture, and school apparatus, and if said twenty-five hundred dollars be insufficient, the said trustees may pay not more than five hundred dollars more: Provided, Half as much as the additional amount paid by them is paid for the same purpose by individuals.

Sec. 7. Be it further enacted, That the said trustees shall cause to be properly and safely invested, in public stocks, or in other securities, all the remaining moneys in the hands of their treasurer, the investment to be made in the name of the "trustees of Columbus Normal School," and the interest to be semi-annually paid. And they may also at such times, and in such way as they may deem best, sell the lots of land herein vested in them, and invest their proceeds in the same manner.

Sec. 8. Be it further enacted, That with the proceeds of the said investment the trustees aforesaid shall employ a suitable teacher or teachers for said school capable of giving thorough instruction in all the usual branches of an English and good academic education, and also of giving instruction in the best of teaching; and said school may be male or female, or both, as the trustees shall determine.

Sec. 9. Be it further enacted, That if there be a sufficient fund to employ a teacher or teachers as aforesaid, the pupils of said school shall be admitted free of cost for tuition, ex-
cept one dollar per session to each for fuel, and there shall be at least one pupil from each common school district in the county, and if there be room for [more] pupils than the proceeds of said fund will pay for, they may be admitted on payment of proper tuition fees, to be fixed by the trustees; which fees shall go towards the salary or salaries of the teachers.

**Free pupils.**

**Sec. 10. Be it further enacted,** That the free pupils of said school, if they be males, shall be at least sixteen years old, and if female, at least fourteen, and of good moral character. They shall be selected from applicants in indigent circumstances, when such offer or will attend, and when there are more than one applicant from a district of the proper qualifications the selection shall be made by lot.

**To post notice.**

**Sec. 11. Be it further enacted,** That the trustees of said school, at least thirty days before the time for the selection of any free pupils for said school, shall post up at the court house door, and in a conspicuous place in each school district of the county, a printed notice of the services and character of the school, of the number and character of free pupils to be admitted, and of the terms on which admitted, and of the time and place of selection.

**General superintendent to furnish blanks, &c.**

**Sec. 12. Be it further enacted,** That the superintendent of common schools for the State shall furnish blanks with instructions as to the manner of filling them to the teachers and trustees of said school; shall also recommend books and studies and a plan of regulations for conducting the school, and may visit and inspect the same; and the president and treasurer of said school shall send to him, on or before the third Monday in October in every year, an annual report of the progress and condition of said school, of the number of teachers, the number of free and pay pupils, male and female, and an account of his disbursements, receipts and investments, examined, certified and authenticated in the same manner and under the same penalties prescribed by law for the annual reports of the chairmen of the board of superintendents of common schools.

**Teachers' returns.**

**Sec. 13. Be it further enacted,** That the principal of said school shall, at the end of each session, fill out and return to the superintendent of common schools, the blank return
furnished to him or her, by said superintendent, a copy of which shall be furnished to the board of trustees, and one published in at least one of the newspapers of the State.

Sec. 14. Be it further enacted, That each free pupil admitted to said school, shall, on admission, sign a written pledge of honor, to remain in the State and teach common schools, for such compensation as he or she may obtain, for as long a time as he or she attends said school: Provided, That if such pupils see fit, they may be relieved from obligations to teach, on payment of the price of their tuition, with interest to the time of payment.

Sec. 15. Be it further enacted, That if there be not sufficient funds in the hands of the treasurer of said normal school to pay for the tuition of one pupil from each school district in the county, the pupils chosen shall be selected by lot, not more than one to be taken from a district.

Sec. 16. Be it further enacted, That normal instruction, or instruction in the art of teaching, shall be given to the free pupils in said school; and the principal shall give to each, at the end of each session, a certificate of proficiency in the studies taught.

Sec. 17. Be it further enacted, That in case there be not sufficient funds in the hands of said trustees to carry out the purpose of this act, or to give free instruction to at least ten pupils, as well as to aid in the erecting buildings as aforesaid, then said trustees, by a majority vote of the whole number, may decline to erect said school, in which case, the chairman of the board of superintendents of common schools of Polk county, shall have the right to demand and receive the funds herein vested in said trustees, and under the direction of the superintendent of common schools, shall invest the same, under the same regulations as the aforesaid treasurer could have done, and apply the interest to the common school fund of the county; and in such case such investments shall be in the name of the board of superintendents of common schools of Polk county, in whom, in such case, and for the common schools of said county, all unsold lots shall vest, and by whom they may be sold, and the proceeds invested for the benefit of said common schools.
Chap. 87. An Act to Incorporate the Trustees of the Female College of the Methodist Protestant Conference 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 John F. Speight, Cicero F. Harris, Alson Gray, Isaac Thacker, George C. Mendenhall, Jonathan W. Field, Calvin H. Wiley, Alexander Robins, Cyrus J. Wheeler, Shubal G. Coffin, Calvin Johnson and S. Rankin, 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 Female College of the Methodist Protestant Conference of North-Carolina, and by that name shall have succession, and so continue for the term of fifty years, and a common seal; 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 receive and possess all moneys, goods and chattels, and choose [choose] in action that shall be given them for the use of the college, and by gift, purchase and desire, [devise] to take and hold, to them and their successors, 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 college, and that said trustees shall have such other powers, and enjoy such other rights, as are usually incident to corporate bodies.

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, and convey to the purchaser any such lands, rents, tenements and hereditaments aforesaid; and further, that they, the said trustees, or a majority of them, and their succes-
sors for the term aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in all courts whatever, either in law or in equity, of record or otherwise.

Sec. 3. Be it further enacted, That there shall not be less than fifteen nor more than thirty in number of the trustees at any time for said college, and that on the death, resignation, or refusal 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 neglect of duty or other cause, the vacancy so happening shall be filled by the appointment of other trustees, to be made by the Conference of North-Carolina of the Methodist Protestant Church; which trustees so appointed shall be vested with the same power, trust and authority as the others.

Sec. 4. Be it further enacted, That the said trustees and their successors, or a majority of them present, shall have the power of appointing a president, and such professors and tutors as to them shall appear necessary and proper for said college, when they may remove for misbehavior, inability or neglect of duty; and may from time to time make such by-laws and regulations for their own government and that of the college, and the preservation of order and good morals therein as to them may appear expedient: Provided, The same are not inconsistent with the constitutional laws of the State: Provided further, If a majority of said trustees shall not convene for the purpose aforesaid, it shall and may be lawful for five 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.

Sec. 5. Be it further enacted, That any real estate over and above three hundred acres, which may be needed for the erection of convenient buildings on the same, or which may be acquired by donation or purchase for the benefit and objects of this institution, shall be subject to taxation as now or hereafter may be directed by law.

Sec. 6. Be it further enacted, That the faculty of the said college, that is to say, the president and professors and teachers, by and with consent of the trustees, shall have the powers of conferring all such degrees or marks of literary
distinction as are usually conferred in colleges and seminaries of learning.

SEC. 7. Be it further enacted, That the whole amount of real and personal estate belonging to said college, shall not at any one time exceed in value three hundred thousand dollars.

SEC. 8. Be it further enacted, That this act shall take effect and be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

Chap. 88. AN ACT TO INCORPORATE YORK COLLEGIATE INSTITUTE, IN THE COUNTY OF ALEXANDER.

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 Abner Sharpe, John M. Flowers, Henry L. McLain, H. Leroy Smith, Brantly York, Benjamin Childers, Amos Stephenson, Silas D. Sharpe and William F. Conally, and their successors duly elected or appointed in the manner hereinafter directed, be and they are hereby made, constituted, and declared to be a corporation and body politic and corporate, in law and in fact, to have continuance for fifty years, by the name and style of "the Trustees of York Collegiate Institute," and by that name shall have succession, and so continue for the aforesaid time; may have and use a common seal, with power to alter or 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, chattels and choses in action, as shall be given them for the use of said institute, and by gift, purchase, or devise to take, have, hold, enjoy, possess and retain to them and their successors for ever, any lands, rents, tenements and hereditaments of what kind, nature or quality soever, in special trust and confidence, that the same and the profits of the same shall be applied to and for the use and benefit of said institute; and that the trustees shall have and enjoy such other rights
and powers as are 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, sell, 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 equity, of record or otherwise.

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

Sec. 4. Be it further enacted, That said corporation shall not consist of more than twenty four members, one-fourth of whom shall go out of office every year, subject however to re-election, and that the number of members necessary to make up the complement by this act, and to keep the succession of trustees, shall be from time to time appointed by "the York Collegiate Institute Society" at their annual meetings: Provided, That if said society shall fail at any time to make such necessary appointments, then the right of election shall devolve upon, and be exercised by the trustees aforesaid and their successors.

Sec. 5. Be it further enacted, That the aforesaid trustees and their successors shall, and may as often as they shall see proper, according to the rules to be prescribed by them, elect out of their number a president, and shall have authority to appoint a treasurer, secretary and such other officers as shall be by them deemed necessary, to continue in office such time, and be succeeded by others in such manner as the said trustees shall direct; and further, that
not less than five of said trustees shall be required to constitute a quorum for the transaction of business.

Sec. 6. Be it further enacted, That it shall not be lawful for any person or persons to set up, or continue any gaming or billiard tables, or any device whatever for playing at any game of chance or hazard, by whatever name called, or to exhibit any sleight of hand, or theatrical, or equestrian performances, dramatic recitations, rope or wire dancing, or any itinerant or artificial curiosities, or to sell, give or convey to the students of said institute any intoxicating liquors, within two miles of said institute, without a special permission in writing from the faculty of said institute; and any person or persons who shall offend against the provisions of this act, or any of them, shall forfeit and pay the sum of one hundred dollars, to be recovered in any court of record having cognizance of the same, one half to the use of the informer, and the other half to the use of said institute.

Sec. 7. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

Chap. 89. AN ACT TO INCORPORATE THE MALE AND FEMALE ACADEMY OF THE TOWN OF SWANSBORO' AND COUNTY OF ONSLOW.

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 Phillip Koonce, C. B. Glover, J. N. Sanders, R. S. McLean, E. W. Sanders, D. W. Sanders, T. B. Holland, D. A. Humphrey, D. A. Harget, C. H. Barnum, R. Canady, be and they are hereby declared to be a body politic and corporate, to be known and designated by the name of "Trustees of the Male and Female Academy of the town of Swansboro,'" and by that name shall have succession and a common seal, and shall be invested with power and authority to sue and be sued, plead and be impleaded in any court of law in this State, and to hold such lands and tenements, goods and chattels, and moneys sufficient for all the purposes of said academy.
Sec. 2. Be it further enacted, That said corporation shall have power to make all 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, that shall not be inconsistent with the State constitution or that of the United States; and also to fill vacancies among the trustees, from time to time, occasioned by death, resignation, or other causes, and also to appoint such officers as they shall think proper.

Sec. 3. Be it further enacted, That said trustees shall have power to appoint all teachers in said academy, to affix the rates of tuition, and to do and perform all such acts as are incident to, and usually exercised by bodies politic, for the accomplishment of the object contemplated.

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

Sec. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

AN ACT TO INCORPORATE THE WARRENTON FEMALE COLLEGE. Chap. 90.

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 Buxton Williams, William K. Kearney, Joseph S. Jones, Nathan Milam, Wm. D. Jones, James O. K. Mayfield, John White, Thomas A. Montgomery, James T. Russell, John Arrington and their associates, and successors, be constituted a body politic and corporate, by the name and style of the “Warrenton Female College,” for the purpose of maintaining in or near the town of Warrenton, in the county of Warren, a college or institution of learning, for the education of females, and shall be invested with all the rights and privileges, and be subject to all of the rules, regulations and restrictions contained in the twenty-sixth chapter of the Revised Code, so far as they are applicable to such corporation, and are not inconsistent with the provisions of this act.
SEC. 2. Be it further enacted, That said corporation shall be a joint stock company, with a capital not exceeding forty thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 3. Be it further enacted, That said company shall have the power to acquire and hold real and personal estate to an amount not exceeding forty thousand dollars.

SEC. 4. Be it further enacted, That the persons above named, or either of them, shall have power to open books of subscription.

SEC. 5. Be it further enacted, That the president and faculty of said college, shall have authority to confer literary titles and honors.

SEC. 6. Be it further enacted, That this act shall be in force and after its ratification. [Ratified the 2d day of February, 1857.]

Chap. 91. AN ACT TO EXTEND THE CHARTER OF NEW GARDEN BOARDING SCHOOL, IN THE COUNTY OF GUILFORD, AND FOR OTHER PURPOSES.

Preamble.

Whereas, an act incorporating the trustees of New Garden Boarding School, in the county of Guilford, was passed by the General Assembly in the year 1833, and whereas the said act of incorporation will expire by its own limitation before the meeting of the next General Assembly of this State; 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 act of incorporation, with all the immunities and privileges therein contained, be and the same is hereby extended for and during the term of forty years from and after the expiration of said charter.

SEC. 2. Be it further enacted, That no person in the State, without permission in writing from some one of the faculty of said school, shall sell, or offer to sell or deliver to any student of said school, or any other person, within two miles of the same, any spirituous or fermented liquors for the purpose of being used, or with the knowledge that the same
AN ACT TO INCORPORATE THE TRUSTEES OF WARSAW HIGH SCHOOL, IN DUPLIN 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 for the purpose of establishing, maintaining and conducting a male seminary to be located at the town of Warsaw, in the county of Duplin, George W. Wallace, D. J. Middleton, J. R. Eggell, M. J. Taylor, Abner M. Faison, Hinton J. Can, Laban Canell, L. Highsmith, C. D. Ellis, J. L. Pritchard, Wm. M. Kennedy, Amos Royal, Benjamin Oliver, Owen Alderman, John W. Taylor, Geo. W. Huffham, J. D. Kornegay, Samuel Anders, J. S. Boykin, T. J. Boykin, Solomon J. Faison, Morris Federick, S. L. Gann, Levi Moore, H. J. Hobbs, O. M. Mathews, James H. Stephens, Isaac W. Lane, Alfred Gay, and Hezekiah Dobson and their successors in office as is hereinafter provided, be, and they are hereby made and constituted a corporation and body politic by the name and style of "the Trustees of the Warsaw High School," and shall be subject to all of the provisions contained in the 26th chapter of the Revised Code, so far as they are applicable to such a corporation and are not inconsistent with the provisions of this act.

SEC. 2. Be it further enacted, That said corporation shall be a joint stock company, with a capital stock not exceeding five thousand dollars, to be divided into shares of not less than ten dollars nor more than twenty-five dollars each, and shall have power to hold such real and personal estate, as may be necessary to accomplish the objects for which they have been incorporated.

SEC. 3. Be it further enacted, That the persons above named or either of them, shall have power to open books of subscription. [Ratified the 3d day of February, 1857.]
Chap. 93. AN ACT TO INCORPORATE THE TRUSTEES OF MOUNT OLIVET ACADEMY, IN THE COUNTY OF RANDOLPH.

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 Mark Russell, Edmund H. Philips, Daniel B. Leach, Stephen Richardson, John Spinks, Meritt A. Sugg and Hardy Brown, 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 Mount Olivet Academy," in the county of Randolph; and by that name and style 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 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 by-laws [laws] of this State or of the United States; and in case of a vacancy by death, resignation or otherwise, the remainder, or a majority of them, may appoint successors, who shall have the same powers and authorities as are conferred on the trustees created by this act.

Sec. 2. Be it further enacted, That this act shall be in operation from and after its ratification. [Ratified the 24th day of January, 1857.]

Chap. 94. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TRUSTEES OF DAVIDSON COLLEGE," PASSED IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-EIGHT.

Repeals 10th section.

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 tenth section of the before recited act be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That the whole amount of real and personal estate belonging to said corporation shall at no time exceed in value five hundred thousand dollars.
SEC. 3. Be it further enacted, That all right, title and interest on the part of the State of North-Carolina, and the University of North-Carolina, or either of them, if any they have, in and to the estate and officers given, or attempted to be given, in the last will and testament of Maxwell Chambers, late of the town of Salisbury, to the trustees of Davidson College be, and the same is hereby released and conveyed to the trustees of Davidson College, for the purpose specified in the said will.

SEC. 4. Be it further enacted, That this act shall be in force from and after the ratification of the same. [Ratified the 13th day of December, A. D., 1856.]

AN ACT TO ALTER "AN ACT TO INCORPORATE THE TRUSTEES OF THE NEW INSTITUTE, IN IREDELL COUNTY, PASSED IN THE YEAR 1855-'56."

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 style of "the trustees of the New Institute" be changed into that of "the trustees of Olin High School," and by that name they shall hereafter be known, and the said trustees are hereby invested, under that name, with all the rights, privileges and immunities granted to them, by virtue of an act passed by the General Assembly of the State of North-Carolina in the year 1855, entitled "an act to incorporate the trustees of the New Institute in Iredell county."

SEC. 2. Be it further enacted, That the trustees of Olin High School be allowed to increase their number to fifteen, and seven shall constitute a quorum for the transaction of business; and (to secure donations offered for that purpose) that the said trustees of Olin High School be granted the full right and privilege of erecting this school into a college, with all the rights and privileges pertaining to colleges and institutions of learning of the highest grade in this State, when the sum of forty thousand dollars shall have been secured as a permanent fund for the endowment of said institution.
Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 24th day of January, A. D., 1857.]

