PRIVATE LAWS
OF THE
STATE OF NORTH-CAROLINA,
PASSED BY THE
GENERAL ASSEMBLY,
AT ITS
REGULAR SESSION OF 1864-'65.
By order of the State Convention.

RALEIGH:
CANNON & HOLDEN, PRINTERS TO THE CONVENTION.
1865.
PRIVATE LAWS
OF
NORTH-CAROLINA,
1864-'65.

ACADÉMIES.

AN ACT TO INCORPORATE LAPLACE HIGH SCHOOL.

Chap. 1

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Joel Loftin, B. F. Cobb, D. K. Kornegay, A. S. Davis, John Southerland and R. W. Mil- lard be, and they are hereby declared to be, with their as- sociates, successors and assigns, a body politic and corporate, by the name and style of "The Trustees of Laplace High School," and by the name and style aforesaid shall be for thirty years after the ratification of this act, a body corpo- rate and politic, having the right to hold such real and personal estate as is needful for the purposes of the school, and generally to do such acts, and be subject to such duties and liabilities as by the law of this State apper- tain to corporations.—[Ratified the 23rd day of Decem- ber, 1864.]

AN ACT TO INCORPORATE CHICORA COLLEGIATE INSTITUTE, IN Chap. 2.
The County of Robeson.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au- thority of the same, That Robert S. French, Neill A. Mc-
Powers.

By-laws and Ordinances.

Number of Trustees.

1864-'65.—Chap. 2.

Lean, P. H. Scovell, Evander McNair, Haynes Lennon, Jesse G. Shepherd, William A. Dick, J. J. D. Lucas, John W. Powell, Thomas A. Norment, Dugald C. McIntyre, Oscar G. Parsly, Berry Goodwin, John S. Richardson, Richard B. Gregory, John T. Pope, John R. Carter, Alva Smith, Augustus W. Fuller, Joseph Thompson, Henry Nutt, Jas. Blount, William C. McNeill, David Townsend, Thaddens N. Bond, Daniel L. Russell, John A. Maultsby, D. Reid Parker, James T. Petteway, C. W. Wooley, B. W. Berry, Calvin Black, John A. Rowland, Giles Leitch, W. J. Parker, Thomas J. Morrisey, Joseph A. Parker, Duncan Smith, Benjamin Oliver, Giles Williams, and their successors, be, and they are hereby made, constituted and declared a body politic and corporate, in law and in fact, for the purpose of establishing in the town of Lumberton, in the county of Robeson, a literary institution, to continue for thirty years, by the name and style of "Chicora Collegiate Institute," and by that name shall be capable to sue and be sued, plead and beimpleaded in any court of law or equity, in this State, to possess, take hold, and enjoy goods, chattles, lands, tenements or hereditaments, estates of every kind, whether the same be real, personal or mixed; Provided, the capital stock shall not exceed one hundred thousand dollars; may have and use a common seal with power to alter the same.

Sec. 2. 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 or ordinances and regulations for the government of said institute, as they may deem necessary, not inconsistent with the constitution and laws of this State, or the Confederate States, and also to bargain, sell, alien and convey any property or estate, real, personal or mixed, owned by the corporation, and to vest in the purchaser an indefeasible title.

Sec. 3. Be it further enacted, That the number of trustees shall not exceed forty, and they shall have power to fill all vacancies that may occur by death or otherwise; any five of whom shall constitute a quorum for the transaction of business: Provided, notice of all meetings shall be given
in some public journal circulated in the county for at least five days.

Sec. 4. **Be it further enacted**, That the president and faculty of "Chicora Collegiate Institute," with a quorum of the trustees, shall have power and authority to confer literary titles and honors.

Sec. 5. **Be it further enacted**, That this act shall be in force from and after its ratification. [Ratified the 15th day of December, 1861.]

**AN ACT TO INCORPORATE THE BINGHAM SCHOOL.**

**Section 1.** **Be it enacted** by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Bingham, and those who may be associated with him, be incorporated into a company under the name and style of the "Bingham School," with the usual rights, powers, privileges and duties of such corporations, for the purpose of carrying on a military and classical academy.

Sec. 2. **Be it further enacted**, That the Governor shall be empowered to grant a commission to the superintendent of the aforesaid military and classical school; Provided, the rank so conferred shall be no higher than that of colonel; and that the Governor be empowered to grant commissions to such other officers of the said school as may be recommended by the superintendent; Provided, the rank so conferred shall be no higher than that of major; and only such officers shall be recommended by the superintendent as are essential to the efficiency of said school.

Sec. 3. **Be it further enacted**, That officers commissioned as herein provided, shall take rank according to date of commission with officers in the line of the North-Carolina militia. [Ratified the 9th day of December, 1864.]
Chap. 4. AN ACT IN REFERENCE TO THE TRUSTEES OF SARDIS ACADEMY, IN MECKLENBURG COUNTY.

Trustees authorized to sell Academy.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the trustees of Sardis Academy, in the county of Mecklenburg, be, and they are hereby authorized to sell the academy, and the land attached thereto, and invest the proceeds of the sale in a new building for the same purposes, on the church lot.

SEC. 2. Be it further enacted, That this act shall be in force and effect from and after its ratification. [Ratified the 2d day of December, 1864.]

Chap. 5. AN ACT TO INCORPORATE THE TRUSTEES OF THE WILSON ACADEMY, IN THE COUNTY OF CHATHAM.

Body politic.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Rev. J. C. Wilson, Asa Wilson, J. A. Wilson, Silas Johnson, and A. C. Richardson, and their successors be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name and style of the “Trustees of the Wilson Academy in the county of Chatham,” and by that name shall have perpetual succession, and may acquire, hold and convey such property, real, personal and mixed, as may be necessary to accomplish the purposes of the institution.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of December, 1864.]
1864-'65.—Chap. 6—7.

BANKS.

AN ACT TO AMEND THE CHARTER OF THE MERCHANTS' BANK OF NEW BERNE.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the act entitled, "An act to recharter the Merchants' Bank of New Berne," ratified the 22d day of January, 1851, be, and the same is hereby so amended that instead of nine, the number of directors of said bank shall be seven; and that instead of five, not less than four directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in the case and under the provisions specified in said act.

Sec. 2. Be it further enacted, That this act shall be in force, when the stockholders of said bank, in meeting assembled, agree thereto, and signify their assent in writing, duly authenticated, and deposited in the office of the Secretary of State of this State. [Ratified the 23d day of December, 1864.]

MINING AND MANUFACTURING COMPANIES.

AN ACT TO CHARTER THE OCKNOCK IRON COMPANY.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Charles B. Maletett, John Colville and Robert Henry, their associates, successors and assigns, be, and they are hereby created a corporation and body politic by the name and style of the "Ocknock Iron Company," and by that name and style may sue and be sued, plead and be impleaded, contract and be contracted with, have succession, and a common seal, acquire and possess real and personal estate of sufficient amount to carry on the legitimate operation of said corporation, and no more.

Sec. 2. Be it further enacted, That the capital stock of
said corporation shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing the same to one million of dollars.

Sec. 3. And be it further enacted, That the business of said corporation shall be that of mining iron, coal, and other minerals and metals, and of manufacturing the same on Buckhorn Falls, and may also erect other mills and factories, as said corporation may determine, and also to transport and vend the products of said mines and manufac-
tories.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 15th day of December, 1864.]

Chap. 8. AN ACT TO INCORPORATE THE FAYETTEVILLE ENTERPRISE COTTON FACTORY.

Body politic. Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That George Brandt, and such others as he may choose to associate with him, his associates, successors and assigns, be, and they are hereby created and constituted a body politic and corporate, by the name and style of the "Fayetteville Enterprise Cotton Factory," and as such shall have succession and a common seal, and change the same at pleasure, may sue and be sued, plead and be impleaded in any court of law and equity; shall have power to make all such by-laws and regulations (not inconsistent with the existing laws and constitution of this State,) as may be deemed necessary for the government of said company, which shall be binding thereon, and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary or requisite to carry on the business of manufacturing cotton into cotton yarn, or cotton cloth, manu-
facturing, transporting and vending the same.

Sec. 2. Be it further enacted, That the capital stock of said company may be divided into shares of one hundred
dollars each, and that the capital stock of said company may be one hundred thousand dollars, with the privilege of increasing the same to one hundred and fifty thousand dollars, or of decreasing the same, as may be deemed expedient or necessary; that said shares shall be personal property, and certificates thereof may issue, and the same may be transferred on the books of the company only, and be liable to assessment, forfeiture and sale, in such manner as the by-laws of said corporation may prescribe; and the affairs of said company may be managed by a president, or by a president and board of directors, as the stockholder or stockholders may deem best, and in all questions and in all matters touching the management of the affairs of said company, a majority of the stock shall govern; said corporation shall also have the power to purchase, exchange for and sell and dispose of any goods, wares and merchandise, purchase, lease, hold, convey and dispose of any stocks or estate, real and personal, necessary to carry on the legitimate operation of said company, and no more.

SEC. 3. Be it further enacted, That general meetings of the stockholders may be called and held as the by-laws may prescribe; that to constitute a meeting all that is required is a majority of the stock, each share of which shall entitle the holder to one vote, and every act shall require a majority of the votes present.

SEC. 4. Be it further enacted, That this act shall be in force, to take effect from and after its ratification, and shall continue in force for a period of thirty years. [Ratified the 15th day of December, 1861.]

AN ACT TO INCORPORATE THE FAYETTEVILLE NORTH-CAROLINA IRON WORKS.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William McL. McKay, and such other persons as he may associate with him, their associates, successors and assigns be, and they are hereby created and constituted a body politic and corporate, by the name
and style of the "Fayetteville North-Carolina Iron Works;" and as such shall have perpetual succession, and may have and use a common seal, and change the same at pleasure; may sue and be sued, plead and be impleaded in any court of law and equity; shall have power to make all such by-laws and regulations, (not inconsistent with the existing laws and constitution of this State,) as may be deemed necessary for the government of said company, which shall be binding thereon; and shall have, exercise and enjoy, all the rights and privileges of a body corporate, necessary or requisite to carry on the business of exploring and mining iron ore and other minerals, smelting and manufacturing the same into plows, hollow ware, shot, shell, railroad wheels, railroad or bar iron, transporting and vending the same; and shall also have power to purchase, lease, hold, convey and dispose of any estate, real or personal, of sufficient quantity to carry on the above named work; said company shall also have the power and authority to build and construct any furnace, foundry, rolling mill, grist or flouring mill, as to them may seem advisable.

Sec. 2. Be it further enacted, That the capital stock of said company may be divided into shares of one hundred dollars each, and that the capital stock of said company shall not exceed two hundred and fifty thousand dollars, ($250,000,) that said shares shall be personal property, and that certificates thereof may be issued, which shares shall be transferable only on the books of the company, and that the same may be made liable to assessment, forfeiture and sale by the board of directors, in such manner as the by-laws of said corporation may prescribe.

Sec. 3. Be it further enacted, That the affairs of said company shall be managed by a president and board of directors; said board of directors shall be composed of such members, and elected by the stockholders in such manner as the by-laws shall direct, and who shall appoint one of their number president of the board and of the company. The board of directors shall also appoint some suitable person secretary and treasurer of the company.

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

Sec. 5. Be it further enacted, That this act shall take effect, and be in force from and after its passage, and shall continue in force for the period of thirty years. [Ratified the 15th day of December, 1864.]

AN ACT TO INCORPORATE THE CONFEDERATE COTTON AND WOOLEN MILLS, IN THE COUNTY OF RICHMOND.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Walter F. Leak, John W. Leak, Edmund J. Lilly, Henry Lilly, and their successors, associates and assigns, be, and they are hereby created a corporation and body politic, in law and in fact, by the name and style of "The Confederate Cotton and Woolen Mills," for the purpose of manufacturing cotton, wool, grain, and all other articles whatsoever, at or near the town of Rockingham, in the county of Richmond; and by that name and style, may sue and be sued, plead and be imploathed in any court of record, contract and be contracted with, have perpetual succession and a common seal, and acquire, possess, and enjoy and retain real and personal estate, and also goods and merchandise, to enable them to carry on their business with advantage and profit; and shall so continue for the term of thirty years from and after the ratification of this act.

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

Sec. 3. Be it further enacted, That the capital stock of said company shall be seventy-five thousand dollars, in
shares of one hundred dollars each; and the stockholders, or a majority of them in interest may, from time to time, and at any time enlarge the capital stock of said company, by selling shares therein, at such times and in such manner, to such an amount and at such prices, as they, in general meeting may direct, until the capital shall amount to one hundred and fifty thousand dollars; and upon such additional stock being taken, the owners thereof shall, to all intents and purposes, be members of said company hereby incorporated, and have equal powers and privileges with the original stockholders, and the stockholders shall have power to sell, alien, and convey any part of their real estate.

Sec. 4. Be it further enacted, That said company shall hold their annual meetings at such times and place as the stockholders in their by-laws may designate, at which time and place the proper officers and agents shall be appointed; and the president may call a meeting of the stockholders, whenever in his judgment the business of the concern may require it; and in all meetings of the corporation the stockholders, in person or by proxy, shall each be entitled to one vote for every share of stock owned by him.