Chap. 96. AN ACT TO AMEND THE CHARTER OF CAROLINA FEMALE COLLEGE IN THE COUNTY OF ANSON.

May hold property to amount of $150,000.

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority for the same, That the act passed at the session of 1848-'9, chartering the "Carolina Female College," in the county of Anson, be so amended as to allow the trustees of the same to hold property to the amount of one hundred and fifty thousand dollars for the purposes and under the restrictions and exemptions named in said charter. [Ratified the 24th day of February, 1857.]

Chap. 97. AN ACT ENLARGING THE POWERS OF THE TRUSTEES OF THE GREEN HILL ACADEMY IN HAYWOOD COUNTY.

To sell and convey lands.

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 "Green Hill Academy," in the county of Haywood, be and they are hereby authorized to sell and convey any land owned by said corporation, or by them in trust for the same, and to execute a deed or deeds therefor; which shall be good and effectual in law, to pass to the purchaser or purchasers, the title in fee simple, any restriction heretofore imposed upon them to the contrary notwithstanding.

Sec. 2. Be it further enacted, That the deed of conveyance already made by the trustees aforesaid to the Methodist Episcopal Church, South, be and the same is hereby confirmed. [Ratified the 24th day of January, 1857.]
TOWNS.

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF 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 the inhabitants of the city of Raleigh shall be and continue as heretofore they have been, a body politic and corporate; and henceforth the corporation shall bear the name and style of "The City of Raleigh," and under such name and style is hereby invested with all the property, and rights of property which now belong to the corporation, under any other corporate name or names heretofore used; and by this name may acquire and hold for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value three hundred thousand dollars; and the same may, from time to time, sell, dispose of, and invest, as shall be deemed advisable by the proper authorities of the corporation.

Sec. 2. Be it further enacted, That the city shall be divided into three divisions or wards, denominated middle, eastern and western, each of which, shall extend across the city, from the northern to the southern limits, and shall be bounded as follows: The middle ward shall contain all that part of the city which lies between the middle of Wilmington street on the east, and the middle of Salisbury street on the west.

Sec. 3. Be it further enacted, That no person shall be eligible as mayor or commissioner, unless he shall be a native or naturalized citizen of the United States, shall have attained the age of twenty-one years, and shall have resided within the corporation sixty days next preceding the day of election, and shall on the day of election be possessed of a freehold, situate within the city, of the value of one hundred dollars, according to the assessment for taxation; and every commissioner shall be a resident in the ward for which he shall be chosen.
Section 4. *Be it further enacted,* That no person shall be entitled to vote for mayor or commissioners, unless he shall be a native or naturalized citizen of the United States, and shall have resided next preceding the day of election, six calendar months within the corporation, and ten days within the ward, in which he claims to be a voter: *Provided, notwithstanding,* That all persons being such citizens, and citizens also of the State, who shall have been seized in fee simple of real estate, situate within the city, for six months immediately preceding the day of election, may vote for mayor, and also may vote for commissioners of the ward in which such real estate lies.

Section 5. *Be it further enacted,* That the mayor shall be elected by the qualified voters of the whole city, and such non-residents as are entitled to vote; and of the commissioners to be elected, three shall be chosen for the middle ward, three for the eastern, and three for the western ward by the voters therein.

Section 6. *Be it further enacted,* That for the purpose of electing said officers, the commissioners shall, at least twenty days before the election, appoint one inspector for each ward, who shall be a freeholder and a qualified voter, and the inspectors shall give ten days notice thereof by public advertisement.

Section 7. *Be it further enacted,* That on the day of election, the inspectors shall give due attendance at the time and place, shall be judges of the polls, receive the votes and conduct the election in like manner, and during the same hours of the day as elections for members of the General Assembly. The voter shall designate on his ballot, the person for whom he votes as mayor, and the persons for whom he votes as commissioners, otherwise the vote shall not be counted.

Section 8. *Be it further enacted,* That at the close of the election, the votes shall be counted by the inspectors, and such persons voted for as mayor having the largest number of votes shall be declared duly elected mayor, and such persons voted for as commissioners having the largest number of votes, shall be declared duly elected commissioners.
of their respective wards; and the mayor and commissioners shall be notified of their election by the inspectors.

Sec. 9. Be it further enacted, That the inspectors before they proceed to act, shall be sworn by the mayor, or a justice of the peace, to conduct the election fairly and impartially, and according to law, and in case of the absence of any inspector, his place shall forthwith be supplied by the commissioners.

Sec. 10. Be it further enacted, That if among the persons voted for as mayor, there shall be an equal number of votes between any two or more having the largest number, the commissioners elect shall proceed within five days after their qualification, to select a mayor of such persons; and if among the persons voted for as commissioners, there shall be a like tie, the remaining commissioners within five days after their qualification shall select of such, the person or persons to be commissioners.

Sec. 11. Be it further enacted, That the inspectors shall certify and subscribe the poll lists, and return them to the clerk of the board of commissioners, who shall keep them among the archives of the city.

Sec. 12. Be it further enacted, That the mayor immediately after his election and before entering on the duties of his office, shall take the following oath: "I, A. B., do solemnly swear, that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all the duties of the office of mayor of the city of Raleigh, while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the city; and in the discharge of my duties, I will do equal justice in all cases whatsoever."

Sec. 13. Be it further enacted, That each commissioner, before entering on the duties of the office, shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of commissioner for the city, according to the best of his skill, ability and judgment.

Sec. 14. Be it further enacted, That the mayor and commissioners shall hold their offices respectively, until the next
succeeding election and until their respective successors
shall be qualified.

Sec. 15. Be it further enacted, That if any person chosen
mayor, shall refuse to be qualified, or there is any vacancy
in the office after election and qualification, the comms-
ioners shall choose some qualified person mayor for the
term, or the unexpired portion of the term, as the case may
be; and on like occasion, and in like manner the commis-
sioners shall choose other commissioners to supply the place
of such as shall refuse to act, and all vacancies which may
occur, and such persons only shall be chosen, as are here-
after declared to be eligible.

Sec. 16. Be it further enacted, That any person elected
mayor or commissioner who shall refuse to be qualified and
act as such shall forfeit and pay for the equal use of the
city and of him who will sue therefor, twenty-five dollars.

Sec. 17. Be it further enacted, That if the commissioners
shall fail to give the notice of election, or to hold and de-
clare the same in the manner herein prescribed, such of
them as shall be in default shall forfeit and pay for the
equal use of the city, and of him who will sue therefor, one
hundred dollars.

Sec. 18. Be it further enacted, That the mayor, within
the corporate limits, shall have all the powers and authority
of a justice of the peace, to preserve and keep the peace,
and may cause to be arrested and detained criminals who
fly to the city from other States or counties, and shall cause
to be arrested and bound for their appearance at the proper
tribunal to answer for their offences all persons offending
against the laws of the State, or against the laws, ordinances
and regulations of the corporation. He shall also have
within the same limits as a judicial officer, all the powers,
jurisdiction and authority of a justice of the peace, to issue
process, to hear and determine all causes of action, which
may arise upon the ordinances and regulations of the city,
to enforce penalties by issuing execution, upon any adjudged
violation thereof, and to execute the laws and rules which
may be made by the commissioners: Provided, nevertheless,
That he shall not have jurisdiction of cases of any nature or
amount, other than of such whereof a justice of the peace may take cognizance unless specially allowed by this act.

Sec. 19. Be it further enacted, That the mayor may issue his precepts to constables of the city, and to such other officers to whom a justice of the peace may direct his precepts.

Sec. 20. Be it further enacted, That the mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties, in the county of Wake and elsewhere, in the same manner and by the same means, as if the same had been rendered by a justice of the peace for the county of Wake.

Sec. 21. Be it further enacted, That the mayor shall keep his office in some convenient part of the city designated by the commissioners. He shall keep the seal of the corporation, and perform such duties as shall from time to time be prescribed; and he shall receive such compensation and fees as may be allowed by this act and by the ordinances of the corporation.

Sec. 22. Be it further enacted, That the mayor, when present, shall preside at all meetings of the board of commissioners, and when there is an equal division upon any question, or in the election [of] officers by the board he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent, the board may appoint one of their number, pro tempore, to exercise his duties at the board.

Sec. 23. Be it further enacted, That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided; within five days after their election they shall convene for the transaction of business, and shall then fix their stated days of meeting for the year, which shall be as often at least [as] once in every calendar month. The special meetings of the commissioners may also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called
by the mayor, all the commissioners; and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing.

Sec. 24. Be it further enacted, That if any commissioner shall fail to attend a general meeting or any special meeting of which he shall have notice as aforesaid, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the city the sum of two dollars.

Sec. 25. Be it further enacted, That the commissioners, when convened, shall have power to make and provide for the execution thereof, such ordinances, by-laws, rules and regulations, for the better government of the city, as they may deem necessary: Provided, The same be allowed by the provisions of this act, and be consistent with the law of the land.

Sec. 26. Be it further enacted, That among the powers hereby conferred on the board of commissioners, they may borrow money, shall provide water, provide for repairing and cleansing the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint and regulate city watches, suppress and remove nuisances, preserve the health of the city from contagious or infectious diseases, appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order and execute the ordinances of the city, and shall appoint and provide for the pay, and prescribe the duties of all such other officers as may be deemed necessary. They shall have power also to regulate the conduct of slaves and free negroes within the city, and prescribe the punishment of slaves for infraction of any law, rule or ordinance: Provided, That in case the punishment of the slave be whipping, it shall not exceed thirty-nine lashes.

Sec. 27. Be it further enacted, That the commissioners, at their first meeting after their election, shall appoint a clerk, a treasurer, a collection [collector] of taxes, and one or more constables, who shall respectively hold their offices during the official term of the commissioners, subject how-
ever to be removed at any time and others appointed in their stead, for misbehavior or neglect in office. Before acting, each of said officers shall be sworn to the faithful discharge of his duty, and shall execute a bond payable to the city of Raleigh, in such sum as the commissioners shall determine.

Sec. 28. *Be it further enacted*, That the clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the commissioners.

Sec. 29. *Be it further enacted*, That every person shall be allowed to inspect the journals and papers of the board in presence of the clerk, on paying to him twenty-five cents for each inspection, under a penalty of two dollars on the clerk for every refusal, to be paid to him who will sue for the same.

Sec. 30. *Be it further enacted*, That the treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands any moneys, as securities, belonging to the city, which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the city, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep, in a book provided for that purpose, a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the commissioners whenever required to do so; on the expiration of his term of office he shall deliver to his successor all the monies, securities and other property entrusted to him for safe keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer.

Sec. 31. *Be it further enacted*, That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and shall state the purposes for which the money is applied, and the treasurer shall specify said
purposes in his accounts and also the sources whence are derived the moneys received by him.

Sec. 32. Be it further enacted, That the commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the city, for the general inspection of the citizens, and cause the same to be posted before the court house ten days before the day of the annual election of commissioners; and the commissioners failing to comply with the duties prescribed in this section, shall forfeit and pay for the use of the city, and him who will sue therefor, one hundred dollars.

Sec. 33. Be it further enacted, That it shall be the duty of the constable to see that the laws, ordinances and the orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the city, by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and authority vested in sheriffs and county constables; he shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof, shall have the same fees on all process and precepts executed or returned by him which may be allowed to the constable of the county on like process and precept, and also such other compensation as the commissioners may allow.

Sec. 34. Be it further enacted, That the constable shall have the same powers, and be bound by the same rules in this respect as constables of the county of Wake, to apprehend all offenders against the State within the limits of the city, and to carry them before the mayor or some justice of the peace, and for such duty he shall have the same fees as constables of said county, to be paid by the party offending, if found guilty, otherwise by the city.

Sec. 35. Be it further enacted, That the commissioners shall provide a patrol or watch for the city, and prescribe the duties and powers of the several officers, members and classes thereof, and shall pay such patrol or watch, or may class the inhabitants into such patrol or watch.
Sec. 36. **Be it further enacted**, That the inhabitants, Watch, when classed into a watch, shall (each one, either in person or by a good substitute) serve in turn when ordered out by the mayor, or other persons appointed by the commissioners as directors of the watch.

Sec. 37. **Be it further enacted**, That any person being of the watch or patrol, and failing to serve and faithfully to discharge his duty, shall forfeit and pay to the city for each default, if an officer of the watch, two dollars, and if not, one dollar.

Sec. 38. **Be it further enacted**, That the sheriff or jailor of the county of Wake is hereby required, without a mittimus, to receive into the jail of the county, as his prisoner, any person taken up in the night by the watch or constables, and to keep such person safely until the morning, when the offender shall be brought before the mayor, or some magistrate resident in the city, and be lawfully dealt with; and for such services, the jailor shall be entitled to such fees as he is in other like cases.

Sec. 39. **Be it further enacted**, That for any breach of his official bond by the city clerk, constable, tax collector, or any other officer who may be required to give an official bond, he shall be liable in an action on the same, in the name of the city, at the suit of the city, or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time, until the whole penalty be recovered.

Sec. 40. **Be it further enacted**, That every person appointed auctioneer for the city shall enter in a book a daily account of all his sales, wherein shall appear as well the items sold as the aggregate of sales cast up at least once a week, and such accounts shall be open to the inspection of the commissioners, or any person authorised by them to make inspection.

Sec. 41. **Be it further enacted**, That at the time required of auctioneers to render to the clerks of county courts their account of money received on auction sales liable to tax, the auctioneer shall render to the treasurer of the city an abstract showing monthly the gross amount of such sales up
to the time of rendering the account, which abstract shall be laid before the commissioners.

Sec. 42. Be it further enacted, That every auctioneer shall be entitled to two and one-half per cent on the amount of sales unless otherwise agreed between him and the owner of the goods sold.

Sec. 43. Be it further enacted, That if any auctioneer appointed for the city shall violate any of the provisions of chapter ten of the Revised Code entitled "auctions and auctioneer," or any of the duties herein prescribed, he shall forfeit and pay for the equal use of the city and him who will sue therefor, one hundred dollars.

Sec. 44. Be it further enacted, That if any one shall presume to act as auctioneer in the city without being duly authorised to do so, he shall be deemed guilty of a misdemeanor.

Sec. 45. Be it further enacted, That in order to raise fund for the expenses incident to the proper government of the city, the commissioners may annually levy and collect the following taxes, namely:

On real estate. (1) On real estate, situate in the city, a tax not exceeding fifty cents on every hundred dollars value.

On polls. (2) On all taxable polls, both free and slave, a tax not exceeding one dollar and fifty cents a poll, who may be resident in the city on the first day of April of each year, or may have been so resident within sixty days next preceding that day.

On goods, &c. (3) On every dollar value of goods, wares and merchandise, purchased for re-sale, by any merchant trading in the city, within one year next preceding the first day of April of the year in which the same is listed, a tax of ten cents.

On omnibusses &c. (4) Upon the owner of every omnibus, sulkey, gig, buggy, barouche, carriage, or other vehicles, used in the city for the carriage of persons, except stage coaches for the transportation of the male, [mail] of which he may have been in possession on the first day of April of that year, when the value of such vehicle shall be between one hundred and two hundred dollars, a tax not exceeding fifty cents, and when of the value between two hundred and three hundred dollars, a tax not exceeding seventy-five.
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1) Upon all dogs kept in the city, and which may be so kept on the first day of April, a tax not exceeding twenty-five cents a head.

2) Upon all dogs, not prohibited by the commissioners to remain in the city, when confined, a tax not exceeding twenty-five cents a head.

3) Upon all swine and goats, not prohibited by the commissioners to remain in the city, when confined, a tax not exceeding twenty-five cents a head.

4) Upon all drays in use on the said first day of April, a tax not exceeding ten dollars a year.

5) Upon all encroachments on the streets by porches, allowed by the commissioners, a tax not exceeding two cents per square foot.

Sec. 46. Be it further enacted, That the citizens of Raleigh, and others liable to be taxed on account of any of the foregoing subjects, shall, on the first day of April, or within five days thereafter, render to the mayor, on oath, a list of property and subjects for which they may be liable to be taxed; and if any person shall fail to render such list, shall pay double the tax assessed on any subject for which he is liable to be taxed.

Sec. 47. Be it further enacted, That within one week after receiving the tax list, the mayor shall return the same to the commissioners, who shall forthwith appoint three respectable freeholders, one from each ward of the city, not their own body, as assessors, who being duly sworn before the mayor, to do equal and impartial justice to all in the discharge of their duties, shall assess the cash value of taxable real estate within its improvements, lying within the corporate limits of the city, and they shall make a list thereof, together with the names of the owners thereof, previous to laying the tax, and return it to the commissioners, or before the first day of May next ensuing; and the tax of the real estate of the assessors shall be assessed by the commissioners.

Sec. 48. Be it further enacted, That as soon as the assessors shall have made their return, the board shall proceed

Mayor to return lists.

Assessors.

Proceedings to collect taxes.
to lay the taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first of August next ensuing, and shall pay the moneys as they [as they] are collected, to the treasurer; and the collector, for his compensation, shall receive five per cent. on the amount collected.

Sec. 49. Be it further enacted, That if any person liable to taxes on subjects directed to be listed, shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personalty; and of twenty days if the property be realty.