Sec. 5. Be it further enacted, That it shall be the duty of said corporation to keep a full and fair record of their proceedings in a book or books provided for that purpose, and shall produce the same in any court of record, when required by said court.

Sec. 6. Be it further enacted, That said corporation shall have power from time to time, in general meeting to declare dividends of the nett profits.

Sec. 7. Be it further enacted, That the stockholders in general meeting shall have power to adopt such rules and regulations, with regard to certificates of stock, and the transfer and payment thereof, as they may think necessary.

Sec. 8. Be it further enacted, That whenever any of the stockholders in said corporation, shall sell or assign over their shares of stock respectively held by them, and thereby cease to be stockholders, they shall cease to be members of the company, as to all future operations and transactions; and the purchasers or assigns of said stock shall be entitled
1864-'65.—Chap. 10—11.

to all the rights and subject to all the liabilities of the former owners.

Sec. 9. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 20th day of December, 1864.]

AN ACT TO INCORPORATE THE CAVANAH BUTTON FACTORY AND MACHINE SHOPS.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Frank P. Cavanah, E. P. Jones, Cyrus P. Mendenhall, Nathan Hiatt, Emsly Armfield, Dudley Nichols, W. C. A. Fririck, Duncan A. McRae, their associates, successors and assigns, be, and the same are hereby created and constituted a body politic and corporate, by the name and style of the "Cavanah Button Company," and as such, shall have succession, and may have and use a common seal and change the same at pleasure, sue and be sued, plead and be impleaded in any court of law or equity, have power to make all such by-laws and regulations, not inconsistent with the constitution and laws of this State, or of the Confederate States of America, as may be deemed necessary for the government of said company, which shall be binding thereon, and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary to carry out the purposes for which said company may be authorized, viz.: the manufacture of machinery of various kinds and descriptions, manufacture of buttons, of the various sizes and patterns, out of any and all material suitable for the manufacture of buttons.

Sec. 2. Be it further enacted, That the capital stock of the company shall not exceed two millions of dollars, divided into shares of five hundred dollars each.

Sec. 3. Be it further enacted, That the affairs of the company shall be managed and controlled by such officers and directors as may be agreed upon by the company at their first meeting; each share shall be entitled to one vote;
the officers to be elected by ballot annually, but to remain in office until others may be appointed.

SEC. 4. Be it further enacted, That the said company shall have power to purchase, lease, or otherwise procure all property and estate, both real and personal, which may be necessary and proper to carry out the purposes of said corporation; and that this act shall be in force from and after its ratification. [Ratified the 21st day of December, 1864.]

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Chap. 12. AN ACT TO INCORPORATE THE LINVILLE STEEL AND IRON COMPANY.

Body politic.  

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That T. D. Carter, E. P. Jones, Cyrus P. Mendenhall, Milton English, Alexander Erwin, B. Moore and A. J. McAlpin, their associates, successors and assigns, be, and the same are hereby created and constituted a body politic and corporate, by the name and style of the "Linville Steel and Iron Company," and as such, shall have succession, and may have and use a common seal, and change the same at pleasure, sue and be sued, plead and be imploved in any court of law or equity, have power to make all such by-laws and regulations, not inconsistent with the constitution and laws of this State, or of the Confederate States of America, as may be deemed necessary for the government of said company, which shall be binding therein, and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary to carry out the purposes for which said company be organized, viz: the manufacture of steel, iron, implements, machinery and cutlery.

Sec. 2. Be it further enacted, That the capital stock of the company shall not exceed five millions of dollars, divided into shares of five hundred dollars each.

Shares.

Sec. 3. Be it further enacted, That the affairs of the company shall be managed and controlled by such officers and directors as may be agreed upon by the company, at their first meeting, each share being entitled to one vote; the
officers to be elected by ballot, annually, but to remain in office until others may be appointed.

Sec. 4. *Be it further enacted*, That the said company shall have power to purchase, lease, or otherwise procure all property and estate, both real and personal, which may be necessary and proper to carry out the purpose of said corporation; and that this act shall be in force from and after its ratification. [Ratified the 20th day of December, 1864.]

AN ACT TO INCORPORATE THE CRANBURY IRON WORKS.

Chap. 13.

**Section 1.** *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That E. P. Jones, Cyrus P. Mendenhall, T. D. Carter, Dudley Nichols, A. P. Brenizer and J. Harden, their associates, successors and assigns, be, and the same are created and constituted a body politic and corporate, by the name and style of the “Cranbury Iron Company,” and as such, shall have succession, and may have and use a common seal, and change the same at pleasure, sue and be sued, plead and be impleaded in any court of law and equity, have power to make all such by-laws and regulations, not inconsistent with the constitution and laws of this State, or of the Confederate States of America, as may be deemed necessary for the government of said company, which shall be binding therein, and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary to carry out the purpose for which said company may be organized, viz: the manufacture of Iron.

Sec. 2. *Be it further enacted*, That the capital stock of the company shall not exceed two millions of dollars, divided into shares of five hundred dollars each.

Sec. 3. *Be it further enacted*, That the affairs of the company shall be managed and controlled by such officers and directors as may be agreed upon by the company at their first meeting, each share being entitled to one vote. The officers to be elected by ballot annually, but to remain in office until others may be appointed.
SEC. 4. Be it further enacted, That the said company shall have power to purchase, lease, or otherwise procure all property and estate, both real and personal, which may be necessary and proper to carry out the purposes of said corporation, and that this act shall be in force from and after its ratification. [Ratified the 20th day of December, 1864.]

Chap. 14.  
AN ACT TO INCORPORATE THE GORGAS MINING AND MANUFACTURING COMPANY.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of carrying on the business of mining and manufacturing, the formation of a corporate company, with a capital stock of two millions of dollars, in shares of one hundred dollars each, is hereby authorized to be called the "Gorgas Mining and Manufacturing Company," and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic for thirty years.

SEC. 2. Be it further enacted, That for the purpose of creating the capital of said company, the following persons, any three of whom shall be a quorum to do business, are appointed commissioners: George Little, P. A. Dunn, Wm. Brodie, P. T. Norwood, T. D. Hogg, W. J. Ashe, J. Worth, W. S. Donner, P. A. Wiley, whose duty it shall be to direct the opening of books of subscription of stock, at such times and places, and by such persons as they (or a quorum of them) may deem proper; and they shall have power to appoint a chairman of their body, and 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 whenever the sum of one hundred thousand dollars shall be subscribed to the capital stock, the subscribers and their assigns shall be, and they are hereby declared incorporated into a company; and as such, shall have succession, and may have and use a common seal, and change the same at pleasure; may sue and be sued, plead and be impleaded in any court of law.
and equity; shall have power to make all such by-laws and regulations, (not inconsistent with the existing laws and constitution of this State,) as may be deemed necessary for the government of said company, which shall be binding thereon; and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary or requisite to carry on the business of exploring and mining coals, iron ores, copper ores, and all other minerals, and smelting, manufacturing, transporting and vending the same, and the products thereof, and of establishing and working foundries, rolling mills and other manufactories of metallic fabrics, and of transporting and vending their products; and shall have power to purchase, lease, hold, convey and dispose of any estate, real and personal: Provided, That said corporation shall at no time hold more than twenty thousand acres of land. Said company shall have also the right, power and authority, to build and construct roads and ways, whether tram, plank, railroad or turnpike, and to change the same as to them may seem advisable, for the transportation to, from or between their mines, furnaces, mills, foundries and factories of iron, coke, coal, ores, minerals, metals and materials and other supplies and products of their works; and also to construct such canal or canals and drains as may be required or needful for the supply of water to their furnaces, mills, foundries and factories, the transportation of coal, ores or materials and supplies as aforesaid, and the drainage of their mines; and such roads, canals and drains shall be open to the use of the public upon the payment of such reasonable tolls and compensation, and subject to such rules and regulations as said corporation may by their by-laws establish: Provided, That neither of the said roads, tram roads, turnpike roads or canals shall be over twenty miles in length.

SEC. 4. Be it further enacted, That when any lands or rights of way may be required by said company for constructing said roads, canals or drains, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased of the owner or owners, the same may be taken and the value thereof ascertained as follows, viz: on application by the company or owner to any justice
of the peace of the county where said land or right of way may be situated, it shall be his duty to issue his warrant to the sheriff of the county to summon a jury of at least five free-holders to meet on the land on a day expressed in said warrant, not less than five nor more than twenty days thereafter; and the sheriff or his deputy on the receipt of such warrant shall summon the jury, and when met shall administer an oath or affirmation to them, if three or more appear, that they will impartially value the land or right of way in question. The proceedings of such persons accompanied by a description of the lands or right of way shall be returned under their hands and seals, or a majority of them, by the sheriff to the clerk of the county court, there to remain a matter of record; and on the payment of said valuation, or if refused, its deposit in the office of said clerk, the land or right of way so valued shall rest in said company, so long as the same shall be used for the purpose of said road, canal or drain; Provided, That the location of said road, canal or drain shall not interfere with any graveyard, house, house-lot, or garden without the consent of the owner thereof; Provided, further, That no more land shall be condemned for the purpose aforesaid, than thirty feet in width on either side, from the centre of said road, canal or drain; And, provided further, That if such owner, or the company shall be dissatisfied with the valuation of said jurors, either party may have an appeal to the county or superior court of the county in which the land lies; but such appeal shall not delay or interrupt the use or enjoyment of the said right of way by said company.

Sec. 5. Be it further enacted, That the capital stock shall be divided into shares of one hundred dollars each; said shares shall be personal property, and certificates thereof may be issued, and made transferable and assignable, as may be prescribed in the by-laws of the corporation.

Sec. 6. Be it further enacted, That it shall be the duty of the commissioners named in this act, or a quorum of them, as soon as the sum of one hundred thousand dollars shall be subscribed in manner aforesaid, to give public notice thereof, and at the same time call a general meeting of the stockholders, giving at least five days' notice of the
time and place of meeting; a majority of the stock being represented by person or proxy, shall proceed to elect seven directors, who shall have power to appoint any officers they may deem proper for carrying on the business of the corporation, and prescribe their duties and compensation, and term of service; perform all duties necessary in the government of the corporation, and the transaction of its business; they shall serve such period as the stockholders shall direct, and shall, out of their number, choose a president, and may fill any vacancies occurring in their body. At that meeting the stockholders shall fix on the day and place when the subsequent election of directors shall be held, but if the day of any election shall be passed without any election, the corporation shall not thereby be dissolved, but the officers formerly elected shall continue in office until a new election takes place.

Sec. 7. Be it further enacted, That the election of officers shall be by ballot, each stockholder having as many votes as he has shares in the stock of said company; and at all elections, and upon all votes taken at any meeting of the stockholders upon any by-laws, or upon any affairs of the company, each share of stock shall be entitled to one vote, to be represented in person or by proxy.

Sec. 8. Be it further enacted, That the board of directors may call for the sums subscribed as stock in said company, in such instalments as the interest of said company may, in their opinion, require, and on failure of any stockholder to pay such instalment as required, the directors may sell, at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to such purchaser at such sale; and if the sale does not produce a sufficient sum to pay off the incidental expenses of the sale and the entire amount owing by such stockholder for his subscription, then the whole of said balance shall be held due at once to the company, and may be recovered of such stockholder, at the suit of said company, by action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace, when the sum does not exceed one hundred dollars; and in all cases of assignments of stock be-
fore the whole amount has been paid to the company, then for all sums due on such stock, the original subscribers, and the first and all subsequent assignees, shall be liable to the company, and the sums due may be recovered as above described.

Sec. 9. Be it further enacted, That any corporation may 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 20th day of December, 1864.

Chap. 15. AN ACT TO INCORPORATE THE LEROYTON MINING AND MANUFACTURING COMPANY.

Body politic.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of carrying on the business of mining and manufacturing, the formation of a corporate company, with a capital stock of two millions of dollars, in shares of one hundred dollars each, is hereby authorized, to be called the "Leroyton Mining and Manufacturing Company," and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic for thirty years.

Sec. 2. Be it further enacted, That for the purpose of creating the capital of said company, the following persons, any three of whom shall be a quorum to do business, are appointed commissioners: W. J. Hawkins, E. Bryan, I. N. Clegg, J. M. Heck, R. W. Haywood, B. P. Williamson, K. P. Battle, S. H. Rogers, whose duty it shall be to direct the opening of books of subscription of stock, at such times and places, and by such persons as they (or a quorum of them) may deem proper; and they shall have power to appoint a chairman of their body, and 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 whenever the sum of one hundred thousand dollars shall be subscribed to the capital stock, the subscribers and their assigns shall be, and
they are hereby declared incorporated into a company; and as such shall have succession, and may have and use a common seal, and change the same at pleasure; may sue and be sued, plead and be impleaded in any court of law and equity; shall have power to make all such by-laws and regulations, (not inconsistent with the existing laws and constitution of this State,) as may be deemed necessary for the government of said company, which shall be binding thereon; and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary or requisite to carry on the business of exploring and mining coals, iron ores, copper ores, and all other minerals, and smelting, manufacturing, transporting and vending the same and the products thereof, and of establishing and working foundries, rolling mills and other manufactories of metallic fabrics, and of transporting and vending their products; and shall have power to purchase, lease, hold, convey and dispose of any estate, real and personal; 

Provided, That said corporation shall at no time hold more than twenty thousand acres of land; said company shall have also the right, power and authority to build and construct roads and ways, whether tram, plank, rail road or turnpike, and to change the same as to them may seem advisable, for the transportation to, from or between their mines, furnaces, mills, foundries and factories of iron, coke, coal, ores, minerals, metals and materials and other supplies and products of their works; and also to construct such canal or canals and drains as may be required or needful for the supply of water to their furnaces, mills, foundries and factories, the transportation of coal, ores or materials and supplies as aforesaid, and the drainage of their mines; and such roads, canals and drains shall be open to the use of the public, upon the payment of such reasonable tolls and compensation, and subject to such rules and regulations as said corporation may, by their by-laws establish; 

Provided, That neither of the said rail roads, tram roads, turnpike roads or canals shall be over twenty miles in length.

Sko. 4. Be it further enacted, That when any lands or rights of way may be required by said company for constructing said roads, canals or drains, and for want of
agreement as the value thereof, or for any other cause, the same cannot be purchased of the owner or owners, the same may be taken, and the value thereof ascertained as follows, viz.: on application by the company or owner to any justice of the peace of the county where said land or right of way may be situated, it shall be his duty to issue his warrant to the sheriff of the county to summon a jury of at least five freeholders, to meet on the land on a day expressed in said warrant, not less than five nor more than twenty days thereafter; and the sheriff or his deputy, on the receipt of such warrant, shall summon the jury, and when met shall administer an oath or affirmation to them, if three or more appear, that they will impartially value the land or right of way in question. The proceedings of such persons, accompanied by a description of the lands or right of way, shall be returned under their hands and seals, or a majority of them, by the sheriff to the clerk of the county court, there to remain a matter of record; and on the payment of said valuation, or if refused its deposit in the office of said clerk, the land or right of way so valued shall vest in said company, so long as the same shall be used for the purpose of said road, canal or drain; Provided, that the location of said road, canal or drain, shall not interfere with any graveyard, house, house lot, or garden, without the consent of the owner thereof; Provided, further, that no more land shall be condemned for the purpose aforesaid, than thirty feet in width on either side from the centre of said road, canal or drain; And, provided further, that if such owner, or the company, shall be dissatisfied with the valuation of said jurors, either party may have an appeal to the county or superior court of the county in which the land lies; but such appeal shall not delay or interrupt the use or enjoyment of the said right of way by said company.

SEC. 5. Be it further enacted, That the capital stock shall be divided into shares of one hundred dollars each, said shares shall be personal property, and certificates thereof may be issued, and made transferable and assignable as may be prescribed in the by-laws of the corporation.
Sec. 6. Be it further enacted, That it shall be the duty of the commissioners named in this act, or a quorum of them, as soon as the sum of one hundred thousand dollars shall be subscribed in manner aforesaid, to give public notice thereof, and at the same time call a general meeting of the stockholders, giving at least five days' notice of the time and place of meeting; a majority of the stock being represented by person or proxy, shall proceed to elect seven directors, who shall have power to appoint any officers they may deem proper for carrying on the business of the corporation, and prescribe their duties and compensation, and term of service; perform all duties necessary in the government of the corporation, and transaction of its business; they shall serve such period as the stockholders shall direct, and shall, out of their number choose a president, and may fill any vacancies occurring in their body; at that meeting the stockholders shall fix on the day and place when the subsequent election of directors shall be held, but if the day of any election shall be passed without any election, the corporation shall not thereby be dissolved, but the officers formerly elected shall continue in office until a new election takes place.

Sec. 7. Be it further enacted, That the election of officers shall be by ballot, each stockholder having as many votes as he has shares in the stock of said company; and at all elections, and upon all votes taken at any meeting of the stockholders upon any by-laws, or any affairs of the company, each share of stock shall be entitled to one vote, to be represented in person or by proxy.

Sec. 8. 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 said company may, in their opinion, require; and on failure of any stockholder to pay such instalment as required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company, by such stockholders, and convey the same to such purchaser at such sale; and if the sale does not produce a sufficient sum to pay off the incidental expenses of the sale and the entire amount owing by such stockholder for his subscription, then
the whole of said balance shall be held due at once to the company, and may be recovered of such stockholder, at the suit of the said company, by action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace, when the sum does not exceed one hundred dollars; and in all cases of assignments of stock before the whole amount has been paid to the company, then for all sums due on such stock, the original subscribers, and the first, and all subsequent assignees, shall be liable to the company, and the sums due, may be recovered as above described.

Sec. 9. Be it further enacted, That any corporation may 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 20th day of December, 1864.]

Chap. 16. AN ACT TO INCORPORATE THE JAMESTOWN COTTON MILLS.

Body politic. Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Cyrus P. Mendenhall, E. P. Jones, Grafton Gardner, Duncan A. McRae, T. T. Brooks, Z. W. Pickerell, Adolphus E. Stanly, James Fitzpatrick and Thomas A. Hardy, their associates, successors and assigns, be and the same are hereby created and constituted a body politic and corporate, by the name and style of the "Jamestown Cotton Mills," and as such have succession, and may have and use a common seal and change the same at pleasure; sue and be sued, plead and be impleaded in any court of law or equity; have power to make all such by-laws and regulations not inconsistent with the constitution and laws of this State or the Confederate States of America, as may be deemed necessary for the government of said corporation, which shall be binding thereon; and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary to carry out the purposes for which said company be organized, viz: the manufacture of every variety of cotton goods.
Sec. 2. Be it further enacted, That the capital stock of the company shall not exceed two millions of dollars, divided into shares of five hundred dollars each.

Sec. 3. Be it further enacted, That the affairs of the company shall be managed and controlled by such officers and directors as may be agreed upon by the company at their first meeting, each share being entitled to one vote, the officers to be elected by ballot annually, but to remain in office until others may be appointed.

Sec. 4. Be it further enacted, That the said company shall have power to purchase, lease or otherwise procure all property and estate, both real and personal which may be necessary to carry out the purpose of said corporation, and that this act shall be in force from and after its ratification. [Ratified the 21st day of December, 1864.]

AN ACT TO INCREASE THE CAPITAL STOCK OF THE SAPONA IRON COMPANY.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the third section of an ordinance of the Convention of North-Carolina, incorporating the Sapona Iron Company, ratified the 9th day of May, 1862, be and the same is hereby amended, so as to authorize and empower said Sapona Iron Company to increase the capital stock of said company over the amount named in said ordinance of incorporation, as the increase and extension of the works may seem to them to require, but not to exceed in all the sum of three millions of dollars.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 20th day of December, 1864.]
Chap. 18. AN ACT TO INCORPORATE THE NORTH-CAROLINA COMPANY OF CHEMISTS.

Body corporate. Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Washington C. Kerr, Edward Warren, their associates and successors, be and they are hereby constituted a body corporate and politic, with a capital of two hundred and fifty thousand dollars, in twenty-five hundred shares of one hundred dollars each, under the name and style of the North-Carolina Company of Chemists.

Waste material at State Salt works. Sec. 2. Be it further enacted, That said company be authorized to receive from the salt commissioner and salt agent, at their respective works, all such residual and waste material as it may deem important for its purposes, and said agent and commissioner are hereby directed to deliver said material to it: Provided, That all trouble and expense in storing and transporting the same shall be assumed by said company.

Proviso. Sec. 3. Be it further enacted, That said company may agree with the owners of any land, upon which it may erect the works herein contemplated, for the purchase or lease of said land, and also for the purchase of the right of way to and from said works; and in case of disagreement with the owners of such land, or if the owners be fæmes covert, of unsound mind, under age, or out of the State, said company, (upon giving five days' notice to the owner, if he be a citizen of this State,) may apply to any justice of the peace for the county in which the land is situated, who shall thereupon issue his warrant to the sheriff, or any other lawful officer of said county, to summon five freeholders to meet upon the land to be valued, on a day to be expressed in such warrant, which shall be within ten days from the issuing thereof; and the sheriff or other officer, upon the receipt of such warrant, shall summon such freeholders accordingly, and when met he shall administer an oath to them that they will impartially estimate the value of such land, or other property required as aforesaid, as may be needed by said company for.
the use of such works; and their proceeding shall be reduced to writing, under their hands and seals, and returned by the officer to the next superior court of law for the county in which the land, or other property, is located; but if either the company or the owner of the land be dissatisfied with the assessment of the freeholders, either party may appeal to the same term of the court to which the return is directed to be made, and have his appeal entered at that term; but such appeal shall in no way hinder or delay the operations of said company; and whenever such value shall be ascertained, it shall be paid by the company: Provided, That whenever such land, or other property, is owned wholly or in part by a citizen of this State, the company shall not commence its operations until it shall have paid or secured whatever sum may have been assessed by the jury hereinbefore described: Provided also, That such sum shall be deemed for this purpose as sufficiently secured when deposited in the office of the clerk of said superior court, who is hereby authorized and required to receive it: And, provided further, That the interest in real or personal estate, authorized by this section to be vested in said company, shall be no more than a temporary license to use the same for the purpose of obtaining the minerals contemplated in the act, to continue only during the present war between the United States and the Confederate States.

Sec. 4. Be it further enacted, That one-half of all the blue stone that may be manufactured out of ores, whose condemnation to the use of said company is authorized hereinbefore, shall be furnished to the Governor of this State for distribution among the various counties, at a price which shall be fixed by a commission, to consist of two persons, one of whom shall be appointed by the Governor, and the other by the company, with power, in case of their disagreement, to call in an umpire; and for this purpose the said company shall report to the Governor, once in every three months, what quantity of blue stone has been manufactured in the interval: Provided, That if the Governor, after such notification, shall decline to purchase the same, or shall take no steps
towards raising the commission hereinbefore mentioned, or if the commissioners so appointed shall fail to act, (such inaction by the Governor or the commissioners to continue for three months,) then it shall be allowed to said company to sell the productions of that quarter without reference to the provisions of this section: And, provided also, That the whole of the blue-stone so manufactured shall be held by the company for one month subject to the refusal of the Governor.

Sec. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 23d day of December, 1864.]

NAVIGATION COMPANIES.

Chap. 19. AN ACT TO AMEND THE 143D CHAPTER OF THE ACTS OF 1858-'59, ENTITLED "AN ACT TO AUTHORIZE THE ROANOKE NAVIGATION COMPANY TO DISCONTINUE THE USE OF THEIR CANAL AROUND THE GRAND FALLS OF THE ROANOKE RIVER, AND TO MAKE SALE OF THEIR REAL ESTATE, WATER-POWER AND OTHER PRIVILEGES BETWEEN THE TOWNS OF GASTON AND WELDON IN THE STATE OF NORTH-CAROLINA."

Repeals sections 4 and 5.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That sections 4 and 5 of chapter 143 of the acts of 1858-'59, entitled "an act to authorize the Roanoke Navigation Company to discontinue the use of their canal around the grand falls of the Roanoke river, and to make sale of their real estate, water-power, and other privileges between the towns of Gaston and Weldon, in the State of North-Carolina," be and the same are hereby repealed.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification, and that all laws and clauses of laws in conflict with its provisions be and the same are hereby repealed. [Ratified the 23d day of December, 1864.]
Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a corporation be authorized under the name and style of the Deep River Transportation Company, with a capital stock not exceeding five hundred thousand dollars to be divided into shares of one hundred dollars each, and when formed as hereafter provided, to have the powers hereafter granted and all other privileges and immunities belonging to like corporations under the general law of the State.

Sec. 2. Be it further enacted, That W. J. Hawkins, C. B. Mallett, K. P. Battle, E. Bryan, J. M. Heck, George Washington, T. D. Hogg, E. H. Stranahan and G. W. Mordecai, are appointed commissioners, at such times and places and for such periods as they may deem best, to open books of subscription to the capital stock of said company, and any three of them shall be a quorum to do any business by this act devolved upon them.

Sec. 3. Be it further enacted, That whenever fifty thousand dollars shall be subscribed on said books by solvent subscribers, the commissioners shall, after giving ten days' public notice, call a general meeting of stockholders at such time and place as they may choose, at which and at all other meetings of stockholders, each stockholder shall have as many votes as he has shares as owner or proxy for others, and a majority of stock represented by person or proxy shall constitute a quorum for the transaction of business.

Sec. 4. Be it further enacted, That the stockholders shall elect five directors who shall hold their offices for one year, and until the election of their successors; they may appoint any other officers they may deem fit, prescribe their duties, terms of service and salaries, and such power may be likewise exercised by the directors: Provided, That the salaries and pay of the directors and president shall be fixed by the stockholders.

Sec. 5. Be it further enacted, That the directors shall out of their own number choose a president of the company.
and shall have the general control and management of its business; they may likewise, and the president also, call special meetings of stockholders. A majority of the directors shall be a quorum to do business.

Sec. 6. Be it further enacted, That the said company shall have power to build and equip boats and do all things necessary and proper for carrying on the business of transportation of person and things through and along the works of the Cape Fear and Deep River Navigation Company, on such terms and stipulations as may be agreed on between the parties; and in case the said Transportation Company shall by contract with the said Navigation Company become liable to keep in repair any part of the works of the latter, they shall have the same powers for that purpose as are enjoyed by the said Navigation Company.