Sec. 50. Be it further enacted, Provided, however, That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of August, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the facts to the commissioners, together with a particular description of the real estate, and thereupon, the commissioners shall direct the same to be sold upon the premises by the collector, after advertisement for twenty days in some newspaper published in the city, which the collector shall do, and report to the commissioners the name of the purchaser and the price, all which proceedings the commissioners shall cause to be recorded in the book of their proceedings.

Sec. 51. Be it further enacted, That the proceedings of such sale shall be paid into the treasury, and after satisfying the tax and costs of sale, the residue shall be held subject to the demands of the amount of the premises, sold in such proportion as they may have been entitled to the estate.

Sec. 52. Be it further enacted, That the owner of any land sold under the provisions of section fifty, his heirs, executors or administrators, or any other person for them, may redeem the same within one year after sale, by paying
to the purchaser the sum by him paid, and twenty-five per cent. thereon; and on paying to the treasurer double the amount of both the tax and cost of sale, he shall have refunded to him, without interest, the proceeds of sale.

Sec. 53. Be it further enacted, That if the real estate sold as aforesaid, shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns; and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, or if any other matter required to be true or done, before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Sec. 54. Be it further enacted, That the real estate of infants or persons *non compositus mentis*, shall not be sold for tax; and when the same shall be owned by such, in common with other persons free of such disability, the sale shall be made according to section ninety two of chapter ninety nine of the Revised Code.

Sec. 55. Be it further enacted, That in addition to the subjects listed for taxation, the commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the city constable instantly, and if the same be not paid on demand, the same may be recovered by suit, or the articles on which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

1. Upon all itinerant merchants or peddlers, vending or offering to vend in the city, a tax of five dollars a year, except such as sell only books, charts or maps, and such as sell only goods, wares or merchandize, and other productions, of the growth or manufacture of this State.

2. Upon every billiard table or bowling alley or other game allowed by law, and every victualling house or restaurant established, used or kept in the city, a tax not exceeding twenty five dollars a year.

3. Upon every permission by the board of commissioners to retail spirituous liquors, a tax not exceeding fifty dollars.

4. Upon every company of circus riders, who shall exhibit within the city, or within one mile thereof, a tax not
Circuses, &c. exceeding fifteen dollars for each separate exhibition; the tax to be paid before exhibition, and if not, to be double.

Theatricals, &c.

Exhibitions, &c.

Concerts, &c.

Goats and hogs.

Horses, &c.

Dogs.

Sec. 56. Provided, nevertheless, That no property or subjects of taxation which are specially exempt from taxation, shall be taxed by the city.

Sec. 57. Be it further enacted, That all moneys arising from taxes, donations or other sources, shall be paid to the treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the commissioners.

Sec. 58. Be it further enacted, That the commissioners shall cause to be kept clean and in good repair the streets, side walks and alleys. They may establish the width and
ascertain the location of those already provided, and lay out and open others, and may reduce the width of all of them; they may also establish and regulate the public grounds, and protect the shade trees of the city.

Sec. 59. Be it further enacted, That the commissioners may grant the privileges of erecting porches or piazzas in front of any dwelling house already built on the line of any public street, provided such porch or piazza, including the steps thereof, shall not extend more than six feet into the street: And, provided also, That no bar or impediment be erected under or upon the same which may impede the air or view, and every such encroachment shall be measured and entered on their journals with the number of square feet which it embraces.

Sec. 60. Be it further enacted, That no cellar shall be built under any side walk in the city, or entrance established on the side walk to any cellar whereby the free passage of persons may be delayed, hindered or interrupted, and every offender herein shall forfeit and pay to the city twenty-five dollars for every day the same may remain.

Sec. 61. Be it further enacted, That every owner of a lot, or person having therein so great an interest as a lease for five years, which shall front any street in which a side walk have been established, shall, at his own expense, improve and keep in good repair such side walk as far as it may extend along such lot; and, on failure to do so, after notice by the constable, the commissioners shall cause the same to be repaired in such manner as they may deem necessary, either with brick, stone or gravel, and may recover the expense thereof from the person in default, in the name and for the use of the city, before the mayor or any justice of the peace for the county of Wake.

Sec. 62. Be it further enacted, That no mayor [or] commissioner shall directly or indirectly become a contractor for work to be done for the city; and any person herein offending shall forfeit and pay to the city one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Sec. 63. Be it further enacted, That the commissioners may require and compel the abatement and removal of all nuisances within the city at the expense of the person caus-
ing the same, or of the owner or tenant of the ground where-
on the same shall be; they may also prevent the establish-
ment within the city, and may regulate the same if allowed
to be established, if any slaughter house or place, or the
exercise within the city of any offensive or unhealthy trade,
business or employment.

Sec. 64. Be it further enacted, That the commissioners
shall have power to prevent dogs, horses, cattle and all oth-
er brutes, from running at large in the city.

Sec. 65. Be it further enacted, That they may prohibit
and prevent, by penalties, the riding or driving of horses or
other animals, at an improper speed within the city; and,
also, the firing of guns, pistols, crackers, gunpowder, or
other explosive, combustible or dangerous materials in the
streets, public grounds, or elsewhere within the city.

Sec. 66. Be it further enacted, That the commissioners
may establish and regulate the market, and prescribe at
what time and place, within the corporation, marketable ar-
ticles shall be sold, in what manner, whether by weight or
measure, may be sold grain, meal, flour, (if not packed bar-
rels) fodder, hay or oats in straw; may erect scales to weigh
the same, appoint a weighmaster and fix his fees, and direct
by whom they shall be paid; appoint a keeper of the mar-
et, prescribe his duties and fees, and shall also have power
to prevent forestalling and regrating.

Sec. 67. Be it further enacted, That they may establish
all public buildings necessary and proper for the city, and
prevent the erection or establishment of wooden buildings in [any] part of the city where they may increase the dan-
ger by fire.

Sec. 3. Be it further enacted, That they may provide
grave yards in or near the city, and regulate the same; may
appoint and pay a keeper, and compel the keeping and re-
turning bills of mortality; and they may prohibit inter-
ments within the city.

Sec. 69. Be it further enacted, That they may provide
for the establishment, organization, equipment and govern-
ment of fire companies; and, in all cases of fire, a majority
of such of the commissioners as shall be present, may, if
they deem it necessary to stop the progress of the fire, cause
any house to be blown up or pulled down; for which they shall not be responsible to any one in damages.

Sec. 70. Be it further enacted, That they may take such measures as they deem effectual to prevent the entrance into the city, or the spreading therein of any contagious or infectious disease, may stop, detain, and examine for that purpose, every person coming from places believed to be infested with such disease, may establish and regulate hospitals within the city, or within three miles thereof; may cause any person in the city, suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital, may remove from the city, or destroy any furniture or other articles, which shall be suspected of being tainted or infected with contagious or infectious disease, or, of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate or propagate disease; may abate by any reasonable means, all nuisances which may be injurious to the public health.

Sec. 71. Be it further enacted, That in case any free person or slave shall be removed to the hospital, the corporation may recover before the mayor or any justice of the peace, of such person and the owner of the slave respectively, the expense of his removal, support, nursing and medical attendance; and burial expenses also, in case of death.

Sec. 72. Be it further enacted, That if any person shall attempt by force, or by threat of violence, to prevent the removal to the hospital of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the city one hundred dollars, and moreover, be deemed guilty of a misdemeanor. 

Sec. 73. Be it further enacted, That it shall not be lawful for the county court of Wake to grant any licenses to retail spirituous liquors within the limits of the city, or within one mile thereof, without permission first obtained by the board of commissioners in being at the time of application to court, and if any licence shall be granted without such permission in writing, attested by the clerk of the board and exhibited to the court and filed with the clerk of the county court, the same shall be utterly void; and the
person obtained [obtaining] such license shall be liable to indictment, as in other case of retailing without license, and for every offence of retailing shall moreover forfeit and pay to the city the sum of twenty dollars.

Sec. 74. Be it further enacted, That the commissioners may make all needful ordinances respecting the conduct and demeanor of slaves and free negroes in the city, both by day and night, so as to prevent their assemblage and loitering about shops where ardent spirits are sold, and all unlawful traffic between free persons and slaves; they may impose penalties for the use of the city, on the owners or keepers of such shops, who permit slaves to assemble within or about their premises at night, or on Sunday, and pass laws to punish the slaves so offending, and may also prevent slaves residing without the city from visiting the same in the night or on Sunday, except by written permission from their managers, and then only for good and sufficient cause.

Sec. 75. Be it further enacted, That all penalties incurred by any minor for the breach of any of the provisions of this act, or any ordinances passed in pursuance thereof, shall be recovered from the parent, guardian or master (if the minor be an apprentice) of such minor.

Sec. 76. Be it further enacted, That all penalties imposed by law relating to the city, or by this act, by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the city of Raleigh, before the mayor, or any tribunal having jurisdiction thereof.

Sec. 77. Be it further enacted, That the commissioners shall not have power to impose for any offence a larger penalty than twenty five dollars, unless the same be expressly authorized; and from any judgment of the mayor for any penalty which is imposed or allowed to be imposed by this act, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner, and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace.

Sec. 78. Be it further enacted, That the mayor shall be entitled to the following [following] fees in the cases herein enumerated, whereof he may have jurisdiction as mayor: for every warrant issued by him for the recovery of any
penalty, or for other cause of action, twenty five cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal laws of the State, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed on conviction or submission of the offender among the other costs; for every warrant to arrest individuals who may have fled from other states or counties, two dollars, to be paid on removal of the offender, by such as may convey him away; for every warrant to apprehend a slave, and his trial and conviction, a fee of fifty cents, to be adjudged against the owner and paid by him; for use of the city seal for other than city purposes, one dollar; for every certificate for other than city purpose, fifty cents.

Sec. 79. Be it further enacted, That this act shall be accepted within one month from and after the ratification thereof, else it shall be of no effect. If accepted, the acceptance thereof shall be recorded on the minutes of the corporation and signed by the commissioners who may be present, and attested by the mayor; and thereupon the mayor shall proclaim the same, in two newspapers in the city.

Sec. 80. Be it further enacted, That from and after the acceptance of this act the same shall thenceforth be the charter of the city of Raleigh; and all laws now constituting the charter of the city and affecting the government thereof, in the grants heretofore made of its corporate franchise and powers, and all laws of a public and general nature inconsistent with, or coming within the purview of this act are hereby repealed, so far only, however, as they may affect this city; Provided, however, That such repeal shall not annul any ordinance, by-law or rule of the corporation, unless the same be inconsistent with this act; nor shall such repeal affect any act done, or any right accruing, or accrued, or established, or any suit had or commenced in any case, before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by, or due to the corporation by its present name, from any corporation or person whatever, 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 the name of "The City of Raleigh." Nor shall any right, duty, obligation or liability whatever, accrued or owing to the State or to any corporation or person, 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 styled the city of Raleigh.

Sec. 81. Be it further enacted, That no offence committed and no penalties or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provisions of the act, such provisions may be extended and applied to any judgment, to be pronounced after the repeal.

Sec. 82. Provided, further, That no suit or prosecution pending at the time of the repeal for any offence committed, or for the recovery of any penalty or forfeitures incurred under any of the acts or ordinances hereby repealed, shall be affected by such repeal.

Sec. 83. Be it further enacted, That no law heretofore repealed, shall be revived by the repeal of any act repealing such law.

Sec. 84. And provided lastly, That all persons who, at the time when the said repeal shall take effect, shall hold any office under any of the acts hereby repealed, shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished, and those as to which a different provision shall have been made by this act.

Sec. 85. Be it further enacted, That the city of Raleigh may convey lands and all other property which is transferable by deed, by deed of bargain and sale or other proper deed, sealed with the common seal, signed by the mayor and two members of the corporation, and attested by a witness.

Sec. 86. Be it further enacted, That the present corpo-
rate limits of the city of Raleigh shall be extended one quarter of a mile in every direction around said city, north, south, east and west; and that the boundary line shall run parallel with the old boundary until the line shall intersect at each corner; and all east of the middle ward shall be the east ward, and all west of the middle ward shall be the west ward, and the middle ward shall receive its portion of each end.

Sec. 87. Be it further enacted, That the qualified voters within the said corporate limits of the city of Raleigh shall have full power and authority to elect annually nine commissioners in said corporation, viz: three in each ward at the same time that commissioners have been elected here-tofore, and also to elect a constable.

Sec. 88. Be it further enacted, That all laws and clauses of laws coming in conflict with this act, be and they are hereby repealed.

Sec. 89. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

AN ACT FOR THE BETTER GOVERNMENT AND REGULATION OF THE TOWN OF GATESVILLE IN GATES 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 polls shall be opened at the court house, in the town of Gatesville, under the direction of the sheriff of Gates county, and two inspectors appointed by him, on the first Saturday in April next, and annually thereafter on the same day, under the direction and control of such person as may be designated under the subsequent provisions of this act, for the purpose of choosing five persons to act as a board of commissioners in and for said town, for the term of one year and after, until others [are] duly chosen and qualified have entered upon the duties of their office: Provided, however, That no one shall be eligible as commissioner who has not resided during the six months preceding within the limits of said town, and is not an actual resident thereof at
the time of such election; and one of the said commissioners at least shall be an acting justice of the peace for the county of Gates.

Who may vote. Sec. 2. Be it further enacted, That every resident of the said town qualified to vote for members of the House of Commons shall be entitled to vote for such commissioners, and the elections shall be conducted as elections now are for members of the General Assembly.

To take an oath. Sec. 3. Be it further enacted, That the commissioners thus elected, being notified by the inspectors, shall before entering on the duties of their office take an oath before some justice of the peace for the county aforesaid to perform faithfully and impartially the duties of their office to the best of their ability; and any one so elected as aforesaid refusing to take such oath for the space of one month after his election, having been notified thereof ten days, unless he shall remove out of the limits of said town within the time, or be otherwise incapable to serve, shall be liable to pay the sum of twenty dollars to the use of said town, of which forfeiture the State’s attorney for the county aforesaid is authorised and required hereby, in the name of the board of commissioners aforesaid, to seek the recovery and collection.

Body corporate Sec. 4. Be it further enacted, That said commissioners be constituted a body corporate under the name and style of the board of commissioners for the town of Gatesville, 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 alter, extend and establish boundaries to said town; may remove nuisances, provide against fire and desease; and make all necessary by-laws and regulations for the good government and well ordering of said town not inconsistent with the constitution and laws of this State.

Treasurer. Sec. 5. Be it further enacted, That the board aforesaid, shall appoint a town treasurer, who shall give bond, payable to the board, with good and sufficient securities, conditioned for the faithful keeping and paying over all such sums as may come into his hands. It shall be his duty to receive all moneys belonging to the town, and pay the same out by order of the board. At the end of the year, he shall publish a statement of his accounts in some conspicuous
place in the town; and for such services, he shall be entitled to a commission, to be allowed by the board.

Sec. 6. Be it further enacted, That the board shall appoint a town constable, who shall also give a bond, to be adjudged of by the board, payable to them as such, and conditioned for the faithful discharge of his duties. It shall be his duty to serve notices to hold elections, to collect all taxes levied by the commissioners, by virtue of this act, and to pay over the same to the treasurer; and shall, moreover, have such powers, and be subject to such responsibilities as now attach to other constables in the county aforesaid, and shall be subject to such regulations as the board may enact, as authorized under this act; and for all such services, shall receive fees as allowed by the board, in addition to those now allowed by law.

Sec. 7. 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 services of all persons residing in said town, under the same rules, restrictions and regulations, as persons now by law, liable to work on public roads, and in all other respects, shall possess the powers and be liable as overseers of roads are in said county.

Sec. 8. Be it further enacted, That the board shall appoint a sufficient patrol, to be composed of white male persons, above the age of eighteen years, (and owning or having slaves) who shall within five days after being notified of such appointment, take an oath similar to the one now prescribed for other patrols in said county, and in case of failure or refusal to qualify, shall pay such a fine as is named in the third section for failure of commissioners, to be collected and appropriated in the same way. In discharging duties, they shall observe such regulations as the board may prescribe; and at the end of the year, upon oath being made of their faithful performance of the duties of their appointment, the patrol shall receive such compensation as the board may establish.

Sec. 9. Be it further enacted, That to attain the purpose of this act, the board of commissioners shall have power annually, when they deem necessary, to lay a tax on all the
persons and property within the limits of said town: Provided, That said tax shall in no one year amount to more than one dollar on every poll, and fifty cents on every hundred dollars valuation.

Sec. 10. Be it further enacted, That it shall be the duty of each person residing within, or holding property of any kind within the limits of said town, to deliver to the board annually, as may be required, a statement on oath of all the taxable property owned or possessed by him, her or them, when required by the board, within ten days; and for failure to do so, shall pay a double tax on all property not given in as above; and all taxes not paid when called for by the collecting officer, shall be collected by warrant, in the name of the board, and under the same rules and regulations as all other board, and under the same rules and regulations as collected in Gates county.

Sec. 11. Be it further enacted, That all appointments made by the board shall be for one year, and if any person appointed pursuant to this act, unless excused by the board, shall refuse or neglect to serve, such person shall be liable to pay twenty dollars to the use of the town, and the board is hereby authorized and directed to bring a warrant for the same before any acting justice of the peace, in and for said county of Gates, in the name of the board as aforesaid.