Sec. 7. Be it further enacted, That the board of managers of the Cape Fear and Deep River Navigation Company may, in behalf of the same, subscribe to the capital stock of said Transportation Company the value of such portion of their boats and other personal property, as said board may deem best and said company shall agree to.

Sec. 8. Be it further enacted, That all corporations in the State may take stock in said company to an extent not exceeding fifty thousand dollars each, and if a greater amount is subscribed than five hundred thousand dollars, the subscription shall be reduced according to a scale to be adopted by said commissioners: Provided, That subscriptions of five hundred shares or under shall not be scaled, until all larger subscriptions shall be reduced to an equality with them: And, provided further, That any subscriber shall make affidavit before some justice of the peace if demanded by any other subscriber, that each and every subscription in his name was made for himself and not for the use of another, and if the same shall have been made for another, and the agency do not appear in the subscription, or if the subscriber refuse to make the affidavit, the subscription of such subscriber shall be rejected.

Sec. 9. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 23d day of December, 1864.]
RAILROAD COMPANIES.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO CHARTER THE SHELBY AND BROAD RIVER RAILROAD COMPANY.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That "An act to charter the Shelby and Broad River Railroad," passed the tenth (10th) day of February, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same is hereby amended so as to make the fifth section, 19th and 20th lines, read "ratified on the second day of January, one thousand eight hundred and forty-seven."

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 20th day of December, 1864.]

ROADS.

AN ACT TO AMEND THE HICKORY NUT TURNPIKE ROAD.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the "Hickory Nut Turnpike Company," chartered in 1838-'39, and amended in 1840-'45, so as to extend from J. W. Harris in Rutherford county to James Tones in Buncombe county, be further amended so as to raise the present rates of toll now charged on said road.

Sec. 2. Therefore, be it further enacted, That the said Hickory Nut Turnpike Company be allowed to change four-fold the present rates of toll.

Sec. 3. Be it further enacted, That this act be in force from the first day of January, 1865, and continue during the existence of the present war and no longer. [Ratified the 23d day of December, 1864.]
Chap. 23. AN ACT TO AMEND THE CHARTER OF THE ASHEVILLE AND GREENVILLE PLANK ROAD COMPANY, PASSED IN THE YEAR 1861.

Roads placed under military control.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the military officer in command of the western division of North Carolina, and those acting under his authority, shall have complete control of the "Asheville and Greenville Plank Road," and manage the road as they think proper during the continuance of the war between the United States and the Confederate States of America.

Repairs.

Sec. 2. Be it further enacted, That the Asheville and Greenville Plank Road Company shall not be bound to keep said road in repair, nor be liable to indictment for failing to keep the same in repair during the continuance of the war.

When in force.

Sec. 3. Be it further enacted, That this act shall be in force, when the Asheville and Greenville Plank Road Company shall accept this amendment of their charter in a general meeting of the stockholders, and enter their acceptance on the books of the company, kept for recording their proceedings. [Ratified the 21st day of December, 1864.]

SHERIFFS.

Chap. 24. AN ACT IN RELATION TO THE COLLECTION OF ARREARAGES OF TAXES IN THE COUNTIES OF NASH AND ROBESON.

Allows further time.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Evan H. Morgan, late sheriff of the county of Nash, and Reuben King, sheriff of the county of Robeson, be allowed the further time of one year to collect all taxes which may be owing to them for the years of eighteen hundred and sixty three and four, and for that purpose they may have and exercise all the power they had when sheriffs, in regard to the collection of taxes due them for the years 1863 and 1864.

Sec. 2. Be it further enacted, That this act shall take effect from and after its ratification. [Ratified the 23d day of December, 1864.]

AN ACT FOR THE RELIEF OF HUGH B. GUTHRIE, LATE SHERIFF OF Chap. 25.
ORANGE COUNTY.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Hugh B. Guthrie, late sheriff of the county of Orange, be, and he is hereby authorized and empowered to collect arrears of taxes due him for the years 1863 and 1864, as sheriff aforesaid; which collections shall be made under the same rules, regulations and restrictions, as other collections of taxes by virtue of the laws of this State, and he shall be invested with the same power and authority for the purpose which is invested in sheriffs by the laws of this State: Provided, That the authority by this act granted, shall not extend to persons 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 hereby granted shall cease and determine with the year 1866, except as to such legal proceedings as may then be pending by virtue of this act.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its ratification. [Ratified the 17th day of December, 1864.]

TOWNS.


Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That J. M. Bryson, Allen Fisher and J. B. Allison, are appointed commissioners to sell at public
auction all the unsold lots in the town of Webster; upon whose certificate, the chairman of the court of pleas and quarter sessions for the county of Jackson, shall have full power and authority to execute titles to the purchaser for said lots.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 23d day December, 1864.]

Chap. 27. AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF FAYETTEVILLE TO SUPPLY SAID TOWN WITH WATER.

SECTION 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That the mayor and commissioners of the town of Fayetteville, be, and they are hereby authorized to construct such necessary works as will enable them to supply said town, and its inhabitants, with pure water; and they are hereby authorized to construct said works, either within or without the limits of the corporation of said town; and for that purpose, they are hereby authorized to enter upon, and make free use of any lands or other property, which they shall deem necessary, for procuring and conducting said water into all, or any of the streets of said town, as they may deem expedient; that said mayor and commissioners are hereby authorized, to erect dams or other works, upon or across any streams of water, or any other place, or places, where they may think proper, for the purpose of raising such stream or streams, or turning the course thereof, or of making use of such streams, in any way to effect their purposes, and to do all such other things as they may deem proper, for securing or conveying such supply of water; and to have and possess all the powers necessary and proper to carry out and effect the object contemplated by this act.

SEC. 2. Be it further enacted. That if it shall become necessary for said mayor and commissioners to invade the private property of any person or persons whatsoever, to carry out the intent and meaning of this act; and when,
from any cause whatever, an agreement cannot be made with the owner or owners of such property, upon application by said mayor and commissioners, to any justice of the peace, of the county of Cumberland, the justice shall issue an order to the sheriff of said county, to summon eighteen disinterested freeholders, and unconnected with the parties, and who shall meet on the premises to be valued, on a day named in the warrant, not less than ten nor more than twenty days from the date of said warrant; and the sheriff, on the receipt of said warrant, shall summon the freeholders accordingly, and when met, shall draw twelve of them, who, after being duly sworn, shall impartially value the property, and consider the damage, (if any), that the owner thereof may sustain, and the inquisition so taken, shall be signed by the jury, and the sheriff, and be returned by the sheriff to the clerk of the county court, to be recorded; and in all cases the jury shall describe the property, so valued, and such valuation shall be conclusive, and the mayor and commissioners shall pay the sum so assessed, to the owner or his legal representative; and if neither can be found in said county, then to the clerk of the county court, and on the payment thereof, the mayor and commissioners shall be seized in fee of said property, as fully and absolutely, as if the same had been conveyed to them by the owners, respectively.

Sec. 3. Be it further enacted, That the mayor and commissioners of the town of Fayetteville, are hereby authorized, if they deem proper, to purchase of the owners, the present water works in said town, and to receive an assignment of all its property, franchise and powers.

Sec. 4. Be it further enacted. That to enable said mayor and commissioners, to raise the money to construct said works, and to carry out, in full, the intent and meaning of this act, they are hereby authorized to make and sell, the coupon bonds of the town of Fayetteville, to an amount not exceeding one hundred thousand dollars, in such manner and form, and upon such terms and conditions, as they may direct; and to secure the payment of which, they may mortgage the works, by them erected, and do and perform
all such other acts relative thereto, as may seem expedient to carry out and effect the purposes herein intended.

Sec. 5. Be it further enacted, That it shall, and may be lawful, for said mayor and commissioners, from time to time, to make and establish such ordinances as they think proper for conducting, managing, and preserving said works, or any part thereof, and for fixing the rates for using said water, by the citizens of said town.

Sec. 6. Be it further enacted, That provided the mayor and commissioners, shall so elect, that in lieu of constructing said water works by, and under the contract of the said mayor and commissioners, or under ordinances prescribed by them, they may open books of subscription for the capital stock of a company, not to exceed the sum of one million dollars, ($1,000,000,) in shares of one hundred dollars each, for the purpose of effecting the purpose herein intended, and the subscribers to said stock, and their assigns be, and they are hereby constituted, a corporation and body politic, under such name as they may adopt; and shall have succession, and a common seal, for a period of forty years, from the ratification hereof, and may sue and be sued, plead and be impleaded, and have and possess, all the powers incident to corporations, and necessary and proper to effect the objects contemplated by this act; and shall have all the powers herein granted, to the mayor and commissioners of said town.

Sec. 7. Be it further enacted, That the mayor and commissioners are hereby authorized to subscribe for any number of shares of said capital stock, that they determine; and to raise the money to pay said subscription, may issue the coupon bonds of the town of Fayetteville, upon such terms, and in such manner, and form, as they may determine. [Ratified the 23d day of December, 1864.]
MISCELLANEOUS.

AN ACT TO INCORPORATE* THE TRUSTEES OF THE ORPHAN'S EDUCATIONAL FUND.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Walter W. Pharr, Jethro Rumple, Joseph M. Atkinson, Willis L. Miller, Calvin Shaw, Neill McKay, E. Nye Hutchinson, Jesse H. Lindsay, and Jesse G. Shepherd, their successors and assigns, be, and they are hereby declared to be a body politic and corporate, by the name of "The Trustees of the Orphan's Educational Fund," and by such name shall be for thirty years, a body politic and corporate, with the right to hold and use, for the education of the children of deceased soldiers, the sum of three hundred thousand dollars, having all the privileges, and subject to all the duties and liabilities, which, by the laws of this State, attach to corporations.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 9th day of December, 1864.]

AN ACT TO REPEAL AN ACT, ENTITLED "AN ACT TO PREVENT OBSTRUCTIONS IN THE BIG SWAMP, BY MEANS OF FISH TRAPS."

Section 1. The General Assembly of North-Carolina do enact, That an act entitled, "An act to prevent obstructions in the Big Swamp, by means of Fish Traps," passed at the adjourned session, 1864, Chap. 32, Private Acts, and every section thereof, 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 17th day of December, 1864.]
AN ACT TO INCORPORATE THE CONFEDERATE JOINT STOCK PUBLISHING COMPANY.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That A. M. Gorman, D. K. McRae, E. B. Haywood, Thomas Bragg, John C. Palmer, Alfred Williams, W. R. Miller, A. A. McKay, Pride Jones, James E. Kerr, S. S. Royster, Wm. H. Smith, and John A. Young, and such others as are now, or may hereafter become associated with them, for the purposes hereinafter stated, are hereby constituted a body politic and corporate, by the name and style of "The Confederate Joint Stock Publishing Company," and by that name may sue and be sued, implead and be impleaded, in any of the courts of this State.

Sec. 2. Be it further enacted, That the capital stock of the said company may be fixed by the stockholders of the same, at any sum not exceeding one hundred thousand dollars, in shares of one hundred dollars each, and it may purchase and hold, in its corporate capacity, such real and personal estate, as may be required for the proper and legitimate prosecution of its business, and to transfer the same, from time to time as may be deemed expedient.

Sec. 3. Be it further enacted, That the business of the said company shall be that of printing and publishing any newspaper or newspapers, periodicals, books, and all kinds of job work, and printing done in printing establishments.

Sec. 4. Be it further enacted, That the stockholders in the said company, should they deem it necessary, may elect for the management of the affairs of the same, five directors from among their number, who shall hold their appointments so long as the stockholders may prescribe, and shall have power to appoint one of their number as president of the board, and to fill any vacancy or vacancies that may arise in the same; and also to appoint such subordinate officers, agents and managers, as they may deem essential to the proper conduct of the business; and the same, from time to time, remove as may by them, be deemed expedient; and the stockholders shall, moreover, have power to make all such by-
AN ACT TO INCORPORATE BLACKMER LODGE, NO. 170, IN THE COUNTY OF BUNCOMBE.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Master, Wardens, and members which at present are, or in future may be, of Blackmer Lodge, No. 170, of Free and Accepted Masons, located on Reems' Creek, in the county of Buncombe, are hereby constituted and declared to be a body corporate, under the name and title of "Blackmer Lodge;" and by such name, shall have perpetual succession, and a common seal, may sue and be sued, plead and be impleaded, require and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State, or of the Confederate States.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 21st day of December, 1864.]

AN ACT TO INCORPORATE THE OAK HILL CEMETERY COMPANY. Chap. 32.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Nicholas W. Woodfin, William D. Rankin, William Johnson, Edward J. Alston, John E. Patton, and such other persons as may associate themselves with them for the purpose hereinafter mentioned, be, and
they are hereby made a body politic and corporate, by the name and style of "Oak Hill Cemetery Company," and by that name may sue and be sued, plead and be impleaded in all the courts of this State, contract and be contracted with, and may have a common seal.