Sec. 12. Be it further enacted, That the board of the acting members or member may order special elections to fill vacancies in their body; may call together the citizens of said town when necessary, at which all questions affecting the welfare of said town may be submitted, resignation of the commissioners may be tendered, and all necessary business may be transacted, at which meetings the eldest commissioners shall preside. The commissioners shall also appoint inspectors to conduct the annual and special elections in connection with the town constable; also the board shall have power to appoint a secretary, whose business it shall be to record all the proceedings of the different meetings, and to issue all orders, and in short, to do and execute all instruments of writing relative to the business of said board.

Sec. 13. Be it further enacted, That the said board of commissioners shall have full power and authority to pur-
chase or otherwise acquire some suitable piece of land for a public grave yard, and to lay off, enclose and otherwise improve the same, whenever the moneys of said board of commissioners may be deemed sufficient for such purpose.

Sec. 14. *Be it further enacted,* That any act heretofore passed to incorporate the town of Gatesville, the provisions of which may be inconsistent with this act, be, and the same is hereby repealed. [Ratified the 2d day of February, 1857.]

AN ACT TO INCORPORATE THE TOWN OF BURNSVILLE, IN THE COUNTY OF YANCY.

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 of Burnsville, in the county of Yancy, be and the same is hereby incorporated by the name and style of the "Town of Burnsville," and be subject to all of the provisions contained in the one hundred and eleventh chapter of the Revised Code.

Sec. 2. *Be it further enacted,* That the corporate limits of said town shall be one half mile in every direction from the court-house, the court-house to be the centre of the chartered limits of said corporation.

Sec. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [Ratified the 2d day of February, A. D., 1857.]

AN ACT TO AMEND AN ACT ENTITLED 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 the seventh section of the above entitled act, be and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That the mayor of said town, who may be entitled by virtue of the provisions of
the tenth section of the one hundred and eleventh chapter of the Revised Code of this State entitled "Towns," shall within the limits of said town, have all the general powers of a justice of the peace of the county of Duplin, as well [as] a peace officer as a judicial officer.

Sec. 3. Be it further enacted, That the commissioners of said town may enforce their by-laws and regulations by fines and imprisonments in the county jail of the county of Duplin; and it shall be the duty of the keeper of such jail to receive and safely keep all persons committed by the authority of the mayor of said town, under the same pains and penalties as if such person had been committed by any justice of the peace of said county.

Sec. 4. Be it further enacted, That the election of the mayor and commissioners of said town, shall hereafter be annually held on the first Thursday in February.

Sec. 5. Be it further enacted, That the corporate name of said town shall hereafter be "Magnolia" and the commissioners of said town shall be known by the corporate name of "The Commissioners of the Town of Magnolia."

Sec. 6. Be it further enacted, That the provisions of the one hundred and eleventh chapter of the Revised Code of this State, entitled "Towns," shall apply to said town, where the same shall not be inconsistent with the provisions of this act, or the provisions of the act to which this is an amendment.

Sec. 7. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of [February.] A. D., 1857.]
missioners of the town of Townsville; and said town shall
be subject to all such provisions of the one hundred and
eleventh chapter of the Revised Code.

Sec. 2. Be it further enacted, That the corporate limits
of the town of Townsville shall be in the county of Gran-
ville, on both sides of the Roanoke Valley railroad, and that
said commissioners, or a majority of them, shall within one
month after the passage of this act, lay off and establish the
limits and streets of said town in accordance with a survey
and plat herefore made by Robert Paschal, and return a
copy of said survey and plat, under their hands and seals, to
the ensuing county court of Granville county, which shall
be registered in the register’s office of said county, and filed
in the clerk’s office of said county, and the corporate limits
of said town so established, [that] the said commissioners and
their successors shall have no power to alter.

Sec. 3. Be it further enacted, That this act shall be in
force from and after its ratification. [Ratified the 2d day
of February, A. D., 1857.]

AN ACT TO AMEND “AN ACT TO INCORPORATE THE TOWN OF Chap. 103.
PITTSBORO’, IN CHATHAM 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 12th section of “an act to incorporate
the town of Pittsboro,” passed at the session of 1844-'45, be
so amended as to extend the limits of said town as follows:
beginning at the north east corner of said town, then run-
ning north to a point opposite the present dividing line
between Jo. Thompson and John Manning, thence west
so as to strike said line, and the same to the Hillsboro’ road,
and crossing said road in a due west direction to a point
opposite the north west corner of said town, then south to
said corner.

Sec. 2. Be it further enacted, That this act shall be in
force from and after its ratification. [Ratified the 3d day
of February, 1857.]
Chap. 104. AN ACT TO ALTER THE NAME OF THE TOWN OF NEW INSTITUTE, IN IREDELL COUNTY.

Name changed.

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 “New Institute,” in Iredell county, incorporated by an act of the General Assembly, passed in the year 1855, be and the same is hereby changed to the name of “Olin,” and by that name it shall hereafter be known, and the town and commissioners are hereby invested with all the rights, privileges and immunities granted to “New Institute” by virtue of the aforesaid act, passed in the year 1855, entitled “an act to incorporate the town of New Institute, in the county of Iredell.”

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 8th day of January, 1857.]

Chap. 105. AN ACT TO INCORPORATE THE TOWN OF YADKINVILLE, IN YADKIN COUNTY.

Incorporated.

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 of Yadkinville, in the county of Yadkin be, and the same is hereby incorporated by the name and style of the town of Yadkinville, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code.

Limits.

SEC. 2. Be it further enacted, That the corporate limits of said town shall be one-fourth of one mile from the courthouse in every direction.

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 8th day of January, 1857.].
AN ACT TO REPEAL THE 11TH SECTION OF THE ACT PASSED IN 1854-'55, ENTITLED "AN ACT TO EMPOWER THE COMMISSIONERS OF THE TOWN OF WILMINGTON TO ESTABLISH STREETS IN SAID TOWN, 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 11th section of the act passed by the General Assembly in 1854-'55, entitled "An act to empower the commissioners of the town of Wilmington to establish streets in said town, and for other purposes," be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That hereafter in the election of the commissioners for the town of Wilmington, all persons who are citizens of said town, who shall have paid their town tax, and shall have resided in said town six months, next preceding such election, and are otherwise qualified to vote for members in the house of commons, shall be entitled to vote in said election; and the person or persons holding or managing any such election, are hereby authorized and empowered (if required) to administer an oath to any person offering to vote in any such election, for the purpose of ascertaining whether such person is qualified to vote, and to conduct said election in all other respects, as in the election of members of the General Assembly.

Sec. 3. Be it further enacted, That so much of the 8th section, chapter 60th of the Revised Code, as rests [vests] the appointment of two inspectors of flour, provisions, forage, &c., in the commissioners of said town, be, and the same is hereby repealed.

Sec. 4. Be it further enacted, That said inspectors shall hereafter be appointed by the county court of New Hanover, at the next ensuing county court after the passage of this act, in like manner as inspectors of naval stores are now appointed.

Sec. 5. Be it further enacted, That the inspectors so appointed, shall hold and discharge the duties of their office until the March term of the county court, in the year 1858; at which time a new appointment shall be made for the
term of two years, and regularly thereafter at the March
term of said court, in each alternate year.

Sec. 6. Be it further enacted, That said court shall have
the right to specify what articles shall be inspected, the
mode of inspection, and the fees to be paid for the same.

Sec. 7. Be it further enacted, That this act shall take ef-
fect from and after its passage. [Ratified the 5th day of
December, A. D., 1856.

Chap. 107. AN ACT TO INCORPORATE THE TOWN OF THOMASVILLE.

Incorporated. 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 of Thomasville, in the county of
Davidson, be and the same is hereby incorporated by the
name and style of the town of Thomasville, and shall be
subject to all of the provisions contained in the one hundred
and eleventh chapter of the Revised Code.

Limits. Sec. 2. Be it further enacted, That the corporate limits
of said town shall be one mile square, placing the railroad
water station in the center.

Sec. 3. Be it further enacted, That this act shall be in
force from and after its ratification. [Ratified the 8th day
of January, 1857.]

Chap. 108. AN ACT TO INCORPORATE THE TOWN OF TROY IN MONTGOMERY
COUNTY.

Incorporated. 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 of Troy, in the county of Mont-
gomery, be and the same is hereby incorporated by the
name and style of the town of Troy, and shall be subject to
all of the rules, regulations and restrictions contained in the
one hundred and eleventh chapter of the Revised Code.

Limits. Sec. 2. Be it further enacted, That the corporate limits
of said town shall extend one-half of a mile in each and
every direction from the court house.
Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 8th day of January, 1857.]

AN ACT TO PROTECT THE CITIZENS OF THE TOWN OF WILSON. Chap. 109.

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 justices of the peace in and for the county of Wilson, shall not grant or renew orders for license to retail spirituous liquors by a measure less than a quart, to more than one applicant in the portion of the town west of Goldsboro' street, nor to more than one in the portion east of said street, unless upon the special recommendation in writing of the commissioners of said town, given within one month of the time of application: Provided, however, That this act shall not extend to the two hotels now retailing in said town.

Sec. 2. Be it further enacted, That the said justices shall not grant any order for license to retail in said town until the licenses now in force in the portion where the applicant proposes to retail, shall have terminated, unless upon the aforesaid special recommendation.

Sec. 3. Be it further enacted, That this act shall take effect and be in force immediately after its ratification. [Ratified the 17th day of January, 1857.]

AN ACT TO INCORPORATE THE TOWN OF SALEM, IN THE COUNTY OF FORSYTHE. Chap. 110.

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 of Salem, in the county of Forsythe, be an incorporated town under the general law of the State, chapter 111, Revised Code of North Carolina.

Sec. 2. Be it further enacted, That the corporate limits of said town shall extend north to the southern boundary of the town of Winton, in the county of Forsythe, south to...
Middle Fork or Muddy Creek, east one half mile from the main street of said town of Salem, and west one half of a mile from said street.

Sec. 3. Be it further enacted, That this act be in force from and after its ratification. [Ratified the 13th day of December, 1856.]

Chap. 111, AN ACT TO INCORPORATE THE TOWN OF ROCKINGHAM, IN THE COUNTY OF RICHMOND.

Election.

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 fourth Monday of January, one thousand eight hundred and fifty seven, and on the same day of each and every year thereafter, an election shall be opened and held in the town of Rockingham, in the county of Richmond, for the purpose of electing five commissioners for said town.

Sec. 2. Be it further enacted, That it shall be the duty of the constable of said town of Rockingham, to advertise the time and place of holding said election, for at least ten days, on the court-house door of said town; and that it shall be the duty of said constable to open and hold said election, and to declare the five persons having the highest number of votes, to be duly elected commissioners for said town, for one year from the day of election.

Constable.

Powers of commissioners.

Sec. 3. Be it further enacted, That said commissioners are hereby declared to possess full power and authority to adopt such rules and regulations, and pass such by-laws as may appear to them necessary for the good order, regulation and government of said town, not inconsistent with the laws and constitution of this State, and they are hereby declared to possess the same power and authority as are conferred by the Revised Code of North-Carolina, chapter one hundred and eleven, entitled "Towns," and all such power and authority as are usually exercised by the commissioners of all other incorporated towns of this State, and such commissioners shall be constituted a body politic and corporate, by the name and style of the commissioners of the town of Rockingham.
Sec. 4. Be it further enacted, That the limits and bounds of the said town of Rockingham shall be the same as here-tofore known and established by an act of Assembly ratified on the fourth day of January, A. D., 1845.

Sec. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 8th day of January, A. D., 1857.]

AN ACT TO GIVE ADDITIONAL AUTHORITY TO THE COMMISSIONERS OF THE "TOWN OF TARBORO''.

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 the town of Tarboro' be, and they are hereby authorized to sell as many of the burial lots in the square hereafter to be known as the Tarboro' cemetery, as they may deem advisable, and to make full title to the purchasers of the same.

Sec. 2. Be it further enacted, That the said commissioners of said town are authorized and empowered to sell that portion of the town commons lying on the eastern and north-eastern part of the town, and to extend the corporate limits of said town in the same direction, by purchasing a strip of land for that purpose.

Sec. 3. Be it further enacted, That said commissioners of said town are further authorized and empowered to sell as much of the town commons lying between the river bridge and the flat boat landing, and running parallel with Tar river, as they may deem advisable. [Ratified the 13th day of December, A. D., 1856.]

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HILLSBORO'.

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 charter of the town of Hillsboro' be amended so as to empower the commissioners of said town to lay such taxes as to them may seem expedient, upon all
of the subjects of taxation in said town, which are specified in the 111th chapter of the Revised Code, concerning towns, section 13; also, a tax not exceeding twenty-five dollars on all billard tables and bowling alleys in said town, to be collected in the same manner as other corporation taxes therein. [Ratified the 2d day of February, A. D., 1857.]

Chap. 114. AN ACT TO AMEND AN ACT, ENTITLED AN ACT FOR THE BETTER REGULATION OF THE TOWN OF CLINTON, IN THE COUNTY OF SAMPSON, PASSED AT THE SESSION OF THE GENERAL ASSEMBLY IN 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 county court shall not grant license to any person to retail spirituous liquors in less quantities than a quart in the limits of the town of Clinton, without a written recommendation from the board of commissions, or a majority of them; and every license thus granted shall be annually renewed; and any person retailing in violation of this act shall forfeit and pay for every offence the sum of five dollars, to be recovered on conviction before the intendent of police, besides the liability of being indicted in the county or superior courts, under the laws of the State. Every retailer of spirituous liquors by the small measure in the town of Clinton, shall pay an annual tax of five dollars to the treasurer, before he receives his certificate of recommendation from the town commissioners.

Sec. 2. Be it further enacted, That all laws and clauses of laws conflicting with, or coming within the meaning and purview of this act, be and the same are hereby repealed.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]
AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GRAHAM, 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 an act passed at the session of the General Assembly of 1850-'51, entitled "An act to incorporate the town of Graham, in Alamance county, section 1st," be so amended as to read after the word "appointed," "and qualified."

Sec. 2. Be it further enacted, That the third section of said act be so amended as to read "twenty days," instead of "five days." [Ratified the 26th day of February, A. D., 1857.]

AN ACT TO INCORPORATE THE TOWN OF WAYNESVILLE IN THE COUNTY OF HAYWOOD.

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 of Waynesville, in the county of Haywood, be, and the same is hereby incorporated, by the name and style of the "Town of Waynesville," and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code.

Sec. 2. Be it further enacted, That the corporate limits of said town shall be one half mile from the court house in every direction.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 24th day of January, 1857.]

AN ACT TO INCORPORATE THE TOWN OF GERMANTON, IN THE COUNTIES OF STOKES AND FORSYTHE.

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 of Germanton, situated partly
in Stokes and partly in Forsythe counties, be an incorporated town under the general law of the State, chapter 111, of Revised Code of North-Carolina.

Sec. 2. Be it further enacted, That the corporate limits of said town shall extend a quarter of a mile north, south, east and west from the Masonic Institute in said town.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d. day of February, 1857.]

Chap. 118. AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1854-'5, ENTITLED "AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1848-'49, ENTITLED AN ACT FOR THE INCORPORATION OF THE TOWN OF SALISBURY.

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 passed at the session of the General Assembly of the State of North-Carolina of 1854-'5, entitled "an act to amend an act passed at the session [of] 1848-'49, entitled an act for the incorporation of the town of Salisbury," be, and the same is hereby repealed.

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

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

Chap. 119. AN ACT TO INCORPORATE THE TOWN OF ALBEMARLE, IN 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 town of Albemarle, in the county of Stanly, be, and the same is hereby incorporated by the name and style of the town of Albemarle, and shall be sub-
AN ACT TO INCORPORATE THE TOWN OF MARION IN THE COUNTY OF MCDOWELL.

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 of Marion, in the county of McDowell, be and the same is hereby incorporated by the name and style of the town of Marion, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code.

Sec. 2. Be it further enacted, That the corporate limits of said town shall extend one-quarter of a mile in each and every direction from the court house.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

AN ACT TO AMEND THE CHARTER OF 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 charter of the town of Plymouth, in this State, be so amended as to authorise the commissioners of said town to pass and adopt any regulations they may choose by their by-laws, to search such vessels as they choose.

AN ACT TO INCORPORATE THE TOWN OF MARION IN THE COUNTY OF MCDOWELL.

Sec. 1. Be it enacted by the General Assembly of the State Incorporated.
of North-Carolina, and it is hereby enacted by the authority of the same, That the town of Marion, in the county of McDowell, be and the same is hereby incorporated by the name and style of the town of Marion, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code.

Sec. 2. Be it further enacted, That the corporate limits of said town shall extend one-quarter of a mile in each and every direction from the court house.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 24th day of January, 1857.]
Chap. 122. AN ACT TO AMEND THE ACTS INCORPORATING THE TOWN OF LINCOLNTON.

Retailing.

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 no person or persons whatever shall retail any spirituous liquors, or open or keep any restaurant or eating saloon, any billiard table or nine pin alley or bowling table within one mile of the court house in the town of Lincolnton, without first applying to and obtaining from the town council of Lincolnton a license so to do, first paying therefor into the treasury of said town such tax as may be imposed by said council, and any license so issued shall only be good for one year from the time of granting the same.

Patrol.

SEC. 2. Be it further enacted, That the town guard or patrol shall be required by said council, when necessary, to perform patrol and guard duty within the limits aforesaid. [Ratified the 3d day of February, 1857.]

Chap. 123. AN ACT TO INCORPORATE THE TOWN OF JACKSON, IN THE COUNTY OF CRAVEN.

Incorporated.

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 of Jackson, in the county of Craven, be and the same is hereby incorporated by the name and style of the town of Jackson, and shall be subject to all of the provisions contained in the one hundred and eleventh chapter of the Revised Code.

SEC. 2. Be it further enacted, That the corporate limits of said town shall be as follows, to-wit: beginning at a point
20 poles below Nichol's ship yard on Bay river, thence south 100 poles, thence west 160 poles, thence north 100 poles to said river, thence down said river 160 poles to the first station.

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

AN ACT TO INCORPORATE THE TOWN OF COLUMBUS.

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 of Columbus, in the county of Polk, be, and the same is hereby incorporated by the name and style of the town of Columbus, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code.

SEC. 2. Be it further enacted, That the corporate limits of said town shall extend to the distance of half a mile from the public square in every direction.

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

AN ACT TO AMEND THE CHATER OF THE TOWN OF ELIZABETH CITY.

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 authorities of the town of Elizabeth city, in the county of Pasquotank, shall have power to improve the sidewalks of said town, and to assess upon the owners of the lots improved thereby, one-half of the cost of the same, to be collected as other taxes of said corporation.

SEC. 2. Be it further enacted, That the mayor of said town shall, within ten days after each meeting of the corporate authorities, publish the proceedings of the same, and
shall be subject to a fine of ten dollars for each neglect so to do, recoverable by warrant before any justice of the peace.

Sec. 3. Be it further enacted, That all fines imposed upon the corporate authorities shall be paid by themselves, and not out of the funds of the corporation. [Ratified the 3d day of February, 1857.]

TURNPIKES.

Chap. 126. AN ACT TO INCORPORATE THE MACON COUNTY TURNPIKE COMPANY, TO CONSTRUCT A ROAD FROM FRANKLIN OR SOME OTHER POINT IN TENNESSEE VALLEY, TO SOME POINT ON THE TUCKASEGE AND KEOWEE TURNPIKE, OR TO SOME POINT ON THE LINE OF THE STATE OF GEORGIA, AS A MAJORITY OF THE STOCKHOLDERS MAY DETERMINE.

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 town of Franklin, on the first Monday of June next, and keep the books open until the whole amount of stock herein authorized, shall have been subscribed under the direction of J. L. Moore, J. D. Franks, J. H. Addington, J. W. Dobson, N. G. Allman, Jackson Johnston, F. W. Nolen, or any three of them.

Sec. 2. Be it further enacted, That the subscription of stock shall be in shares of twenty dollars each; and as soon as the sum of five hundred 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 Macon County 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 shall make all such rules, by-laws and regulations, as are necessary for the government of the corporation, or effecting the object for which it was created, not inconsistent with the laws and constitution 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 first section of this act, as soon as the sum of two thousand dollars shall have been subscribed in the manner aforesaid, to appoint a time for the stockholders to meet at Franklin 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 the stockholders; and the said directors, or a majority of them, shall have power to perform all of the 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 person 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 interests of the company may require; 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 previous to the day of payment; 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 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 the 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 may at any time increase its capital stock to ten thousand dollars, or to a larger sum if necessary to complete said road, either by opening books for subscription, or borrowing money on the credit of the company.

Sec. 8. 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.
EC. 9. *Be it further enacted*, That the said president and directors, or a majority of them, (on behalf of the corpora-
tors) have power and authority to agree with any person or persons for constructing or improving said road or any part of it; 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, till 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 and 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 perpendicularly for every ten 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 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 reholders to be appointed as follows, viz: on application being made by the company to any justice of the peace of 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 reholders, 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 in consequence of the right of way to the land being surrendered, and the benefit and advantage he, she or they may receive on 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 to the right of way. The proceedings of said jurors, 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 jurors to the justice of the peace of the said county, to be by him returned to the county court clerk, there to remain as a matter of record; and on payment of said valuation, the lands or right of way so valued by the jurors shall vest in said company, so long as the same shall be used for the purpose of said turnpike road; 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 may 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 improvement 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 who shall be liable to work on the public roads, residing within two miles of the Macon Turnpike, shall be required to work on
the said turnpike ten days while it is in progress of construction, and said two mile hands shall be liable, after the road is finished, to work on the same six days in every year thereafter; and said two mile hands who perform the six days' labor, shall be exempt from working on all other roads whatever; and hands liable to work on said road, under the provisions of this section of the act, who shall not, when warned by the agent of the company as in other cases, attend and work on said road, shall be liable to the same penalties, and recovered in the same manner that fines are now collected from persons for failing to work on public roads in this State.

Sec. 16. Be it further enacted, That the said company, when formed, shall have the authority to employ a competent engineer, or some other suitable person to survey said road, and after an examination of the different routes, the majority of the stockholders may determine upon the route deemed the most practicable for the location of said road, and the said company shall have power, by consent of the 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.

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, viz: on every four wheel 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, fifty cents; on every road cart, fifty cents; on every buggy, 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 shall refuse to pay said toll at [the] time of offering to pass 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 around any toll gate any wheel carriage or animal liable to toll, without paying the same, he shall be liable to a fine of ten dollars, to be recovered by a warrant before any justice of the peace in the county wherein such toll gate may be situated: Provided, That all persons, after residing in the county of Macon for twelve months, shall be charged only one-half the amount of toll provided for in this section of the act, while they continue to reside in said county, nor shall any person residing within two miles of said road be required to pay any toll whatever; and the people of Macon county shall be allowed to travel fifteen miles on said road free of any charge.

Sec. 18. Be it further enacted, That as soon as five hundred dollars shall have been subscribed by solvent individuals, it shall be the duty of the agent of the State to subscribe of the stock of the company on the part of the State five hundred dollars on bonds given and to be given for lands situated in the county of Macon, which are hereby pledged for that purpose, and in like manner as the subscription stock of the company may from time to time be increased by individuals solvent and able to pay, the subscription shall be increased on the part of the State in proportion aforesaid until the road is completed, and the State shall be represented by the said agent of the State in the collection of Cherokee bonds 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 in the county of Macon can be made available.
Sec. 19. 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. 20. Be it further enacted, That the company hereby authorised 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 8th day of January, A. D., 1857.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE INDIAN GRAVE GAP TURNPIKE COMPANY," PASSED AT THE SESSION OF 1854-'55.

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 incorporate the Indian Grave Gap Turnpike Company.” passed by the General Assembly, at the session of 1854-'55, be, and the same is hereby amended as follows: that the second section of said act, and the act of the same session, chapter 305, amending the same, shall be so construed, altered and amended, as to provide that whenever the said amount of three thousand dollars shall have been subscribed by bonâ fide subscribers, able to pay their subscriptions, either in money or labor, and the same shall have been certified to the governor, under the hands of said commissioners, then he shall notify the public treasurer thereof; and it shall be the duty of the public treasurer, and he is hereby directed to subscribe, and pay over on the part of the State, to the treasurer of said company, under the direction of the governor, to be used by the said commissioners, or the said president and directors, for the purposes, and in performance of the duties assigned to them respectively by said act, three thousand dollars, out of the proceeds of the sales of State lands, in the counties of McDowell, Burke, Yan-
cy, Madison and Buncombe, where the proceeds of said sales have not been otherwise appropriated by act of the General Assembly, paid for, or for which grants have been issued or may issue subsequently to the first day of January, A. D., 1855, as the said proceeds may accrue, or shall have accrued, until the said sum of three thousand dollars shall all be paid over as aforesaid; and the said moneys which have accrued, or may accrue, as aforesaid, shall be considered and held as appropriated, for the purposes specified in said act, and this amendment thereto; and the commissioners, with the directors for the State, provided for in said second section, shall constitute a board for the survey and location, leaving to the said company the constitution [construction] of said road.

Sec. 2. *Be it further enacted,* That in the event a sufficient amount of money to pay the State's subscription as aforesaid shall not have accrued at the time when the State's liability to pay the same may arise or exist, and the treasurer be called on for the payment thereof, then in order to expedite the payment of the balance, it shall be the duty of the governor to appoint as an agent, the director for the State, provided for in the second and third sections of said act of 1854-'5, who shall, before the county court of Yancy or of McDowell county, execute a bond with good security, to be approved by said court, in the sum of three thousand dollars, conditioned for the performance of his duties prescribed by this act: *Provided,* That on the failure of said director to give said bond, the governor may appoint any other agent, who shall comply with the foregoing requirements.

Sec. 3. *Be it further enacted,* That it shall be the duty of the said agent, on satisfactory evidence being furnished him, that a location and survey have been made for any land which at the time were liable to entry in either of the counties of McDowell, Burke, Buncombe, Madison or Yancy, to receive bonds payable to the State, with two or more securities, subject to his approval, payable in one, two, three and four years, for the lands embraced in the certificate of survey.
SEC. 4. Be it further enacted, That on 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 agent to issue receipts for the payment at the time fixed by law, and upon such receipt, and the payment of the fees the secretary of state shall issue grants for the said lands as in other cases.

SEC. 5. Be it further enacted, That the said agent shall pay the proceeds of the said sales as they may accrue and come to his hands on the said State's subscription, to the capital stock of said company; and shall also, on the demand of the president and directors of said company, transfer to them, for the use of the said company in the construction and improvement of said road at their par value, all, or such a portion of said bonds assigned in blank by said agent as they may require, on, and within the limits of said State subscription; Provided, That no payment shall be made by said agent until there shall have been expended by individual stockholders or by the said company, from money or work procured from individuals, an amount in work or money equivalent to the sum so paid on the part of the State, and in like manner as the amount expended by said company or individuals in manner as aforesaid shall be increased, the agent of the State shall increase the payments on the part of the State, pari passu, until the whole of said State subscription of three thousand dollars shall have been paid, and for the purpose of always maintaining the sums paid and the balance due on the part of the State, the said agent and the public treasurer shall, from time to time, advise each other of the amount paid by each of them respectively.

SEC. 6. Be it further enacted, That the said director for the State shall be allowed for his services a commission of two per cent, payable out of the bonds given for entries of land in said counties; and also for his services as a director, such a reasonable compensation, payable out of the treasury of the said company, as the governor may direct.

SEC. 7. Be it further enacted, That all the vacant land in the said counties of McDowell, Burke, Buncombe, Madison and Yancey, is hereby pledged for the use of said road to
the amount of said State subscription, and no entries shall for in the counties of Yancey and McDowell, in any manner only as herein provided, nor shall the said funds be applicable to any other purpose, after the passage of this act, until said subscription is paid and satisfied.

Sec. 8. Be it further enacted, That in the event of the death, resignation, or inability of any of the commissioners named in said act, the remaining commissioners shall have full power and authority to fill such vacancy by appointing another commissioner, from the same county where the commissioner so dead, resigned or disabled, resided at the time the said act of 1854-'55 was passed.

Sec. 9. Be it further enacted, That the said commissioners shall have the power, and are hereby authorized, if they should think proper, to select any other point on the Tennessee line, in the county of Yancey, at their discretion, as the terminus of said road in stead of the Indian Grave Gap.

Sec. 10. Be it further enacted, That so much of the said act, and the act on amendment thereto of 1854-'55, chapter 305, as is inconsistent with the provisions of this act, be, and the same is hereby repealed, and that this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

Chap. 128. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TUCKASEGE AND KEOWEE TURNPIKE COMPANY," PASSED AT THE SESSION OF 1850, AND AN AMENDMENT THERETO IN 1854-'55.

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 shall have the right, under the provisions of the recited acts, to conduct a branch to said road from some point on the road therein authorized to be constructed, down the Tuckasege river to some point on the Blue Ridge railroad.

Sec. 2. Be it further enacted, That before the said branch shall be constructed, books shall be opened for that object, under the direction of the company, at such times and
places and under the direction of such agents as they may select, and the books shall state the object for which the subscriptions are made; and provided five hundred dollars shall be subscribed by individuals, the stock shall be subscribed and increased as provided in the 5th section of the act of 1854-'5 to fifteen hundred dollars, and in like manner as the subscriptions shall be increased by individuals, the subscriptions shall be increased by the agent of Jackson county, until the whole road is completed with the necessary bridges, but not to extend beyond the debts due for lands in Jackson county.

Sec. 3. Be it further enacted, That as soon as the sum of five hundred dollars shall have been subscribed by solvent individuals, the president of the company shall notify those stockholders of the time and place of meeting, and if a majority of the stock subscribed for this branch be represented in person or by proxy, they shall proceed to elect an agent, who, under the direction of the president of the company, shall proceed to locate said road, and put as much of it under contract as the president of the company may deem proper, with a view to its completion in three years or at an earlier day.

Sec. 4. Be it further enacted, That this branch of the road shall be of the same description as the road constructed, and to be constructed from Quallatown to the South-Carolina line.

Sec. 5. Be it further enacted, That as soon as said road is completed to the line of the Blue Ridge railroad, the stockholders of that branch are to have the right to appoint an agent to superintend keeping up that portion, and to erect a toll gate or gates thereon, to demand and receive the following tolls, to-wit: on every four-wheeled carriage of pleasure, fifty cents; for a gig or sulkey, twenty-five cents; for every six horse wagon, fifty cents; on every five horse wagon, thirty-seven and a half cents; for every four horse wagon, thirty cents; on every three horse wagon, twenty-five cents; on every two horse wagon, twenty cents; on every one horse wagon or cart, fifteen cents; on peddler's wagons, one dollar each; on every horse or mule with a rider, five cents; without a rider, two cents; on sheep and
hogs, two cents each; on every animal designed for exhibition, fifty cents. The company shall have the right to reduce said tolls, but shall not increase them; and in like manner, the company shall [have] the right to construct a branch of said road east from Quallatown to a point on Jonathan's creek, or to a point on the western turnpike, to be selected by the stockholders of that branch, for which the agent of Cherokee bonds shall make a three-fifths subscription on the part of the State as soon as two-fifths shall have been subscribed by solvent individuals, payable out of any bonds which may be in his hands, which are given for Cherokee lands, but if he shall not have the bonds on hand, then and in that case, he shall only be required to make payment as they are received. The same tolls shall be allowed on this branch as allowed on the other branch of the Blue Ridge road, and the main trunk of the road. They shall have the right to put up a toll gate in each county.

Section 6. Be it further enacted, That all the provisions of the act of 1850-'51 shall apply to the branches, in relation to the construction, keeping in repair and receiving of tolls on their road, that apply to the main trunk of the road, and each shall have the right to collect the tolls therein provided for the benefit of the stockholders, including the State as a stockholder, to the amount of three-fifths, and each company of stockholders shall have the right at any time, a majority of the stockholders so deciding, to form themselves into separate companies, as provided in the recited act, for the purpose of keeping the road in good repair.

Section 7. Be it further enacted, That it shall be lawful for the county court of Jackson county, at any time hereafter, to carry out the provisions of the 6th and 7th section of the recited act of 1854-'55, and the stock which may be subscribed by the county court, as therein provided, shall be distributed as follows, to-wit: A bond shall be issued for half of the sum authorised to be subscribed on the part of the county, and delivered to the treasurer of the company to be used and applied in extending said main trunk of the road from Cashier's valley to the South Carolina line, and a bond shall in like manner be issued for the other half of the county subscription, and be delivered to the president of
the company for the use of aiding in the construction of the
necessary bridges on that line.

Sec. 8. Be it further enacted, That the provisions of the
recited act shall apply to the branches as well as to the main
trunk of the road, with regard to the payment of toll and
keeping up those roads, with this exception: on the lower
branch, the provisions with regard to the two mile hands
shall not embrace above the Stehohi fields, and after it
crosses the Tuckasege river shall only embrace the two mile
hands on the south side of the river, and the citizens of Ma-
con county living within two miles of the road shall perform
the same duties in keeping the said road in repair as the
citizens of Jackson, and in consideration thereof the citizens
living on the waters of Alarha creek, and in two miles of the
road, shall not be required to pay toll for traveling that por-
tion of the road within Macon county.

Sec. 9. Be it further enacted, That in case the county
court of Jackson shall not subscribe the stock as herein pro-
vided, then, and in that case, none of the citizens of Jackson
shall be required to perform any labor in keeping up said
road or its branches, and in lieu thereof none of the citizens
of Jackson shall be exempt from the payment of tolls under
this and the recited acts; but in case the subscription be
made, then and in that case the citizens of Jackson shall not
be required to pay any tolls in their own county, or in the
county of Macon for traveling said road and its branches,
upon the performance of the labor required.

Sec. 10. Be it further enacted, That the subscription to
be made under the recited acts by the agent of Jackson
county, payable as therein provided for the Tuckasege and
Keowee turnpike and its branches, shall be three-fifths instead
of half of the capital stock.

Sec. 11. Be it further enacted, That the subscribers of
stock for the Keowee and Tuckasege turnpike and its branch-
es shall have the right to file their notes with at least two
good securities, payable in one, two, three and four years,
for the stock subscribed, payable to the president and direc-
tors of the company, with the treasurer or agent of the com-
pany, to be paid to the contractors within ten days after
notice is given them by the company, or its agent appointed
for that purpose, who shall give receipts therefor; but in case any of the subscribers of stock fail or refuses to file notes for their stock as herein provided, to be approved of by the treasurer or agents of the company, then and in that case may be dealt with, and the whole amount collected as provided in the act of 1850.