Sec. 2. Be it further enacted, That said corporation may acquire, take and hold a lot, or tract of land containing not more than twenty five acres, for the purpose of establishing a burial ground at or near the town of Asheville in the county of Buncombe, and may sell or otherwise dispose of the same, or any part thereof, to be used exclusively as a cemetery or place for the burial of the dead; and all moneys received for, or on account of the sale of lots in the said cemetery, shall first be applied by said corporation to the payment of the purchase money of the land, which it may acquire, and the residue thereof shall be expended in improving and embellishing such land, and in such other way and for such other purposes as said corporation may deem expedient; and said corporation may acquire such personal property as may be necessary to effectuate the purposes contemplated by this act.

Sec. 3. Be it further enacted, That the real estate of said corporation, and the lots, or plots, when conveyed by said corporation to individual proprietors, shall be exempt from assessment and taxation, and not liable to be sold under any execution, or to be applied to the payment of debts by assignment under any insolvent law.

Sec. 4. Be it further enacted, That if any person shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, or grave stone, or other structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of said cemetery, or of any cemetery lot, within the cemetery aforesaid, or shall wilfully destroy, cut, break, or impair any tree, shrub, or plant within the limits of said cemetery, such persons so offending shall be deemed and held guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned at the discretion of the court, and shall be moreover liable in any action of trespass which may be brought in the
name of said corporation for such damages, by such unlawful act.

Sec. 5. Be it further enacted, That the land which said corporation is by this act authorized to acquire, shall, when dedicated to that purpose, remain forever dedicated to the purpose of a cemetery; and any lot or lots therein conveyed by said corporation, may be so conveyed, that upon such conveyance, or after there shall have been an interment therein, the said corporation may have authority to extend interments therein to such person or persons, or class of persons as may be designated and prescribed in the conveyance under which said lot or lots shall be taken and held.

Sec. 6. Be it further enacted, That said corporation may prescribe the form of conveyance for any lot or lots in said cemetery, and how the same shall be executed, and shall have full power to make all such by-laws and regulations as may be necessary to conduct the affairs of said corporation, and to improve and embellish said cemetery: Provided, The same be not inconsistent with the constitution and laws of this State, and the Confederate States.

Sec. 7. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 21st day of December, 1864.]

AN ACT TO INCORPORATE PEE DEE LODGE, NO. 150, OF ANCIENT YORK MASONs, IN THE COUNTY OF STANLY.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Master, Wardens, and members of Pee Dee Lodge, No. 150, of Ancient York Masons, located in the county of Stanly, near Norwood's post office, and their successors, be, and the same are hereby constituted and declared a body corporate, by the name and style of "Pee Dee Lodge, No. 150," and by that name shall have perpetual succession, and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, and, in general, exercise and enjoy all such rights and privileges as are usually incident to corporate
bodies of a like nature: Provided, nevertheless, That said corporation shall not hold any more real estate than may be necessary for the convenient transaction of its necessary business.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 23d day of December, 1864.]

Chap. 34. AN ACT TO INCORPORATE LEAKESVILLE LODGE, NO. 136, ANCIENT YORK MASONs.

Body corporate.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the officers and members, who are at present, or in future may be, of Leakesville Lodge, No. 136, of Free and Accepted Masons, in the town of Leakesville, county of Rockingham, be, and they are hereby incorporated into a body corporate, under the name and style of "Leakesville Lodge, No. 136, of Free and Accepted Masons;" and by that name may have succession, and a common seal, sue and be sued, plead and be impleaded in any court of record, or before any justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of its business.

Powers.

Sec. 2. Be it further enacted, That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of the State, or of the Confederate States.

Sec. 9. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 23d day of December, 1864.]
AN ACT TO INCORPORATE WILLIAM R. DAVIE LODGE, A. Y. M., IN Chap. 35.
LEXINGTON, N. C.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That George Riley, James P. Stinson, and William D. Lindsay, and their successors in office, and the members of William R. Davie Lodge, No. 37, of Free and Accepted Masons, at Lexington, in the county of Davidson, be, and they are hereby declared a body corporate, by the name and style of "William R. Davie Lodge, No. 37, Free and Accepted Masons," and by that name shall have perpetual succession, and a common seal, may plead and be imploled, sue and be sued, and, in general, exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of the same nature.

SEC. 2. Be it further enacted, That the said corporation shall have the right to hold and enjoy real estate.

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 23d day of December, 1864.]

AN ACT IN FAVOR OF THE ESTATE OF JAMES D. WYNN. Chap. 36.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions for Hertford county, shall have jurisdiction to grant letters of administration upon the estate of James D. Wynn, late of Chowan county.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 22d day of December, 1864.]
Chap. 37. AN ACT TO INCORPORATE STOKESBURG LODGE, NO. 220, IN STOKES COUNTY, OF FREE AND ACCEPTED MASONS.

Body corporate. 
Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Master, Wardens and members of Stokesburg Lodge, No. 220, of Free and Accepted Masons, at Stokesburg in the county of Stokes, be and they are hereby constituted a body corporate, by the name and style of the "Stokesburg Lodge, No. 220, of Free and Accepted Masons," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general, exercise and enjoy all such rights and privileges, as are usually incident to corporate bodies of the like nature.

Powers. 
Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 22d day of December, 1864.]
RESOLUTIONS
OF A PRIVATE NATURE, PASSED BY THE
GENERAL ASSEMBLY
OF
NORTH-CAROLINA,
AT ITS
REGULAR SESSION OF 1864-'65.

SOLUTION IN RELATION TO PAYMENT OF TAXES TO JOHN RHEM.

Resolved, That the Public Treasurer be directed to pay John Rhem the sum of ninety-two dollars and forty cents, ($92.40,) being the amount of taxes over paid by him to the State. [Ratified the 21st day of December, 1864.]

SOLUTION IN FAVOR OF A. J. McBRIDE, SHERIFF OF WATAUGA COUNTY.

Resolved, That the Public Treasurer be directed to remit a judgment, recovered at the fall term, A. D., 1864, of $1,000, in the superior court, against A. J. McBride, the sheriff of Watauga county; and the said sheriff is hereby discharged a penalty of one thousand dollars in reference to the non-payment of public taxes, up to the first day of October next, and from the payment of costs taxed in the aforesaid suit, which costs shall be paid by the Treasurer, and charged to his accounts. [Ratified the 6th day of December, 1864.]
RESOLUTION IN FAVOR OF R. P. MELVIN, SHERIFF OF THE COUNTY OF BLADEN.

Resolved, That R. P. Melvin, sheriff of Bladen county, be allowed twelve months to collect all arrears of taxes due him for the years 1861, 1862, 1863, and 1864; Provided, The authority hereby given, shall not extend to executors or administrators, nor to any one who shall make oath that the tax claimed has been paid. [Ratified the 15th day of December, 1864.]

RESOLUTION IN FAVOR OF W. M. RAY, TAX COLLECTOR OF MADISON COUNTY.

Resolved, That W. M. Ray, tax collector of Madison county, be, and he is hereby discharged, of the penalty of one thousand dollars, incurred by his failure to pay in the public taxes, before the first day of October, A. D., 1864. [Ratified the 15th day of December, 1864.]

RESOLUTION IN FAVOR OF W. W. HOLDEN, LATE STATE PRINTER.

Resolved, That for the printing for the present Legislature, the reports of the Treasurer and Comptroller for the fiscal year, ending 30th September, 1864, the late printer, W. W. Holden, be allowed the sum of four dollars per thousand for composition, and four dollars per token for press work; and that the State Auditor settle with him for said work accordingly. [Ratified the 20th day of December, 1864.]

RESOLUTION IN FAVOR OF DRURY KING.

Resolved, That the Public Treasurer pay to Drury King, the sum of Two hundred dollars, for services rendered in arranging and preparing the halls, for the use of the pre-
sent session of the General Assembly. [Ratified the 20th day of December, 1864.]

RESOLUTION IN RELATION TO THE PAY OF THE DOOR KEEPERS.

Resolved, That the doorkeepers of the two Houses of this General Assembly, be allowed the same pay and mileage as the members, and in addition thereto, the sum of one hundred dollars, to pay for servant hire. [Ratified the 20th day of December, 1864.]

RESOLUTION IN FAVOR OF JOSEPH W. STEED, FORMER SHERIFF OF RANDOLPH COUNTY.

Resolved, That J. W. Steed, former sheriff of Randolph county, be allowed to collect all arrears of taxes due to him, while he was in office: Provided, That nothing herein contained shall apply to executors and administrators, nor to persons who will make affidavit that they have paid the taxes claimed from them. [Ratified the 23d day of December, 1864.]

A RESOLUTION IN FAVOR OF POWER, LOW & CO., OF WILMINGTON.

Whereas, It is made to appear to the satisfaction of the General Assembly that Power, Low & Co., merchants of the town of Wilmington, were the legal holders of fifteen (15) bonds, of one thousand dollars each, and of eight (8) bonds, of five hundred dollars each, issued by the State, payable to bearer on the 1st day of January, A. D., 1893, with coupons attached, payable semi-annually from the 1st of July, 1864, to 1st January, 1893, both inclusive, which bonds were numbered, respectively, 3552, 4067, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, and 55, 56, 57, 58, 210, 261, 261, and 270, and that said bonds were destroyed by being thrown into the sea, (with a weight attached,) to avoid their being taken pos-
Be it therefore resolved by the General Assembly of the State of North-Carolina, That the Public Treasurer be, and he is hereby, instructed to issue, in lieu of said bonds, and deliver to said Power, Low & Co., twenty-three (23) other coupon bonds of the State, of same tenor and date of said first mentioned bonds, and in all respects duplicates thereof; on the face of each of which, and on every coupon attached to each of which, shall be written the word "duplicate;" the said delivery not to be made till an indemnity shall have been filed in the office of the Public Treasurer, protecting the State from all loss in consequence of the issuing of said substituted bonds. [Ratified the 23d day of December, 1864.]

Resolved, That the Public Treasurer be directed to pay to J. S. Montgomery, of Caldwell county, one thousand and five hundred dollars for making a survey of forty-five thousand acres of land in the county of Alleghany, and plotting the same, under an order of the supreme court of this State, in the case of "the Attorney general against Caleb Osburn and others," and that he be allowed the same in the settlement of his public accounts. [Ratified the 23d day of December, 1864.]

Resolved, That the Public Treasurer be directed to pay Messrs. Creech & Litchford three hundred and sixty-five dollars, ($365.00) for andirons for the use of the capitol. [Ratified the 23d day of December, 1864.]
RESOLUTION IN FAVOR OF VIRGINIA ATKINSON, EXECUTRIX OF P. A. ATKINSON.

Resolved, That the Public Treasurer pay to Virginia Atkinson, executrix of the estate of P. A. Atkinson, one hundred and sixty-three dollars and twenty cents, amount of State taxes over paid by her. [Ratified the 23d day of December, 1864.]

RESOLUTION IN FAVOR OF W. A. MARONEY, SHERIFF OF DAVIE COUNTY.

Resolved, That the Public Treasurer be instructed to pay W. A. Maroney, sheriff of the county of Davie, the sum of four hundred and twenty-five dollars for moneys over paid the State by him for taxes, for the year 1864. [Ratified the 23d day of December, 1864.]

RESOLUTION IN REGARD TO SALISBURY DISTILLERY.

 Whereas, The people have been informed that there is a distillery located at Salisbury, in this State, under the control and direction of the Confederate States government, which is consuming large quantities of corn daily, therefore

Resolved, That his Excellency, Governor Vance, be respectfully requested to take such steps for the suppression of this great evil as he may deem proper. [Ratified the 9th day of December, 1864.]

RESOLUTION IN FAVOR OF D. M. RAY, TAX COLLECTOR OF MADISON COUNTY.

Resolved, That the Public Treasurer be, and he is hereby directed to pay to D. M. Ray, tax collector of Madison county, the commissions to which he is entitled on the public taxes paid into the State treasury, which commissions
were disallowed in settlement by said Ray with the Treasurer, on account of his failure to pay the taxes before the first day of October last. [Ratified the 23d day of December, 1864.]

RESOLUTION IN FAVOR OF WILLIAM S. WEBSTER.

Resolved, That the Treasurer pay to William S. Webster, principal door-keeper of the last House of Commons, fifty cents per mile, for one hundred miles travel, in coming to and returning from this Capitol, and thirty dollars per day for two days attendance upon the present House of Commons. [Ratified the 25th day of November, 1864.]

STATE OF NORTH-CAROLINA,
Office of Secretary of State,
October 20th, 1865.

I, Robt. W. Best, Secretary of State in and for the State of North-Carolina, do hereby certify that the foregoing are true copies of the original Acts and Resolutions on file in this office. Given under my hand, this 20th day of October, 1865.

ROBT. W. BEST,
Secretary of State.
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PUBLIC LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT ITS

ADJOURNED SESSION OF 1865.

By order of the State Convention.

RALEIGH:
CANNON & HOLDEN, PRINTERS TO THE CONVENTION.
1865.
PUBLIC LAWS,

OF

NORTH-CAROLINA,

1865.

CHEROKEE LANDS.

AN ACT IN RELATION TO CHEROKEE LANDS.

Chap. 1.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the agent for the collection of Cherokee lands to grant a certificate of purchase to any one who may have purchased said lands for any tract of land lying in the counties of Jackson, Macon, Cherokee or Clay, whenever it shall be made to appear to the full satisfaction of said agent that the principal and security are both or all insolvent, or have fled from the county, leaving no property behind them out of which the purchase money may be collected.

Sec. 2. Be it further enacted, That it shall be the duty of the Secretary of State to issue a grant for any lands so conditioned to any one presenting the certificate of said agent as a receipt for the payment of the same.

Sec. 3. Be it further enacted, That all laws coming in conflict with the provisions of this act be, and the same are hereby repealed. [Ratified the 7th day of February, 1865.]
1865.—Chap. 2—3.

COUNTIES.

Chap. 2. AN ACT TO GIVE JURISDICTION TO THE SUPERIOR COURT OF WILSON COUNTY.

To try all cases of capital felonies.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the superior court of law for the county of Wilson shall have jurisdiction to try and determine all cases of capital felonies committed in counties within the enemy's lines, or in counties so threatened by the enemy that courts are not held therein, when the party charged is confined in the jail of said county; and it shall be the duty of the clerk of the court of the county where the indictment was found, to transmit the record as is now provided by law in the case of the removal of causes, and the clerk of either court shall have power to issue subpoenas.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]

Chap. 3. AN ACT TO RESTORE JURY TRIALS IN CERTAIN CIVIL CAUSES TO THE COURT OF PLEAS AND QUARTER SESSIONS OF CHOWAN COUNTY.

Preamble.

Whereas, Superior courts cannot now be holden in and for the county of Chowan, because of the presence of the public enemy:

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions of said county shall have and exercise the same jurisdiction, to hear, try, and determine all civil causes, (except suits or actions for debts, or demands due on bonds, promissory notes, bills of exchange, judgments, accounts, and all other private contracts for the payment of money, other than attachments against absent or absconding debtors,) as the said court had and exercised before the passage
Sec. 2. Be it further enacted, That when any person, Plaintiff or defendant, or who shall be interested, shall be dissatisfied with the sentence, judgment, or decree of said court of pleas and quarter sessions, he may pray and appeal from such sentence, judgment, or decree, to the supreme court under the laws, rules, and regulations governing appeals from the superior to the supreme court; but before obtaining the same, he shall enter into bond with sufficient security, for prosecuting the same with effect and for performing the judgment, sentence or decree, which the supreme court shall make a pass therein against him: Provided, That when superior courts are again holden in said county, the right of appeal hereby given to the supreme court shall cease, and appeals shall be granted to said superior courts under the laws, rules and regulations, governing appeals from the courts of pleas and quarter sessions to the superior courts.

Sec. 3. Be it further enacted, That whenever a person, plaintiff or defendant or other person interested, in any suit pending in said court of pleas and quarter sessions shall except to the opinion of the court trying the cause, and the same shall not be allowed, the party making the exception shall commit the same to writing, and require it to be signed and sealed by some one of the justices of the court before whom the said exception is taken, and the justice shall sign and seal the same; which bill of exceptions, so signed as above shall constitute, a part of the record.

Sec. 4. Be it further enacted, That on or before the first day of February next, the clerk of the superior court shall return to the clerk of the court of pleas and quarter sessions of said county the transcripts and original papers of such causes, filed in his office under section 5, chapter 10 of the public laws passed at the second extra session of the General Assembly, in 1861, of which the said court of pleas and quarter sessions has jurisdiction under the provisions of this act.
Sec. 5. Be it further enacted, That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed; and that this act shall take effect and be in force from and after its ratification. [Ratified the 6th day of February, 1865]

Chap. 4. An Act Entitled An Act to Authorize the Magistrates of Alamance County to Levy a Tax for the Support of the Families of Soldiers.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the magistrates of Alamance county, one-third being present, shall have power to levy and collect from time to time, as in their discretion may seem best, taxes for the support of families of soldiers.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865]

Chap. 5. An Act Authorizing the County Court of Jackson to Elect a Tax Collector for Said County.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Jackson, a majority of the justices being present, may appoint or elect a tax collector who shall have all the powers that now are allowed sheriffs to collect taxes, and be subject to all the pains and penalties to which sheriffs are liable for misdemeanor in office; and this act shall take effect from and after its ratification. [Ratified the 1st day of February, 1865]
AN ACT IN REGARD TO THE JUSTICES OF THE PEACE IN THE COUNTY OF PASQUOTANK.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for all purposes when a majority of the justices of Pasquotank county are necessary for the transaction of public business, it shall be the duty of the sheriff to give fifteen days public notice of the same, by posting up notices at each election precinct in said county, requesting the attendance of the said justices.

Sec. 2. Be it further enacted, That after such notice shall have been given and a majority of the justices do not attend, it shall be lawful for those present to act upon all matters now requiring a majority.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 6th day of February, 1865.]

AN ACT TO AUTHORIZE THE COUNTY COURT OF SURRY TO ELECT WARDENS OF THE POOR, AND FOR OTHER PURPOSES.

Whereas, At the February term of the court of pleas and quarter sessions held for the county of Surry, on the second Monday in February, 1864, no election was made for wardens of the poor as required by law. Therefore,

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court to be held for the county of Surry, on the second Monday in February, 1865, a majority of the justices being present, have full power and authority to elect wardens of the poor, under the same rules and regulations as are now prescribed by law, and that the said wardens, so elected, shall hold their offices for the space of three years and no longer.

Sec. 2. Be it further enacted, That the acts of Charles Whittock, Joel Hart, Gideon Bryant, Samuel H. Taylor, Thomas Z. Hamlin, Jubal Manar and James Greenwood, or a majority of them, acting as wardens of the poor for the
said county of Surry be, and the same are hereby ratified and legalized to all intents and purposes, as fully as if they had been duly elected at the time and in the manner prescribed by law.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 6th day of February, 1865.]

Chap. 8. AN ACT IN REGARD TO THE HOLDING OF COURTS IN AND FOR THE COUNTY OF BRUNSWICK.

May be held at any convenient place.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter, until otherwise provided by the General Assembly, the court of pleas and quarter sessions, and also the superior courts of law and equity for the county of Brunswick, may be held at any convenient place in said county, which a majority or seven of the justices may select, the justices to be called together by the chairman for that purpose.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.]

Chap. 9. AN ACT TO ALLOW FIFTEEN MAGISTRATES TO TRANSACT THE COUNTY BUSINESS FOR HALIFAX COUNTY.

Grants necessary authority

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That fifteen of the acting justices of the peace in and for the county of Halifax, shall have power to levy taxes, allow claims, elect such officers as courts of pleas and quarter sessions are allowed to elect, and to transact all other county business in and for the county of Halifax, which may now by law require the presence of a majority, or one-third of all justices of said county to transact.

Sec. 2. Be it further enacted, That all laws and clauses of laws conflicting with the provisions of this act, be, and
the same are hereby repealed, so far as their application to the county of Halifax.

SEC. 3. Be it further enacted, That this act shall be in force and effect from and after its ratification. [Ratified the 3d day of February, 1865.]

AN ACT IN RELATION TO THE DELIVERY AND EXECUTION OF PROCESS IN THE COUNTY OF JONES.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That during the existing war, the clerks, sheriffs, and other officers of the county of Jones shall not be subject to any penalties or liabilities for failing to deliver or execute process: Provided, it shall appear that the delivery or service of such process was prevented by a military force acting in such county.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 6th day of February, 1865.]

AN ACT DECLARING WHAT NUMBER OF JUSTICES OF THE PEACE OF THE COUNTY OF COLUMBUS SHALL CONSTITUTE A QUORUM IN ALL CASES WHERE ONE THIRD IS NOW REQUIRED.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That twelve justices of the peace shall constitute a quorum to do any business for the county of Columbus, where one-third is now required, except that of laying taxes for said county, which shall require one-third as heretofore.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification, and continue in force only during the present war. [Ratified the 1st day of February, 1865.]
Chap. 12. AN ACT TO GIVE THE COUNTY COURT OF PITT JURISDICTION IN THE RE-ESTABLISHMENT OF LAST WILLS.

To have like jurisdiction with Courts of Equity.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of the county of Pitt shall, upon petition filed, have like jurisdiction with courts of equity in the re-probate and establishment of wills heretofore admitted to probate, and lost or destroyed by the public enemy on the 19th day of July, 1864, before being recorded.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.]

Chap. 13. AN ACT FOR THE RELIEF OF SUCH PERSONS AS MAY SUFFER FROM THE BURNING OF THE COURT HOUSE AND RECORDS OF BUNCOMBE COUNTY.

Preamble.

Whereas, On the 28th day of January, A. D., 1865, the court house and part of the public records of the county of Buncombe, were destroyed by fire; and whereas, great inconvenience and injury may happen therefrom to the people: Therefore, and for remedy whereof,

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all the provisions of an act entitled "an act for the relief of such persons as may suffer from the burning of the court house and records of Hertford county," and ratified the 20th day of December, A. D., 1862, be extended so as to embrace the county of Buncombe to all intents and purposes, so far as the same may be applicable to said last named county on account of the destruction of the court house and public records and office papers of said county of Buncombe by fire, on the 28th day of January, A. D., 1865, and all persons who may suffer, or be likely to suffer from such loss or destruction of the records or the office papers of said last named county, shall and may have the same benefits and remedies, provided in said last
named act, and the act mentioned and referred to, in the
fifteenth section of said last named act; and the said act in
the said last named section is so extended as to embrace the
county of Buncombe to all intents and purposes so far as
the provisions of the same are applicable to the records and
office papers of said county of Buncombe, on account of the
destruction of the same by fire as aforesaid.

Sec. 2. Be it further enacted, That the justices of the
court of pleas and quarter sessions of the said county of
Buncombe, shall have power to provide a temporary court
house in the town of Asheville in said county at the most
convenient point to be used, until such time as the new
court house can be erected; and to provide such temporary
court house from time to time as occasion or necessity may
require: And the courts of pleas and quarter sessions, su-
perior courts, and courts of equity of and for said county
shall be held as heretofore, at such temporary court house,
until a permanent court house can be provided.

Sec. 3. Be it further enacted, That all proceedings had
by any special court composed of at least three justices of
the peace, and duly entered of record by the clerk of the
county court under the direction of said special court for
the purpose of the immediate preservation of such property,
brick, stone, iron, &c., as may be saved from the work of
the said court house so destroyed, be, and the same are
hereby in all things ratified and made lawful and binding
on the county of Buncombe, : Provided, this provision shall
not apply to any action of any special court held for such
purpose, after the first regular time of the county court that
may come next after such burning.

Sec. 4. Be it further enacted, That the county court of
the county of Buncombe may, in their discretion, institute
suit in the superior court of said county, in the name of the
State, for the use and benefit of said county, against any
person or persons where unlawful act or negligent conduct
may in any way have afforded means or opportunities for
the burning of said house, to recover such actual damage
as said county of Buncombe may have sustained by such
burning.
SEC. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]

MILITIA.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCREASE THE EFFICIENCY OF THE HOME GUARD ORGANIZATION.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Governor, whenever he deems it expedient may reorganize the guard for home defence, by causing two or more companies to be consolidated into one; so as to make not less than sixty-four men rank and file to each company: Provided, however, That if there are not sixty home guards in any one county, that such number as may be, shall be incorporated into a company; the said companies when so consolidated shall have the privilege of electing their company officers from the rank and file of said companies, and such officers as shall not be elected for service in said company shall be required to perform service as non-commissioned officers or privates, under the same rules and regulations as other non-commissioned officers and privates are required to serve, and whilst so serving, their commissions shall be suspended.

Sec. 2. Be it further enacted, That the Governor may in like manner, cause two or more battalions or regiments of home guards to be consolidated; said battalion when so consolidated to be composed of not less than three companies, and said regiment when so consolidated of not more than ten companies; that the rank and file shall elect their field officers, and all field officers who shall not be elected, their commissions shall be suspended, and they be required to perform duty in the ranks as non-commissioned officers and privates.

Sec. 3. Be it further enacted, That in addition to the exemption mentioned in the second section of an act in relation to the militia and guard for home defence, ratified 7th
July, 1863, there shall be exempt one commissioner to each county appointed under an act entitled an act for the relief of wives and families of soldiers in the army, the attorney general, solicitors for the several circuits and counties, county trustees, county surveyors, physicians of five years practice, one editor to a newspaper, and necessary compositors and employees, to be certified to on oath by the editor, mail carriers, professors in colleges, and teachers who at the passage of this act had, and shall continue to have twenty scholars, the necessary skilled operatives in factories and foundries, regular public millers, and blacksmiths, and wheelwrights who have established shops, regular public tanners, and shoemakers, and one overseer to the poor of each county: Provided, All the tradesmen thus exempted shall be skilled in their respective trades, and were employed in the same prior to the 1st of January, 1864, and have continued to be so employed since that time, except public millers who shall be exempt whenever they are so engaged, unless it shall appear that owners of mills have turned off their millers and gone in themselves to evade the service, then such owners not to be exempt: Provided, That the exemptions on this act shall not apply to home guard officers, commissioned under this act, but shall apply to officers of the home guard and militia, who are required under this act to serve in the ranks and who would be entitled to exemption if they did not hold commissions: And provided further, That no provision of this act shall be construed so as to exempt any person herein mentioned from home guard duty in the county in which he resides.