SEC. 12. Be it further enacted, That this act shall be in force from and after its passage, and continue in force sixty years. [Ratified the 24th day of January, 1857.]

Chap. 129. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE QUALLA TOWN AND OCONALUFTA TURNPIKE COMPANY, IN THE COUNTY OF JACKSON, PASSED AT THE SESSION OF 1854-'55.

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 said act be, and the same is hereby repealed.

SEC. 2. Be it further enacted, That in lieu of the tolls, the Oconalufita and Qualla Town Turnpike were authorized to receive under the third section of the recited act, which is repealed by this act, they shall not receive more than the following tolls, to-wit: for every four-wheeled carriage of pleasure, forty cents; for every gig or sulkey, twenty cents; for every five or six-horse wagon, twenty-five cents; for every four-horse wagon, twenty cents; for every two-horse wagon, ten cents; for one-horse wagons or carts, ten cents; for peddler's wagons of every description, one dollar; for horses and mules with riders, five cents; without riders, two cents; for every head of cattle, two cents each; for every head of hogs and sheep, one cent each; for every animal intended for public exhibition, fifty cents; for foot passengers, two cents.

SEC. 3. Be it further enacted, That it shall be competent for the said company to reduce, but not increase, without the consent of the General Assembly, the tolls allowed under the second section of this act, and the acts of 1850-'51,
and the sections of the act of 1854-'55, which are continued in force so far as not repealed by this act.

SEC. 4. Be it further enacted, That the commissioners named in the recited acts, or any three of them, shall have the right to open books at such times and places, and under the direction of such agents as they may appoint for the subscription of stock in said company.

SEC. 5. Be it further enacted, That as soon as the sum of four hundred dollars shall have been subscribed by solvent individuals, the company shall be regarded as incorporated under the recited acts, with the powers therein conferred, and such other powers as may be authorized under the general act of incorporations contained in the Revised Statutes.

SEC. 6. Be it further enacted, That the said company, when formed under this act, shall have the right under the direction of the president and two directors of the company, to locate the road from the Tennessee line, the point thereon to be selected by the company, down through the valley of Oconalufita to Qualla Town, thence to be continued to a point on the Tuckasege river, within one mile of the mouth of Wesser’s creek, thence to be continued as the subscriptions may be made, to a point on or near the line of the Blue Ridge Railroad, to be selected by the company.

SEC. 7. Be it further enacted, That the said company shall construct a bridge across the Tuckasege river for the use of said road, and they shall have the right to receive the same additional tolls as are provided in the second section of this act, which authorizes additional tolls for passing the bridge across the Oconalufita river.

SEC. 8. Be it further enacted, That as soon as the said sum of four hundred dollars shall have been subscribed by solvent individuals, it shall be the duty of the agent “for the collection of Cherokee bonds,” to subscribe in behalf of the State, of the capital stock of the company, six hundred dollars, payable in bonds given or which may be given for refused lands pledged for the use of the Western Turnpike, under the act of 1848, which fall due in one, two, three and four years; and as soon as individuals solvent and able to pay shall increase their subscriptions to the capital stock, which is to be paid in notes payable in one, two, three and
four years, to the president and directors of the company, with at least two good and sufficient securities, to be approved of by the treasurer of the company, then the agent of the State, as provided for in the first subscription, shall increase the subscription on the part of the State, and the same shall be continued pari passu, until a sufficient amount is added to the capital stock of the company to complete the said road between the points designated, with the necessary bridges and culverts, to be of good and durable timber; so the construction of the road to commence at Quallatown, and extend each way, under the direction of the president of the company, until the whole road is completed:

Provided, The amount of stock be subscribed, but not otherwise; Provided, nevertheless, That the State shall never be called on to subscribe to the capital stock of the company in anything else but the bonds given or to be given for Cherokee lands which were pledged for the use of the Western Turnpike.

Sec. 9. Be it further enacted, That the company shall have the right to put one or more toll-gates on said road, and to allow as many as two gates to be erected by individuals, if necessary, in passing through their farms; which shall, with the toll-gates, be free from taxation.

Sec. 10. Be it further enacted, That said company shall have the right, upon such terms as may be agreed upon, to issue tickets by the year to such citizens as may aid in keeping up said road, to pass the toll-gates and bridges.

Sec. 11. Be it further enacted, That this act shall be in force from and after its passage, and continue, as provided in the recited act of 1850. [Ratified the 24th day of January, 1857.]
passed at the session of 1855-'6, be, and the same is hereby amended as follows, to-wit: That as soon as the stock is subscribed to extend the road from Fort Montgomery to the point designated, at the Nantahala bridge, on the Western Turnpike, the commissioners shall open books as therein provided for the subscription of stock to extend said road to some point on Tusquitita creek, or on Highwassee, or the Georgia line, as the company may prefer, to be located by the company after formed as herein provided.

Sec. 2. Be it further enacted, That the subscription of stock for this part of the road shall be expressly made for that object, and the subscription thus made shall be used to conduct [construct] that portion of the road.

Sec. 3. Be it further enacted, That as soon as two shares of stock shall have been subscribed for each mile of the road by solvent individuals, the agent of Cherokee lands, as provided in the recited act, shall subscribe in bonds payable in one, two, three and four years, given for lands pledged for the use of the Western Turnpike by the act of 1848, shall subscribe three shares per mile of twenty dollars each, and continue the same, pari passu, until this branch of the road shall have been completed, with the necessary bridges, as required by the act referred to.

Sec. 4. Be it further enacted, That it shall be lawful for the individual subscribers of stock to give bonds, payable to the treasurer of the company, for the stock subscribed, due and payable in one, two, three and four years, so as to place their subscriptions on terms of equality with the subscriptions made by the State, and the same provision shall extend to the entire road and its branches.

Sec. 5. Be it further enacted, That the bonds thus given in payment of the subscriptions of stock as herein prescribed, shall be endorsed by the agent and treasurer, and paid over upon the order of the president of the company, to the contractors.

Sec. 6. Be it further enacted, That the said notes shall be sued for and recovered in the name of the contractors, in the same manner as provided by law for the collection of other debts.
SEC. 7. Be it further enacted, That should any of the subscribers of stock, under any of the recited act or acts, fail to file bonds with at least two good securities to be demanded, and the securities approved of by an agent of the company, the whole amount of stock shall be considered as due, and the president shall have the right, in his own name, to sue for and recover for the use of the contractors, the full amount of the stock subscribed in cash, instead of notes, as provided in the recited acts.

SEC. 8. Be it further enacted, That the stockholders shall, when notified by the president of the company, meet at such time and place as he shall and may hereafter appoint, and a majority of the stock being represented in person or by proxy, for the extension of the road or either of its branches, shall appoint three of the stockholders, each of whom shall own at least five shares of the stock, who shall select the point, or southern or western terminus of said road; and after such point is selected, shall, under the direction of the president and engineer, or surveyor and agent, to be appointed by him, with the power of removal and to appoint others in their stead, to be paid by the company, proceed to locate, measure and lay off said road, which shall be put under contract by the president of the company, in such manner as he may deem best for the company; the subscribers of stock, however, to have the preference on contracts; it shall also, in making contracts, and in making payment to contractors, to require each contractor to receive in payment twenty per cent, in the stock of the company, to be considered as one of the shares of individual stock, to be made under this and the recited acts. But should the contractor be a stockholder, he shall only be required to receive the excess over the amount of subscription in stock to make the twenty per cent.

To open books.  SEC. 9. Be it further enacted, That in like manner as provided in the 8th section of this act, the commissioners, when directed to do so by the president of the company, shall open books for the subscription of stock to construct the branch authorized to be constructed from some point on the Cheoih Turnpike to Valley river or Hanging Dog creek, and as soon as ten shares or more of the stock shall have
been subscribed for by solvent individuals, the president of the company may appoint a time and place for the meeting of the stockholders, and if at such meeting a majority of the stock be represented in person or by proxy, then as provided in the 8th section of this act, and the recited act; and if at such meeting a majority of the stock be represented in person or by proxy, then as provided in the third section of this act and the recited act; and should the president of the company, provided the same be agreed to by those representing a majority of the stock subscribed for this branch, he may change the terminus of said road, and select another terminus at any point on the Western Turnpike or Georgia line, and by and with the consent of the stockholders of the branch aforesaid, he shall have the right to contract with any company for the franchise and rights which they may have acquired, which may be necessary to enable the company to put in repair and complete the road from the junction to the Tennessee and Georgia line, or to select another point on the Tennessee line.

Sec. 10. Be it further enacted, That the president of the company (subject to the approval of the stockholders of each part of the said road and its branches) shall have the right to appoint agents to erect toll gates, to receive tolls, subject to his removal; the stockholders thus represented shall have the power to put up one or more gates on each branch, and to receive the same tolls, to be collected in the same manner, in proportion to the length constructed.

Sec. 11. Be it further enacted, That all the provisions of said acts shall apply to the branches that apply to the principal road with the same liabilities and same advantages in each captain's company and the principal company, and each branch shall have the right to use as much as two miles of the western turnpike each way from the junction without additional charges or tolls; this provision shall apply to all the branches authorized to be connected with the western turnpike, in the 50th senatorial district.

Sec. 12. Be it further enacted, That all persons made liable by this act to work on said road or its branches, shall be released from the performance of the labor required, by
the payment of fifty cents in advance, for each day's labor required to be performed.

Sec. 13. Be it further enacted, That this act, and the recited amendment to the act of 1854-'55, shall be in full force from and after its passage, and continued in force sixty years. [Ratified the 2d day of February, 1857.]

Chap. 131. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CHEOH TURNPIKE COMPANY," PASSED AT THE SESSION OF 1854-'55.

To open books. 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 or a majority of them, named in the first section of said act, to increase, by opening books, at such times and places, under the direction of such agents as they may select, for the purpose, of the subscription of stock in said company, to an amount sufficient to complete a bridge across the Tennessee river at Nogahih on the line of the Blue Ridge Railroad, and to construct a branch and extend it as herein provided.

Tolls. Sec. 2. Be it further enacted, That said company shall have the right, as soon as a good and sufficient bridge is completed across said river, to demand and receive the following tolls, to-wit: in addition to the tolls named in the recited act, for one-horse gigs and sulkeys, twenty-five cents each; for two-horse pleasure carriages, thirty-seven and a half cents; for four-horse carriages of pleasure, seventy-five cents; for six-horse road wagons, fifty cents; for five-horse road wagons, thirty-seven and a half cents; for four-horse road wagons, twenty-five cents; for three-horse road wagons, twenty cents; for two-horse wagons, for the transportation of produce, fifteen cents; for one-horse carts or wagons, used in the transportation of produce, ten cents; for peddler wagons, one dollar each; for each horse or mule with a rider, ten cents; for every head of cattle, two cents; for every head of hogs or sheep, one cent each; for all animals intended for public exhibition, fifty cents.
SEC. 3. Be it further enacted, That the said company be, and they are hereby authorized and required to extend the said road to the said bridge, hereby authorized to be constructed, and on the opposite side of the river, to construct a road of the same width as the other portion of the road, to the road which extends across the Iron mountain, with a grade not exceeding one foot in ten.

SEC. 4. Be it further enacted, That the said company shall pay a fair compensation for the labor that is already performed on the bridge lot, to be adjusted by agreement of reference to referees mutually chosen.

SEC. 5. Be it further enacted, That the company shall have the right to extend said road in a southerly direction, to a point on the Nantahala river, at or near where that stream cuts through the mountains, thence to the bridge near Aquono, to intersect the Western turnpike at or near that place: Provided, That the requisite amount of individual stock shall be subscribed by solvent individuals for the extension.

SEC. 6. Be it further enacted, That in case the road shall be extended to the point designated on the Nantahala river, all the citizens residing on the waters of the Nantahala above the point designated, shall perform the same duties and be entitled to the same advantages as the people residing on the waters of Cheoih, as provided in the said recited act.

SEC. 7. Be it further enacted, That said company shall also have the right to extend a branch of said road from some point below Fort Montgomery, or from that place to a point on the Western turnpike, or to a point on Hanging Dog creek to be selected and determined by the company upon the same conditions as provided for in the 6th section of this act; and the citizens of the waters of Valley river or Hanging Dog shall perform the same duties and be entitled to the same advantages as provided for the people of Nantahala in the 6th section, and for the people of the Cheoih in the recited act.

SEC. 8. Be it further enacted, That in case the branch to Toll gate, Valley river or Hanging Dog creek should be constructed, the company shall be entitled to erect an additional toll gate and receive one-half of the amount of tolls authorised to be
collected by the recited act, subject to the same provisions in favor of the people of Hanging Dog creek upon their performing the same duties or the people of Valley river, should the road be located in that direction, as is made in favor of the people residing on the waters of Cheooh, who shall be exempt from the payment of tolls on the branch.

Sec. 9. Be it further enacted, That all the provisions of the recited act, so far as applicable, shall extend to the branch as well as the main trunk of the road; but, however, free from any restrictions on the agent as to selecting the bonds subscribed under said act.

Sec. 10. Be it further enacted, That the treasurer of the company shall annually account to the treasurer of the State for the proportion of tolls to which the State may be entitled.

Sec. 11. Be it further enacted, That this act shall be in force from and after its passage, and continue in force, with the rights granted by this act and the act recited, sixty years and be regarded as a public act. [Ratified the 13th day of December, A. D., 1856.]

Chap. 132. AN ACT TO AMEND AND CONSOLIDATE THE ACT OF 1854-'55, AND PREVIOUS ACTS TO WHICH IT REFERS, ENTITLED "ACTS TO INCORPORATE THE JONATHAN'S [CREEK] AND TENNESSEE MOUNTAIN TURNPIKE COMPANY IN THE COUNTY OF HAYWOOD."

To open books. 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 have the right to open books at such times and places, and under the direction of such agents as a majority of the commissioners may direct, for the subscription of five hundred dollars additional stock in said company, and as soon as that sum shall have been subscribed by solvent individuals, and the subscription is certified to by the treasury [treasurer] and president of the company, the agent of the State for the collection of Cherokee bonds, shall subscribe on the part of the State, five hundred dollars, and in like manner as the subscriptions
shall be increased, including the sum already subscribed, the subscription shall be increased on the part of the State until the State subscribes and owns one-half of the entire stock of the road, when completed with the necessary bridges from the Tennessee line to the western turnpike; but the agent of the State shall not be called upon to make payment of stock any faster than bonds shall be given for unappropriated and refused lands, appropriated by the act of 1848 to the use of the western turnpike, to which the road authorized by this act constitutes a branch.

Sec. 2. Be it further enacted, That the company shall have the right, as soon as the additional sum of five hundred dollars shall have been subscribed by individuals, and a similar sum by the agent of Cherokee bonds in behalf of the State, to proceed, under the direction of the company, to locate the remainder of the road and to extend it to a point on the Western Turnpike, at or near the town of Waynesville, and all the provisions of the charter applicable to the other portion of the road, shall apply to the portion of the road from the point selected on Jonathan's creek to the point on the Western Turnpike: Provided, however, that the hands liable to work on the Western Turnpike, shall not be liable to work on the road authorized by this act.

Sec. 3. Be it further enacted, That the company may erect an additional toll gate, and receive additional tolls, formerly authorized, in proportion to distance, from the point on Jonathan's creek, to the intersection of the road with the Western Turnpike, or the same may be collected at a gate situated on the other portion of the road.

Sec. 4. Be it further enacted, That the said company shall construct all necessary bridges and culverts on said line of road from the Tennessee line to the State road, of durable timber, and keep the same in repair; and no portion of said road shall exceed one foot perpendicular for every ten feet horizontal.

Sec. 5. Be it further enacted, That this act shall be regarded as a public act, and be in force from and after its passage, and shall continue in force sixty years. [Ratified the 8th day of January, A. D., 1857.]
Chap. 133. AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE THE TUCKASEGE AND NANTAHALA TURNPIKE," PASSED AT THE SESSION OF 1850-'51, AND AMENDMENT THERETO PASSED AT THE SESSION OF 1854-'55.

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 be allowed two years longer to complete said road from and after the passage of this act. That they shall be required to make the grade of the road as good as that of the Western turnpike, but shall not be required to construct it with a grade of less inclination.

SEC. 2. Be it further enacted, That the said company shall also have two years to complete the bridge across the Tennessee river, and a bridge across the Nantahala river; and to aid the company in constructing these bridges, and completing the said road as provided for in recited acts, the agent for the collection of Cherokee bonds is hereby authorised and required to subscribe in bonds given for Cherokee lands situated on the waters of Nantahala, or which may hereafter be given, in the stock of the company, for the benefit of the State, one-half the amount of the capital: Provided, These bonds amount to that sum within the next two years.

SEC. 3. Be it further enacted, That if the bonds given, and to be given, for refused and other lands on Nantahala, shall not within the two years be equal to the amount required, that the State shall not be bound to make up the deficiency in any way whatever.

SEC. 4. Be it further enacted, That this act shall be regarded as a public act, and be in force from and after its passage. [Ratified the 24th day of January, 1857.]
AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE SULPHUR SPRINGS AND PAINT ROCK TURNPike COMPANY," PASSED AT THE SESSION OF 1854-'55."