Sec. 4. Be it further enacted, That all laws, and clauses of laws, coming in conflict with this act be, and the same are hereby repealed.

Sec. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]
PUBLIC ROADS.

**Chap. 14.** AN ACT TO INCREASE THE PENALTY FOR FAILING TO WORK ON PUBLIC ROADS, AND TO PROVIDE FOR THE COLLECTION OF THE SAME.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for all failures to work on public roads, upon due notice given by the overseer, the parties so failing, shall forfeit and pay ten dollars for each failure, unless it be made to appear that such failure was unavoidable.

Sec. 2. Be it further enacted, That the penalty herein imposed shall be collected by warrant, returnable before a justice of the peace, within thirty days from the date of its issue, and upon judgment being rendered, execution shall issue forthwith.

Sec. 3. Be it further enacted, That the oath of the overseer, that due notice was given, and of the failure to attend and work, shall be sufficient evidence against the parties so failing.

Sec. 4. Be it further enacted, That all laws, or clauses of laws, coming in conflict with this act are hereby repealed, and this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]

**Chap. 16.** AN ACT CONCERNING ROADS.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any court shall order the laying out of any public road within this State, and the jury appointed for that purpose, shall make a report locating the same, the said court at the term to which said report is made, or at any subsequent stage of the proceedings, no valid objection appearing as to the location of the road except such as may arise upon the question of the quantum of damages assessed to the owners of the soil over which the
road passes, it shall be the duty of the court to appoint an overseer or overseers with a sufficient allotment of hands to open and clear out the said road, who shall make his or their report to the next term of the court, and if any person over whose land the road passes shall make it appear to the court that the damages assessed by the jury are insufficient, or if the court shall deem them excessive, it shall be the duty of the courts in either case to appoint five disinterested freeholders residing in a different part of the country from that in which the road is located, to be accompanied by the sheriff, and sworn by him to view the land, assess the damage and report their proceedings to the next term of the court, which report shall be subject to the same orders by the court as reports by juries now are.

Sec. 2. Be it further enacted, That this act shall extend to, and include all cases now pending in the courts of this State on petition for public roads, and shall be in force from and after its ratification. [Ratified the 6th day of February, 1865.]

PUBLIC TREASURER.

AN ACT MAKING THE CHIEF CLERK IN THE TREASURY DEPARTMENT A COMMISSIONER OF AFFIDAVITS FOR CERTAIN PURPOSES.

Be 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 administering oaths to sheriffs, verifying their accounts for mileage and per diem, in comparing the polls in the elections of members of the General Assembly and members of Congress, the chief of the treasury department is hereby constituted a commissioner of affidavits. [Ratified the 1st day of February, 1865.]
Chap. 18.

AN ACT TO AMEND AN ACT ENTITLED "REVENUE."

Amends paragraph 1, section 19.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That paragraph one, section seventy-nine of the act entitled "revenue," ratified on the 23d day of December, 1864, be amended so as to read as follows, to wit: every corporation that might become incorporated by letters patent under the provisions of chapter 26th of the revised code, entitled "corporations," but shall fail to do so and apply to the General Assembly and obtain a special act of incorporation, or shall obtain an act to amend their charters whether it had been secured by letters patent under said law or by a special act, five hundred dollars for each act to incorporate or to amend, which tax shall be paid to the Treasurer of the State. [Ratified the 7th day of February, 1865.]

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Chap. 19.

AN ACT TO AMEND "AN ACT IN RELATION TO SALARIES AND FEES, RATIFIED THE 14TH DAY DECEMBER, 1863.

Amends section 2d.

Section 1. Be it further enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by authority of the same, That the second section of said act ratified the 14th day of December, 1863, be so amended that the said section shall read as follows: For the year one thousand eight hundred and sixty-five, the several State officers herein named, shall receive salaries or compensation as follows, to wit: The Governor of the State fifteen thousand dollars; a counsellor of State forty dollars per day for every day he may attend on public business, and thirty cents for every mile he may travel to and from the city of Raleigh on public business; the judges of the superior and supreme courts seven thousand dollars each in lieu of all pay and allowances heretofore given; the public treasurer
seven thousand and five hundred dollars; the chief clerk of the treasurer three thousand and five hundred dollars; the second clerk of the treasurer two thousand and five hundred dollars; the secretary of State three thousand and five hundred dollars and four times the fees of office and allowances heretofore given by law; the comptroller of public accounts three thousand dollars; the clerk of the comptroller two thousand and five hundred dollars; the private secretary of the Governor two thousand and five hundred dollars, and four times the fees now allowed by law; the attorney general five hundred dollars for his attendance on each regular term of the supreme court and one hundred dollars for each term of the superior court of any county he shall attend, and four times the fees now allowed by law; each solicitor of the State one hundred dollars for every term of the superior court of any county he shall attend and four times the fees now allowed by law; the reporter of the decisions of the supreme court one thousand and five hundred dollars; the clerk of the supreme court one thousand and five hundred dollars, and four times the fees now allowed by law; the marshal of the supreme court fifteen dollars per day while in attendance upon the supreme court; the clerks of the county, county solicitors, clerks of the superior courts of law, clerks and masters in equity, sheriffs, county surveyors, coroners, constables, registers, rangers, entry takers, processioners, standard keepers, and inspectors, four times the fees now allowed by law; Provided, That clerks and masters in equity shall be paid double the allowances now authorized by law; the State salt commissioner three thousand dollars and travelling expenses not to exceed two thousand dollars; the surgeon general the rank and pay of brigadier general in the field, with his necessary travelling expenses, whilst travelling on business pertaining to his office not to exceed two thousand dollars; each of the clerks in the adjutant general's department shall receive such pay, not exceeding fifteen hundred dollars, as the adjutant general shall determine, and one ration; the auditor of public accounts four thousand and five hundred dollars; the chief clerk of the auditor three thousand dollars; the second clerk of the auditor one thousand and five hundred dol-
lars; the superintendent of the common schools two thousand and five hundred dollars; the public librarian one thousand and five hundred dollars; the keeper of the capitol one thousand and five hundred dollars; the adjutant general the pay of a major general while serving in the field; the commissioners of the sinking fund, and their clerk fifty dollars each per day for every day they may attend on public business: Provided, however, That no thing in this act contained shall be construed to increase the rate of commissions now allowed to any of the officers aforesaid: Provided, also, That salaries and fees herein mentioned shall be due and payable in Confederate money.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]

SECRETARY OF STATE.

Chap. 20. AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO EMPLOY A CLERK.

Grants necessary authority Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the secretary of State be, and he is hereby authorized to employ a clerk. [Ratified the 1st day of February, 1865.]

SWAMP LANDS.

Chap. 21. AN ACT TO PROVIDE MORE EFFECTUALLY FOR RECLAIMING SWAMP LANDS.

Preamble. Whereas, A large portion of the lands lying on rivers, creeks, branches and in pocosins, are useless in their present condition for agricultural purposes, and productive of disease; and, whereas, draining said lands would greatly enhance their value, and be a public benefit and advantage in the production of grain, and promote the best interest of
the owners; and, whereas, it is impracticable even when the public good demands it, to obtain the consent of all or some of said owners to join in and contribute with their labor to an enterprise so well calculated to promote the public as well as private interest.

Section 1. Therefore, the General Assembly of North Carolina do enact, That whenever a majority of the owners of such lands join in a petition to the courts of pleas and quarter sessions of the county where the lands lie, or where the said lands lie in different counties to the superior courts of law or courts of equity of either of said counties, notifying the other owners thereof, and setting forth the lands they desire should be reclaimed and all the material facts in relation thereto, it shall be the duty of the court when the petition may be filed, to hear the parties, to appoint five disinterested freeholders commissioners, who or majority of whom being first duly sworn by the sheriff to whom the writ is directed, shall proceed to examine the lands sought to be drained, and lay off the canal or ditch necessary to drain said lands to the best advantage and with the least possible damage, detriment and inconvenience to the owners of said lands, and assess whatever damage any of the parties interested may sustain by reason of the canal or ditch to be cut for reclaiming the lands of the said parties, and the labor which each of the parties concerned shall contribute towards the undertaking; and report their proceedings to the next court after their appointment.

Sec. 2. Be it further enacted, That the court shall hear the parties as to the report of said commissioners and confirm or reject the same as may appear just.

Sec. 3. Be it further enacted, That if said report be confirmed, that the court shall appoint an overseer or superintendent of the work, whose duty it shall be to notify the parties and require them to perform their respective portions of the labor according to the report of the commissioners aforesaid, and in case of the failure of any of said parties to perform the same, the said superintendent may call upon any one or more of the other parties interested, to perform the labor of said defaulter, and the court shall adjudge the value of said labor in favor of the party or par-
ties performing it; after due notice to the defaulter; and in case said defaulter refuse to pay the value of said labor, that the petitioners and such of the defaulters as agree there-to in such proposition and amounts as the court shall adjudge, shall pay the same.

Sec. 4. Be it further enacted, That in cases where the run of the river or creek is the dividing line between parties, and the commissioners aforesaid for the more effectual and advantageous draining the lands thereon, lay off the canal or ditch so as to straighten the run, and put the land of either of the parties on a different side of the canal from the old and former run, the old run shall still be regarded as the line, and the owner shall have the right and privilege of erecting bridges and foot ways across the canal or ditch so changed from the old run, at the expense of the parties to the petition; the amount to be ascertained by the court in an action on the case or by a reference to commissioners.

Costs.

Sec. 5. Be it further enacted, That the costs in the aforesaid petition cases shall be paid by the petitioners.

Sec. 6. Be it further enacted, That the commissioners in estimating the damages, shall take into consideration the benefits that will accrue to the owners of the lands drained. [Ratified the 7th day of February, 1865.]

TOWNS.

Chap. 22. AN ACT TO INCREASE THE POWERS OF THE COMMISSIONERS OF GREENSBOROUGH.

Authorizes the commissioners to levy and collect certain taxes.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the commissioners of the town of Greensborough to levy and collect such tax as they may deem just and necessary for the improvement and good government of the town aforesaid, on all such persons, property, rights, franchises, and other articles, or subjects of taxation, as the Legislature of the State may have taxed at the session last preceding the day, upon which the commissioners, aforesaid, shall levy the tax for the
use and benefit of the town aforesaid: Provided, nevertheless, That nothing herein shall be so construed as to give to the commissioners aforesaid the right to levy or collect a tax from any person, property, right, franchise, or other articles or subject of taxation from which the Legislature has prohibited the county courts of the State from taxing for county purposes.

Sec. 2. Be it further enacted, That the commissioners aforesaid shall have power and authority to widen, extend, and otherwise improve the streets of the town, and to condemn or purchase such property as they may deem necessary for these and other purposes of improvement and public convenience; the damages in all such cases to be ascertained by a jury to be empanelled, in the the usual way, upon the premises.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 6th day of February, 1865.]

AN ACT IN REFERENCE TO THE TOWN OF KINSTON.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That immediately after the ratification of this act, the mayor and commissioners of the town of Kinston be authorized to employ for the police and better government of said town, an additional policeman; to prescribe his duties and the term of his qualification, and also to provide such compensation out of the funds of the corporation as they may hold to be proper: Provided, That this act shall not be so construed as to exempt any person now liable to service in the armies of the Confederate States under existing laws. [Ratified the 7th day of February, 1865.]
AN ACT TO LEGALIZE THE ELECTION OF THE INTENDANT AND THREE COMMISSIONERS OF THE TOWN OF MONROE, IN THE COUNTY OF UNION.

Preamble.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That, whereas, by an act of the General Assembly, the town of Monroe was incorporated and the power was granted to elect an intendant and three commissioners by the legal voters, residing within the corporated limits of said town between the first and tenth day of January, in each and every year; and, whereas, an election was held on the 14th day of January, 1865, instead of between the first and the tenth of said month, electing one intendant and three commissioners: Therefore, be it enacted, That said election so held on the 14th day of January, 1865, be, and is hereby declared to be legal and valid as if the same had been held between the first and tenth day of January in each and every year.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.]

AN ACT TO AMEND THE LAWS—REGULATING THE APPOINTMENT OF FLOUR INSPECTORS FOR THE TOWN OF FAYETTEVILLE, AND FEES TO BE CHARGED FOR THE SAME.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in addition to the inspectors authorized by the law to be appointed by the justices of the court of pleas and quarter sessions of Cumberland county, that the mayor and commissioners of the town of Fayetteville shall have power to appoint not more than three flour inspectors in said town; and that the inspectors of flour thus appointed shall take the oath before some justice of the peace, prescribed by law for his qualification, and shall have power to inspect flour, and brand the casks containing
the same, under the same rules, regulations and restrictions as are precribed by law for the inspection of flour in this State.