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 passed by the General Assembly at its session of 1854-'55, entitled "an act to incorporate the Sulphur Springs and Paint Rock Turnpike Company," shall be, and the same is hereby altered and amended so as to read as follows, (after the enacting clause): That for the purpose of constructing a turnpike road from the Sulphur Springs, in Buncombe county, by way of Joseph Worley's and Askew's Mill on Spring Creek, in Madison county, to the State line of Tennessee, the formation of a corporate company, with a capital stock of two thousand dollars, is hereby authorized to be styled "The Sulphur Spring and Paint Rock Turnpike Company."

Sec. 2. Be it further enacted, That in place of the commissioners appointed by the second section of the said act, the following persons be, and they are hereby appointed commissioners for the purposes named in said act, viz: W. Jones, R. M. Henry, R. P. Wells, J. W. Reeves, J. M. Carver, L. A. B. Ducket and J. Brown.

Sec. 3. Be it further enacted, That instead of the proviso in the seventh section of said act, it is hereby provided that no citizen of Buncombe or Madison counties shall be liable to pay toll on said road.

Sec. 4. Be it further enacted, That so much of the said act as conflicts with any of the provisions of this act, and no more, be, and the same is hereby repealed; and that this act shall be in force from and after its ratification. [Ratiﬁed the 3d day of February, 1857.]
Chap. 135. AN ACT TO INCREASE THE PAY OF WITNESSES IN DUPLIN, ROWAN AND ROBESON COUNTIES.

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 Duplin, Rowan and Robeson, a majority of justices being present, shall have power to pass an order, that all witnesses summoned to attend the county courts, or the superior courts of law, for said counties, shall 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 all laws and clauses of laws coming in conflict with the provisions hereof, be, and the same are hereby repealed.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 24th day of January, 1857.]

MISCELLANEOUS.

Chap. 136. AN ACT TO INCORPORATE THE SHEPHERD'S POINT LAND 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. Arendall, John M. Morehead and such other persons as they may associate with them, be incorporated by the name and style of the Shepherd's Point Land Company, with a capital stock not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, with power and authority to purchase and hold to themselves, and their successors, in fee simple, lands and tenements in the county of Carteret, not exceeding three thousand acres to be held at any one time.

Sec. 2. Be it further enacted, That said company shall have power and authority to lay off on said lands, a town
or city at or near Shepherd's point, with such corporate powers as may be conferred by the General Assembly, and designated by such name as said company may choose to designate, and to sell and dispose of, in fee simple, or by lease or in any other way they may choose, all lots and tenements that may at any time belong to said company.

Sec. 3. *Be it further enacted,* That said company shall have power and authority to improve their lands and property by filling in and raising the same above high water; to build wharves, dredge out navigable channels, build hotel houses, and make such other improvements in the said property and lands as they may deem proper, and the same to occupy, use and employ, for the benefit of said company, to lease, rent, sell, or in any manner dispose of as they deem best for the interest of said company: *Provided,* That nothing herein contained shall be so construed as to affect in any manner the rights and privileges of the North-Carolina and Atlantic Railroad Company.

Sec. 4. *Be it further enacted,* That said company shall elect a president, who shall *ex officio* be a director, and two other directors who shall have the control and management of the affairs of said company, and shall be elected for one year, and until their successors are appointed.

Sec. 5. *Be it further enacted,* That in all meetings of the stockholders each share of stock shall be entitled to one vote and in such meetings the said company shall have full power and authority to make all such by-laws and regulations as they may deem proper and necessary not inconsistent with the laws of this State.

Sec. 6. *Be it further enacted,* That in all transfers of the land and other real estate of the said company, the board of directors shall first order what transfers shall be made, and the deeds for the same shall be signed by the president and one of the directors, with the corporate seal to the said deed attached.

Sec. 7. *Be it further enacted,* That said company shall have a corporate seal, with such devices as they may select, and the same to alter and change at their will or pleasure; they may sue and be sued, plead and be impleaded, before a single justice or in any court of record in this State.
SEC. 8. Be it further enacted, That the members of this corporation shall be individually responsible for the debts of the company. [Ratified the 2d day of February, 1857.]

Chap. 137. AN ACT TO AUTHORIZE SAMUEL S. BIDDLE TO BUILD A BRIDGE ACROSS NEUSE RIVER, IN CRAVEN COUNTY.

To build bridge.

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 S. Biddle, or he and such other persons as he may see fit to associate with him, are hereby authorized to build and construct a bridge over and across Neuse river, at Biddle's landing, in Craven county; to be constructed with a draw, not less than forty feet wide for the passage of boats.

To tolls.

SEC. 2. Be it further enacted, That it shall be lawful for the said Samuel S. Biddle, or for him and his associates and assigns, for the term of thirty years, and no longer, to charge and receive tolls for crossing said bridge, at the following rates: for a wagon or carriage with four wheels, drawn by two or more horses or mules, a sum not exceeding forty cents; for a buggy drawn by one horse, thirty cents; sulkeys, gigs and other carriages with two wheels, drawn by one horse, twenty cents; horse and man, ten cents; and all cattle and horses per head, three cents; foot passengers, five cents.

To keep in good repair.

SEC. 3. Be it further enacted, That when the said bridge shall be built, the proprietor or proprietors thereof, or their assigns for the time being, shall keep the said bridge in good and sufficient repair, under the same rules, regulations, restrictions and penalties prescribed by the laws of the State, for keeping other public bridges.

SEC. 4. Be it further enacted, That the bridge hereby authorized to be built, shall be completed for the passage of carriages within two years from the passage of this act, or the privileges hereby granted, shall cease and determine.

SEC. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 24th day of January, A. D., 1857.]
AN ACT TO INCORPORATE THE NORTH-CAROLINA AND NEW YORK STEAMSHIP 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 W. Southall, John G. Wilson, Jas. M. Wynn, Jesse A. Jackson, Thomas J. Gatling, William H. Gatling, B. A. Capehart, John A. Anderson, Jacob Sharp, William J. Harrell, John H. Davidson, John Wilson, James C. Johnston, Richard Griffith, Joseph Mizell, Hiram Freeman, James C. Freeman, Joseph P. Jordan, Joseph H. Harrell, Cleveland Sawyer, Samuel Whedbee, Jason H. Buckover, L. V. Husted and such other 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 "North-Carolina and New York Steamship Company," and shall be invested with all the rights and privileges, and be subject to all the regulations and restrictions contained in the 26th chapter of the Revised Code, so far as the same are applicable to such a corporation, and are not inconsistent with the provisions of this act.

SEC. 2. Be it further enacted, That the capital stock of the said company shall consist of thirty thousand dollars, with the privilege of increasing the same one hundred and fifty thousand dollars, divided into shares of one hundred dollars each.

SEC. 3. Be it further enacted, That the said company may, in addition to the steamship now in course of construction, build such other steamers as the wants of the company may require from time to time, employ them in conveying passengers and freight in and between the waters of North-Carolina and New York, with the privilege of running to and from any other parts of the United States, and the West India Islands, and parts of the Gulf of Mexico and Central America as may appear expedient for the interest and well being of the company.

SEC. 4. Be it further enacted, That said corporation shall have no more real estate than may be necessary for the
transaction of its business, and the security and collection of its debts.

SEC. 5. Be it further enacted, That this act shall be in force from and after the ratification thereof. [Ratified the 12th day of December, 1856.]

CHAP. 139. AN ACT TO AUTHORIZE AND EMPOWER THE SECURITIES OF JAMES A. BROWN, LATE SHERIFF OF PITTS COUNTY, TO COLLECT ARREARS OF TAXES DUE FOR THE YEARS 1852-'53.

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 securities of James A. Brown, late sheriff of Pitt county, be, and they are hereby authorized and empowered to collect all arrears of taxes due said sheriff for the years 1852-'53, which collection shall be made under the same rules, regulations and restrictions as other collections of taxes by virtue of the laws of the State: Provided, That the authority by this act granted shall not extend to persons who have removed from the county, or to executors or administrators, nor to any person who will voluntarily swear before any justice of the peace for said county, that he or she verily believes that the arrears of taxes claimed from him or her, have been paid.

SEC. 2. Be it further enacted, That the power and authority hereby granted shall cease and determine with the year 1857.

SEC. 3. Be it further enacted, That this act shall take effect, and be in force from and after its ratification. [Ratified the 8th day of January, 1857.]

CHAP. 140. AN ACT TO INCORPORATE THE NORTH-CAROLINA GAS, COAL AND TRANSPORTATION 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 J. Duncan, David B. Birney, George P. Fouchee, George Presbury and Samuel M. Lane,
and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic by the name and style of the "North-Carolina Gas, Coal and Transportation Company," for and during the term of sixty years, and as such shall have succession and a common seal, may sue and be sued in any court of law and 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 in the county of Moore, and for manufacturing and transporting to market, and vending the minerals and produce thereof; and shall have power to purchase and hold such property, both real and personal as they may require for the purposes aforesaid.

Sec. 2. Be it further enacted, That the capital stock of said company shall be five hundred thousand dollars, to be divided into such number of shares as said corporation shall deem expedient.

Sec. 4. [3] Be it further enacted, That this act shall be in force from and after the passage thereof. [Ratified the 2d day of February, 1857.]

AN ACT TO AUTHORIZE WILLIAM W. MITCHELL, WILLIAM DUNNING, PLEASANTS JORDAN AND WILLIAM T. BYNUM, SECURITIES TO JOHN P. BRIDGERS, DECEASED, LATE SHERIFF OF HERTFORD COUNTY, TO COLLECT ARREARS OF TAXES DUE.

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. Mitchell, William Dunning, Pleasants Jordan and William T. Bynum, securities to John P. Bridgers, late sheriff of Hertford county, be, and they are hereby authorized and empowered to collect all arrears of taxes due the late John P. Bridgers, late sheriff of Hertford county, in the years 1853 and 1854; which collection shall be made under the same rules, regulations and restrictions, as other collections of taxes, under the laws of

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the State *Provided*, That the authority, by this act granted, shall not extend to persons who have removed from the county, or 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 1857.

Sec. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the 13th day of December, A. D., 1856.*]

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**Chap. 142.** AN ACT TO AUTHORIZE JOSHUA SMALL AND HIS WIFE POLLY, ROBERT AND ELIZABETH SMALL, ANTHONY COPELAND AND WARREN BOON, TO RESIDE IN THE COUNTY OF NORTHAMPTON, FOR THE SPACE OF EIGHTEEN MONTHS.

**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 Joshua Small and his wife Polly, Robert and Elizabeth Small, Anthony Copeland, and Warren Boon be, and they are hereby authorized to remain in the county of Northampton for the space of eighteen months, and enjoy all the rights and immunities that other free persons of color now enjoy under the constitution and laws of this State.

**Sec. 2.** *Be it further enacted*, That if the said free persons of color do not remove from the State within the above named time, then they shall become subject to all the laws relative to the emancipation of free persons of color into this State.[?] 

**Sec. 3.** *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 2d day of February, A. D., 1857.*]
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 of subscription to the capital stock of said company may be opened under the direction of B. T. Simmons, E. Morton, A. Baun, and Marshall Parks, or any two of them, at such time and places as they may direct, for the purposes of receiving subscriptions to an amount not less than five thousand, or more than one hundred thousand dollars, in shares of five dollars each, to constitute the capital stock of a company to be called "the Currituck Hotel Company," for the purpose of erecting, furnishing, and conducting a hotel in the county of Currituck; and the said company may purchase and hold lands, not exceeding five hundred acres, and may build, use and employ such bath houses, wharves, boats and other erections and fixtures as they may deem necessary or proper, and they are hereby invested with all the rights, powers and privileges conferred upon bodies politic and corporate, by the twenty-sixth chapter of the Revised Code.

Sec. 2. [Be it further enacted,] This act shall be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

An Act to Correct a Mistake in the Law of 1854-'55, Chap. 144.

Chapter 131, Section 4.

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 law of 1854-'55, chapter 131, section 4, be amended and corrected as follows, viz.: Strike out the word "amount," in the 6th line of said section, and insert the word "arrest;" strike out the word "disaster," in the 7th line of said section, and insert the word "deserter," so as that [so that] the said section shall authorise the shipping master for the port of Wilmington to have a warrant issued for the arrest of the deserters from vessels in the port of Wilmington, as was intended to be enacted.
SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

Chap. 145. AN ACT TO PREVENT THE FELLING OF TIMBER IN ENOE RIVER IN THE COUNTY OF ORANGE, FISHER'S RIVER IN THE COUNTY OF SURRY, JENNINGS' CREEK IN THE COUNTY OF DAVIDSON, AND M'CALPIN'S AND BIG SUGAR CREEK AND ITS FOUR PRINCIPAL TRIBUTARIES OF THE SAME NAME IN THE COUNTY OF MECKLENBURG.

Penalty.

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 if any person or persons shall hereafter fell timber, or otherwise obstruct the channels of Enoe river in the county of Orange, and Fisher's river in the county of Surry, Jennings' creek in the county of Davidson, and McCalpin's and Big Sugar creek and its four principal tributaries of the same name in the county of Mecklenburg, they shall be guilty of a misdemeanor, and may be indicted for the same in the county or superior courts of law of said counties, and on conviction, shall be fined at the discretion of the court, not exceeding twenty dollars for each and every offence against this act: Provided, That nothing herein contained shall be so construed as to prevent owners of land from erecting water-fences, or building mills thereon, nor shall any person incur the penalty herein mentioned and prescribed, who shall fell timber in, or otherwise obstruct the channels of said water courses in clearing his, her or their lands, provided he, she or they shall remove the same within ten days. [Ratified the 17th day of January, 1857.]

Chap. 146. AN ACT TO INCORPORATE THE OAK CITY GUARDS, A MILITARY COMPANY IN THE CITY OF RALEIGH.

Incorporated.

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 military [company] in the city of Raleigh, commanded by William H. Harrison, Esq., be, and the same is hereby incorporated under the name and style of the Oak City Guards, and shall have authority to make such by-laws and rules for the regulation of the company, not inconsistent with the constitution and laws of the State, as it shall deem fit.

Sec. 2. Be it further enacted, That all fines and amerce-ments which shall be collected by said company, shall enure to its own use and benefit.

Sec. 3. Be it further enacted, That the captain or other commanding officers of said company shall, at least twelve times in each year, order out the said company to muster; and shall, also, at least four times in each year, drill the officers, commissioned and non-commissioned of said company, to improve them in military discipline.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

AN ACT TO INCORPORATE THE HYDE COUNTY STEAMBOAT JOINT STOCK 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 H. Smith, and his partners in the Hyde County Steamboat Joint Stock Company, be and they are hereby incorporated into a company by the name and style of the "Hyde County Steamboat Joint Stock Company," and they shall have all the rights, powers and privileges given to corporations by the 26th chapter of the Revised Code.

Sec. 2. Be it further enacted, That they shall have power to purchase and own one or more steamboats, and to run the same, conveying passengers and freight from Washington to one or more places in the county of Hyde, or from and to any other points and places in this State, and to purchase and own wharves and ware-houses for the convenient trans-action of their business.
Sec. 3. Be it further enacted, That the capital stock of said company shall be any sum not over fifty thousand dollars, and may be enlarged by issue of new stock from time to time not exceeding that limit, and it shall be divided into shares of one hundred dollars each.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, 1857.]

Chap. 148. AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OF WESTERN CAROLINA MALE ACADEMY IN THE COUNTY OF CABARRUS.

Prohibition.

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 persons are hereby prohibited from selling spirituous liquors within two miles of Western Carolina Male Academy, in the county of Cabarrus, on pain of forfeiting the sum of twenty dollars for each and every violation of this act, recoverable, by warrant, before any justice of the peace having jurisdiction thereof, one half to the use of the person suing for the same, the other half to the use of Western Carolina Male Academy, to be applied as the board of directors may direct.

Sec. 2. Be it further enacted, That no license to retail spirituous liquors at the site, or within two miles of said academy shall be granted, and if granted shall be void.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 2d day of February, A. D., 1857.]

Chap. 149. AN ACT TO AUTHORIZE THE WARDENS OF THE POOR OF RUTHERFORD COUNTY TO SELL AND CONVEY THE LANDS ON WHICH THE POOR HOUSES ARE Situated.

Power to sell.

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 Rutherford
county, or their successors in office, are hereby authorised to sell and dispose of the land, or any portion thereof, in said county, known as the poor land, on which the poor houses in said county are situated, 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 county. [Ratified the 2d day of February, 1857.]

AN ACT TO INCORPORATE THE SALEM CEMETERY COMPANY. Chap. 150.

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. A. Vogler, C. S. Bonner, A. H. Shepherd, H. A. Lemly, Thomas J. Wilson, Robert Gray, William Barrow, R. S. Patterson, E. Belo, H. W. Fries, Joshua Boner, F. Fries, and Jesse A. Waugh, or any five of them, and their successors, and all persons who may hereafter be associated with them, be, and they are hereby created a body politic and corporate in law, under the name and title of "the Salem Cemetery Company," and shall be subject to all of the rules and regulations contained in the Revised Code, chapter 26, so far as they are applicable to such a corporation, and not inconsistent with the provisions of this act.

Sec. 2. Be it further enacted, That the property of the said company, and the interest of each corporator therein, shall be exempt from execution, and shall not be subject to the payment of any taxes whatever, and that the rights and interests of the several corporators shall not pass into the hands of personal representatives, but in the event of death shall remain in the families of each according to the course of descent.

Sec. 3. Be it further enacted, That no streets, lanes, roads or alleys shall at any time be made or established over the land of said company, or any part thereof, without its consent, nor shall the same be condemned, or taken in any manner for any public use, without such consent.
Sec. 4. Be it further enacted, That said company shall hold no more real estate than may be necessary for cemetery purposes, and the transaction of its business. [Ratified the 24th day of January, 1857.]

Chap. 151. AN ACT TO REPEAL PART OF AN ACT OF THE GENERAL ASSEMBLY, passed at its last session, 1854-'55, entitled "AN ACT TO PREVENT THE FELLING OF TIMBER IN BIG AND LITTLE IVY."

Part repealed.

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 an act passed by the General Assembly of the State of North-Carolina, at the last session thereof, held in 1854-'55, chapter 41, entitled "an act to prevent the felling of timber in Big and Little Ivy," as relates to Big and Little Ivy creek or river, in the county of Madison, or the felling of timber, or throwing obstructions therein, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1857.]

Chap. 152. AN ACT TO PROVIDE FOR THE APPOINTMENT OF INSPECTORS OF WOOD AND FISH FOR THE TOWN OF WASHINGTON.

Court to appoint.

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 county of Beaufort may appoint one or more inspectors of fire-wood and fish for the town of Washington, who shall reside therein and inspect all such wood and fish as may be carried to the town for sale; and before entering upon their duties they shall take the oaths and give the bonds required of other inspectors, and shall receive for such inspection such fees as may be prescribed by the court.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1857.]
AN ACT TO ALLOW THE CLERK OF THE COUNTY COURT OF CRAVEN, MORE TIME TO MAKE OUT HIS TAX LIST.

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 Craven county, be allowed until the first day of May, to deliver to the sheriff of the county, and to the comptroller, a copy of the tax list, and the taxes imposed by the justices of the county court.

SEC. 2. Be it further enacted, That this act shall be in force from and after it ratification. [Ratified the 24th day of January, A. D., 1857.]
RESOLUTIONS
OF A PRIVATE NATURE, PASSED BY THE
General Assembly of North-Carolina.
1856-'57.

RESOLUTION IN FAVOR [OF] B. HENLINE.

Resolved, That the widow and legal representatives of the
late B. Henline, former chairman of the board of superin-
tendents of common schools of Yaney county, and the secu-
rities on the official bonds of said chairman be, and they
are hereby released from the penalty of five hundred dol-
lars awarded against said chairman for official misconduct,
in the superior court of Wake county, in the year 1856:
Provided, Said parties be not released from the costs of the
proceedings by which said penalty was inflicted; Provided
also, That nothing herein shall be so construed as to release
said parties from any liability for school monies misappro-
priated or not properly accounted for by said Henline.
[Ratified this 3d day of February, 1857.]

RESOLUTION IN FAVOR OF JAMES MELVIN, SHERIFF OF BLADEN.

Whereas judgment was rendered at the last term of [of] the
superior court of Wake, at the instance of D. W. Courts, Esq., public treasurer of the State, against James
Melvin, sheriff of Bladen county, for a failure to pay in the
public taxes in due time; and whereas the public taxes due
from said sheriff are now paid, as by the treasurer's receipt
doth appear:
Resolved, That James Melvin, sheriff as aforesaid, be discharged of the penalty incurred by reason of said failure, and that the public treasurer be directed to call in the execution, upon payment of the proper costs and charges due by reason of the aforesaid forfeiture and the payment thereon.

Resolved, further, That the public treasurer pay back to said sheriff his commissions, he having collected from said sheriff the gross amount of his tax. [Ratified the 2d day of February, 1857.]

RESOLUTION IN FAVOR OF B. H. STANMIRE.

Resolved, That B. H. Stanmire be paid two thousand three hundred and eighty-four dollars, and he relinquish all claims against the State. [Ratified the 3d day of February, 1857.]

JOINT RESOLUTION IN FAVOR OF JAMES BLUNT OF ROBESON COUNTY.

Resolved, That the treasurer be, and is hereby authorized to refund to James Blunt, Esq., of Robeson county, the sum of ten dollars, the amount of taxes overpaid by him in 1855. [Ratified the 3d day of February, 1857.]

RESOLUTION FOR REMITTING A FINE IMPOSED ON WILLIAM W. DANIEL, CLERK OF THE COUNTY COURT OF HALIFAX.

Resolved, That the judgment obtained by Daniel W. Courts, public treasurer of the State, to the use of the State of North-Carolina, on motion of the attorney-general in the superior court of law, in and for the county of Wake, at [the] fall term 1856 of said court, under the 123d section of the 99th chapter of the Revised Code, against William W. Daniel, clerk of the county court of Halifax, be, and the
same is hereby remitted upon payment of all costs incurred in rendering said judgment. [Ratified the 8th day of January, 1857.]

RESOLUTION IN FAVOR OF MRS. ELIZA HEMPHILL.

Resolved, That the public treasurer pay to Mrs. Eliza Hemphill, the sum of six dollars and forty-eight cents, which amount was improperly charged and collected by the sheriff of Burke county, from the said Eliza Hemphill, by way of tax on money at interest for the year 1855. The charge is set forth for interest on the sum of two hundred and sixteen dollars, when, in fact, the said Eliza Hemphill had no money chargeable with interest by law, together with the sum of eighty cents improperly charged for two polls, and collected by the said sheriff of Burke county, and paid into the state treasury for the year 1855. [Ratified the 24th day of January, 1857.]

RESOLUTION IN FAVOR OF E. D. DAVIS, SHERIFF OF JACKSON COUNTY.

Resolved, That whereas, E. D. Davis, sheriff of Jackson county, filed his bond as required by law, for the faithful performance of his duty, at the fall term of the county court, 1856, but owing to some omission on the part of the justice of the peace, the proper entries were not made until the December term; to prevent any irregularity in his official acts from the time the bond was filed at the fall term of the county court, until action had thereon at the December term, the same, so far as otherwise consistent with law, are hereby confirmed and declared to be as valid as if final action had taken place on the bond at the fall term. [Ratified the 2d day of February, 1857.]
RESOLUTION IN FAVOR OF JAMES MORRISON.

Resolved, That the public treasurer pay to James Morrison the sum of five dollars and eighty-eight cents, which was improperly collected by the sheriff of Burke county from said Morrison, by way of tax on money at interest for the year 1854, and paid by said sheriff into the state treasury; said Morrison having paid to said sheriff the sum of seven dollars and five cents, when he was only liable for the sum of one dollar and seventeen cents by way of tax on money at interest for the year 1854. [Ratified the 24th day of January, 1857.]

RESOLUTION FOR THE RELIEF OF THE CLERK OF THE COUNTY COURT OF HAYWOOD.

Resolved, That the judgment obtained by Daniel W. Courts, public treasurer of the state, to the use of the State of North-Carolina, on motion of the attorney general in the superior court of law in and for the county of Wake, at the fall term, 1856, of said court, under the 123d section of the 99th chapter of the Revised Code, against William M. Rhea, clerk of the county court of Haywood, be, and the same is hereby remitted, upon payment of all cost incurred in rendering up said judgment. [Ratified the 18th day of December, 1856.]

RESOLUTION IN FAVOR OF QUENTIN BUSBEE.

Resolved, That the public treasurer pay to Quentin Busbee, out of any moneys in the treasury unappropriated, the sum of one hundred and fifty dollars ($150) for his services in superintending the fitting up of the two halls, the offices of the two clerks of the General Assembly and the libraries in said offices. [Ratified the 4th day of December, 1856.]
RESOLUTION IN FAVOR OF JAMES BLEVINS.

Resolved, That the secretary of state be required to issue a grant to James Blevins, of Ashe county, on warrant No. 8121, issued 22d of March, 1836, for which the purchase money has been paid, as appears from the receipt of the treasurer on the 26th Nov. 1840. [Ratified the 8th day of January, 1857.]

RESOLUTION CONCERNING CAPE FEAR AND DEEP RIVERS.

Resolved, That his excellency the governor be requested to employ Col. Walter Gwynn to visit the works on the Cape Fear and Deep river, and to report to this General Assembly at the earliest day possible, as to the present condition of said works, and the practicability of completing the same at an early day; and that he draw upon the treasurer for an amount sufficient to defray the necessary expenses of carrying out this resolution. [Ratified the 18th day of December, 1856.]

A RESOLUTION IN FAVOR OF THOMAS DIGGS, OF ANSON COUNTY.

Be it resolved by the General Assembly of the State of North-Carolina, That the public treasurer (D. W. Courts) pay to Thomas Diggs the sum of thirty-four dollars and forty-five cents, amount of tax overpaid by him to the sheriff of Anson county, for the year 1855, out of any money not otherwise appropriated. [Ratified the 4th day of December, 1856.]

RESOLUTION IN FAVOR OF BEDFORD SHERILL OF BUNCOMBE COUNTY.

Resolved, That the public treasurer be authorized to pay to Bedford Sherrill of Buncombe county, the sum of four
dollars on account of a double tax improperly imposed upon his land. [Ratified the 8th day of January, 1857.]

RESOLUTION IN FAVOR OF JOSEPH RAMSAY.

Resolved, That the public treasurer pay to Joseph Ramsay, the sum of ten dollars, for services rendered in respect to the public arms in the town of Plymouth. [Ratified the 18th day of December, 1856.]

RESOLUTION IN FAVOR OF W. R. BAIRD.

Resolved, That the public treasurer pay to W. R. Baird, of Buncombe county, eight dollars, ($8) the amount of a double tax on his real estate, incurred by the failure of the magistrate to list the same. [Ratified the 18th day of January, 1857.]

RESOLUTION IN FAVOR OF JOHN FOSTER.

Tax overpaid. Resolved, That the public treasurer be instructed to pay to John Foster, of Wilkes county, twenty-eight dollars and twenty cents out of any moneys remaining in the treasury otherwise unappropriated, which sum was overpaid by him upon his state tax for the year 1855. [Ratified the 8th day of January, 1857.]

RESOLUTION IN FAVOR OF MRS. MARTHA SPEERS.

Resolved, That the public treasurer pay to Mrs. Martha Speers, of Harnett county, the sum of seventy-five dollars per annum, during the term of her natural life. [Ratified the 18th day of December, 1856.]
RESOLUTION IN FAVOR OF JOHN H. DECARTERET & SON.

Resolved, That the public treasurer be authorized and required to pay to John H. Decarteret & Son, forty dollars, out of any money in the treasury, not otherwise appropriated, for binding laws, journals and other books for [the] library of the Senate.  [Ratified the 8th day of January, 1857.]

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RESOLUTION IN FAVOR OF ELIZABETH KISSAM, ADMINISTRATRIX OF SAMUEL KISSAM.

Resolved, That the public treasurer pay to Elizabeth Kissam, administratrix of Samuel Kissam, one hundred and fifty-five dollars, for storage and safe keeping of the public arms at Plymouth, from the 1st of January 1849, to 1st October, 1856.  [Ratified the 24th day of January, 1857.]

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RESOLUTION IN FAVOR OF ALEXANDER JOHNSON, LATE SHERIFF OF CUMBERLAND COUNTY.

Resolved, That Alexander Johnson, late sheriff of Cumberland, be allowed to collect the arrears of taxes due for one year, beyond the time now allowed by law to sheriffs: Provided, That nothing herein contained, shall extend to personal representatives, nor to persons removed, nor to such as shall make affidavit that the taxes charged against them have been paid.  [Ratified the 3d day of February, 1857.]

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RESOLUTION IN FAVOR OF HENRY TROUTMAN.

Resolved, That the public treasurer be authorized and required, out of any money now on hand not otherwise appropriated, to pay to Henry Troutman, high sheriff of the county of Iredell, forty-three dollars and fifty cents, the amount overpaid by him in payment of the state tax for the year 1855.  [Ratified the 2d day of February, 1857.]
RESOLUTION IN FAVOR OF JAMES ROBERTS.

Resolved, That the public treasurer pay James Roberts, sheriff of Rockingham county, the sum of forty dollars, it being the amount overpaid by him in his settlement of public accounts with the comptroller, on the 11th day of August, 1856. [Ratified the 3d day of February, 1857.]

RESOLUTION IN FAVOR OF P. H. DOZIER.

Resolved, That the treasurer be authorized to pay to P. H. Dozier, ninety-four dollars, an amount wrongfully paid by him to the sheriff of Currituck, for taxes for the year 1853, and by said sheriff paid into the public treasury. [Ratified the 2d day of February, 1857.]

RESOLUTION IN FAVOR OF SAMUEL WILLIAMS & SON.

Resolved, That the treasurer be authorized to pay Samuel Williams and Son, a sum not exceeding one hundred and fifty dollars, when satisfactory evidence shall be offered that the same is due for storage of public arms; and that all the public arms which has [have] been received by said keeper, be returned when called for. [Ratified the 2d day of February, 1857.]

RESOLUTION IN FAVOR OF JOSEPH CLARKE.

Resolved, That the public treasurer pay to Joseph Clarke, of Granville county, one hundred dollars ($100), amount of a penalty incurred by failure to pay his tax in time. [Ratified the 2d day of February, 1857.]
1856-'57.—Resolutions.

Resolution in Favor of Thomas J. Williams, Former Sheriff of Surry County.

Sec. 1. Be it resolved, That Thomas J. Williams, late sheriff of Surry county, be allowed to collect his former taxes for the years 1853-'54-'55: Provided, That he shall collect the same by the 1st day of January, eighteen hundred and fifty eight.

Sec. 2. Be it further resolved, That the authority by this act granted, shall not extend to persons who have removed from the county, nor to executors, administrators or guardians, 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. 3. Be it further resolved, That this resolution shall take effect from and after its passage. [Ratified the 24th day of January, 1857.]

Resolution in Favor of Lemuel Wilkerson, A. C. Murdock and Hurdle & Hurdle, All of Orange County.

Resolved, That the treasurer of the state be directed to pay to Lemuel Wilkerson, of the county of Orange, the sum of one hundred dollars, the same being a double tax collected of him by the sheriff of the county as a vender of carriages, and that he pay to A. C. Murdock, of the county of Orange, the sum of fifty dollars, the same being a double tax collected of him by the sheriff of the county, as a vendee of carriages; and also that he pay to Hurdle & Hurdle, of the county of Orange, the sum of fifty dollars, the same being a double tax collected of them by the sheriff of the county, as vender of carriages. [Ratified the 2d day of February, 1857.]
RESOLUTION IN FAVOR OF WM. J. LOUGEE.

Resolved, That the public treasurer be authorized and required to pay to W. J. Lougee, three dollars and eight cents. [Ratified the 3d day of February, 1857.]

RESOLUTION IN FAVOR OF FRANK N. ROBERTS AND R. M. GORRELL.

Resolved, That the public treasurer pay Frank N. Roberts and R. M. Gorrell, eighteen dollars each, for their attendance under a subpoena as witness, before a committee of this General Assembly. [Ratified the 2d day of February, 1857.]

RESOLUTION IN FAVOR OF W. WATSON.

Resolved, That the public treasurer be directed to pay W. Watson, fifteen dollars and sixty-five cents for improvements made to the doors and seats of the commons hall. [Ratified the 3d day of February, 1857.]

RESOLUTION IN FAVOR OF J. M. LOVEJOY.

Resolved, That the public treasurer of the State of North-Carolina be, and he is hereby authorized to pay to J. M. Lovejoy seventy-three dollars, which amount has been expended by him in repairs on the south and north buildings of the Raleigh Academy. [Ratified the 2d day of February, 1857.]

RESOLUTION IN FAVOR OF ALEXANDER JOHNSON, SHERIFF OF CUMBERLAND COUNTY.

Tax overpaid. Resolved, That the public treasurer be instructed to pay to Alexander Johnson, sheriff of Cumberland county, four-
teen dollars and ten cents, out of any moneys now in the
treasury not otherwise appropriated, he having overpaid
the same in the settlement of the tax for the year 1854.
[Ratified the 2d day of February, 1857.]

RESOLUTION IN FAVOR OF SARAH AVERY.

Resolved, That the public treasurer pay to Sarah Avery
the sum of seventy five dollars. [Ratified the 18th day of
December, 1856.]

RESOLUTION IN FAVOR OF SARAH CHARLTON.

Resolved, That the public treasurer refund to Sarah Charlton
the sum of forty two dollars and thirty cents, said
sum having been unduly paid by her to the sheriff of
Chowan county, in the discharge of her taxes for the year
eighteen hundred and fifty four. [Ratified the 2d day of
February, 1857.]

RESOLUTION IN FAVOR OF THOMAS H. WILLIE.

Resolved, That the public treasurer pay to Thomas H. Willie, of Granville county, forty two dollars and thirty
cents ($42 30), amount of tax he has paid by mistake on
State bonds, which are by law exempt from taxation.
[Ratified the 2d day of February, 1857.]
OFFICE OF SECRETARY OF STATE, { 
April, 1857.

I, William Hill, Secretary of State, in and for the State of North-Carolina, do hereby certify that the Acts and Resolutions contained in this volume are true copies of the original Acts and Resolutions passed by the General Assembly of this State at its late sessions.

WILLIAM HILL, Secretary of State.
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