Sec. 2. Be it further enacted, That the inspectors thus appointed shall give bond in such sum as the mayor and commissioners may deem sufficient to secure all the parties interested from all loss or damage, for the safe keeping and delivery of all flour entrusted to his hands; to keep a faithful and correct account of the flour inspected by him, and faithfully to account for and pay over to the said mayor and commissioners all such fees and warehouse charges, for storage and inspection as may be received by him or any other person for him, as well as to deliver to the owners all the flour according to the manifests or tickets issued by said inspector, in quality and quantity as received; in all things truly and faithfully to discharge the duties of his office, which bond shall be made payable to the "mayor and commissioners of the town of Fayetteville." and every person injured, may institute a suit or suits against said inspector and his sureties upon said bond for the faithful performance of the duties of his office in the name of the mayor and commissioners to whom the bonds are made payable without any assignment thereof; and no such bond shall become void upon the first recovery, or if judgment shall be given for the defendant, but may be put in suit and prosecuted from time to time, until the whole penalties shall be recovered—and any justice of the peace may give judgment upon said bond for any sum within the jurisdiction of a justice of the peace with costs.

Sec. 3. Be it further enacted, That the mayor and commissioners of the town of Fayetteville may regulate the fees to be charged from time to time, according to the value of the flour and the condition of the currency, as well as the length of time it may be kept in store. The price of inspection not to exceed one per cent. on the market value of the flour at the time of inspection.

Sec. 4. Be it further enacted, That the flour shall be inspected at the depot when so required by the owner: Provided, That the inspector shall not be responsible for flour when inspected at the depot.
SEC. 5. Be it further enacted, That this act shall be in force from and after the passage thereof. [Ratified the 1st day of February, 1865.]

Chap. 26. AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALISBURY.

Tax upon retail licenses.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the charter of the town of Salisbury be so amended as to allow the commissioners of said town to lay a tax of any sum, not exceeding five hundred dollars, upon retail license granted to persons within the corporate limits of said town.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]

Chap. 27. AN ACT CONCERNING THE TOWN OF FAYETTEVILLE.

Preamble.

Whereas, It is deemed expedient for the better preservation of order, the protection of property, the arrest of spies and emissaries of the enemy, and for other purposes, that the whole male population of the town of Fayetteville be organized into a special armed police: Therefore,

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, the mayor of the town of Fayetteville be authorized and empowered to enroll all able bodied male citizens of said town, not subject to military duty in the field, into an organization for the purpose of preserving order, protecting property, arresting spies and emissaries of the enemy, and generally to do patrol duty; and the said mayor shall have power to receive as volunteers in said organization, any person living beyond the corporate limits of said town; and the person so enrolled, shall be subject to such rules, regulations and ordinances as may be adopted for the gov-
AN ACT TO EXTEND THE TIME FOR PERFECTING TITLES TO LANDS HERETOFORE ENTERED.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all persons who have made entries of vacant lands, according to law since the first day of January, A. D. 1852, and have paid the purchase money to the State for the same, shall have until the first day of January, A. D., 1867, to perfect their titles to the same by grant.

Sec. 2. Be it further enacted, That all persons who have made entries of vacant lands since the first day of January, A. D., 1860, and have not paid the purchase money into the State treasury, shall have until the first day of January, A. D., 1867, to perfect their titles to the said lands: Provided, That nothing in this act contained, shall be so construed as to effect the titles of persons, who may have obtained grants for said lands or the rights of junior entries or to extend to swamp lands in the eastern part of the State.
SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]

AN ACT FOR THE BENEFIT OF PERSONS WHO HAVE ENTERED VACANT LANDS.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the provisions of an act entitled, "an act for the benefit of persons, who have entered vacant lands," passed by the General Assembly, and ratified on the 3d day of February, 1863, be extended and continued in force for two years from and after the 3d day of February, 1865.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]

AN ACT TO RE-ARRANGE THE PUBLIC OFFICES IN THE CAPITOL.

SECTION 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the room in the capitol building now occupied by the comptroller, be, and the same is hereby appropriated to the exclusive use of the public treasurer for the benefit of his department; and the room in the third story, now containing a cabinet of geological and other specimens, be, and the same is hereby appropriated to the exclusive use of the comptroller of public accounts, for the benefit of his department.

SEC. 2. Be it further enacted, That the cabinet of geological and other specimens, collected by the State geologist, are hereby donated to the trustees of the University of the State, for the use of that institution, and the State geologists are directed to turn over all future collections of specimens
of the geology, mineralogy, ornithology, and ichthyology made by them, to the said trustees for the purpose aforesaid.

Sec 3. Be it further enacted, That the auditor is hereby authorized to pay the necessary expenses of perfecting the changes directed by this act, fitting up the offices and removing the geological cabinet.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]

AN ACT IN FAVOR OF DISCHARGED SOLDIERS FROM CONFEDERATE STATES ARMY.

SECTION 1. Be it further 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 discharged from the service of the Confederate States army on account of physical disability, shall be exempt from home guard duty until said persons shall be examined by a State examining board.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1865.]

AN ACT CONCERNING INJUNCTIONS.

Whereas, Doubts have been expressed whether a writ of injunction is an allowed remedy against the wrongful collection of public taxes:

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the writ of injunction shall be allowed, under the usual rules in all cases, against the collection of so much of said taxes as may appear to have been illegally imposed or assessed.

Sec. 2. Be it further enacted, That the writ of injunction shall be allowed against impressments of private property.
when the price offered is alleged to be unjust. But if the officer on behalf of the government will give security to pay such price as shall be finally decreed, the property shall be delivered to him for the use of the government.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of February, 1865.]

Chap. 33. AN ACT CONCERNING THE MODE OF TAKING DEPOSITIONS IN CERTAIN CASES.

Prescribes rules under which depositions of certain persons may be taken.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That depositions of persons out of the State, and of persons within the State and confined in prison, or being within the lines of the enemy, may be taken under the following rules: The examiner shall file his interrogatories in the office of the court wherein the case is pending, or the depositions to be used, and thereof notify the adverse party, and deliver him a copy of the same, whereupon such party within the time prescribed may file cross interrogatories, and thereupon the examiner may file other interrogatories, according to the rules of re-examination in chief. And the interrogatories with a commission shall be sent to the commissioner, who shall propound them in the order in which they are set forth and take the deposition according to the present mode; unless otherwise ordered by the court or agreed on writing, signed by the parties or one at least of their counsel, and the time of notice for filing cross interrogatories shall be the same as is now allowed for personal attendance at the place of taking depositions, according to the method prescribed by the revised code, chapter 31, section 63, the place where the interrogatories allowed under this act are filed, being deemed the place where the depositions are taken. [Ratified the 1st day of February, 1865.]
RESOLUTIONS

OF A PUBLIC NATURE, PASSED BY THE

GENERAL ASSEMBLY

OF

NORTH-CAROLINA,

AT ITS

ADJOURNED SESSION OF 1865.

RESOLUTION REFERRING TO S. F. PHILLIPS, ESQ., THE MATTER PERTAINING TO THE STATE'S BLOCKADING OPERATIONS.

Resolved, That the accounts of the officers and agents of the State who have been charged with the duties alluded to in the Governor's message be referred to S. F. Phillips, and that the said S. F. Phillips be, and he is hereby authorized to appoint a clerk, to summon before him witnesses, and to send for persons and papers. His compensation shall be fixed by the next General Assembly and that of his clerk in like manner; and to the said Assembly he shall make his report. [Ratified the 1st day of February 1865.]

RESOLUTION relative to the exemption of certain state employees.

Whereas, The State of North Carolina has assumed to clothe the soldiers of the State, and for that purpose has heretofore engaged largely in importing materials from Europe and the Islands; and, whereas, the State cannot with justice to her noble sons withdraw her support from them:
Be it resolved, That it is the duty of the Governor, and he is hereby requested to claim from the Confederate government exemption for all such necessary employees and mechanics, as are now engaged in the manufacture of woolen, and cotton fabrics, for the State. [*Ratified the 1st day of February, 1865.*]

RESOLUTION AUTHORIZING THE PUBLIC TREASURER TO RECEIVE PARTIAL PAYMENTS OF TAXES DUE FROM COUNTIES WITHIN THE LINES OF THE ENEMY.

Resolved, That in cases of partial payments made, or hereafter to be made on account of taxes due the State by counties within the enemy's lines, the Public Treasurer be authorized and instructed to receive such partial payments, keeping an account with such counties of the amounts so received and entering the same to the credit of the public fund. [*Ratified the 1st day of February, 1865.*]

RESOLUTION IN FAVOR OF ABOLISHING PROVOST GUARDS.

Whereas, This General Assembly believes that there is a large number of troops in this State, with their officers assigned to duty as provost guards at various points on the railroad, annoying our people, creating useless expense, and withholding men who could perform service in the field;

Therefore,

Resolved, That our Senator and Representatives in Congress be requested to use their influence to have the system of provost guards abolished in North-Carolina. [*Ratified the 1st day of February, 1865.*]

A RESOLUTION TO AUTHORIZE THE GOVERNOR TO SEND STATE SUPPLIES TO WILMINGTON FOR THE SUPPORT OF CITIZENS.

Resolved, That the Governor be authorized to send to the city of Wilmington and town of Smithville ten thou-
sand pounds of bacon, one thousand bushels of corn, and three hundred sacks of flour, from the State military supplies on hand, to be distributed among the needy citizens under such rules and regulations as he may direct, and that he be authorized to make such contract with the city authorities or citizens, as may be necessary to secure the return of said supplies to the State. [Ratified the 1st day of February, 1865.]

Resolution in favor of privates, non-commissioned officers and officers of the line.

Resolved, That our Senators and Representatives in Congress be, and they are hereby requested to use their efforts to so amend existing laws, as to allow transportation to privates, non-commissioned officers, and officers of the line on furloughs of indulgence. [Ratified the 1st day of February, 1865.]

A resolution to retain millers and artisans at home to serve the public.

Whereas, That according to previous laws and regulations made by the Confederate government at Richmond, there was an advisory board appointed in each and every county in this state, whose duty it was to decide in all cases who in their judgment should be detailed to stay at home in their vocitions and attend the same for the public good, which duty was done by said board; and, whereas, the Confederate authorities have lately revoked all details made by said board and taken in the service all persons so detailed, in consequence of which our mills and mechanic shops of all kinds are now or likely to be closed: Therefore, Be it resolved by the Legislature of North-Carolina, That His Excellency, the Governor, be, and he is hereby requested to communicate with the proper authorities at Richmond, as early as practicable and to request the exemption from military service of such number of millers, shoemakers,
blacksmiths, or other artisans for each county in the State as the advisory board of each county, and His Excellency shall in their judgment deem indispensable. [Ratified the 1st day of February, 1865.]

RESOLUTION AUTHORIZING THE GOVERNOR TO CAUSE THE REMOVAL OF THE STATE SALT WORKS NEAR WILMINGTON TO SALTVILLE IN VIRGINIA OR TO SUCH OTHER POINT AS HE SHALL DEEM BEST.

Resolved, That His Excellency, Governor Vance, be authorized to transfer the superintendent, hands, teams, fixtures, &c., lately engaged and used in manufacturing salt on the coast near Wilmington, to the State salt works, at Saltville, in Virginia, or to such other point as he shall deem best, to be employed to the best advantage in making salt at that place.

Resolved, That the unexpended balance of the appropriations for manufacturing salt near Wilmington be transferred in like manner, to be expended if necessary under the direction of the Governor in the manufacture of salt at Saltville, Virginia, or at such other point as the Governor shall deem best, and in making such repairs as may be required in the works at that place.

Resolved, That the Governor be authorized to sell or rent any portions of the machinery to any company or individual, in the interior of the State, that may be engaged in making salt. [Ratified the 1st day of February, 1865.]

RESOLUTION IN FAVOR OF NORTH-CAROLINA PRISONERS OF WAR.

Resolved, That as an auxiliary to the measures of relief heretofore adopted in behalf of prisoners from this State, and to the end that that relief may be as prompt as possible, His Excellency, Governor Vance, be requested to effect an arrangement by which the federal government may issue blankets and clothing to the soldiers in the Confederate service, from North-Carolina, now prisoners in the
United States upon condition that blankets and clothing in like number and quantity be issued to to federal prisoners at Salisbury. [Ratified the 3d day of February, 1865.]

RESOLUTIONS AGAINST THE POLICY OF ARMING THE SLAVES.

Resolved, That the State of North-Carolina protests against the arming of slaves by the Confederate government, in any emergency that can possibly arise, but gives its consent to their being taken and used as laborers in the public service, upon just compensation being made.

Resolved, That North-Carolina denies the constitutional power of the Confederate government to impress slaves for the purpose of arming them, or preparing them to be armed in any contingency, without the consent of the States being first freely given—and then, only according to State laws.

Resolved, That His Excellency, Governor Z B. Vance, be requested to communicate a copy of these resolutions to each of our Senators and Representatives in Congress. [Ratified the 3d day of February, 1865.]

RESOLUTION IN BEHALF OF THOMAS R. FENTRESS.

Whereas, It has been made to appear to the satisfaction of this body, that the certificate issued by the Speaker of this House to S. W. Oniterbridge, member from Martin county, for seventeen hundred and seventy-six dollars ($1,776.) being the per diem and mileage due for the last session of this body, and assigned by him to Thomas R. Fentress, of the city of Raleigh, has been lost or mislaid: Therefore,

Be it resolved, That the Speaker be instructed to issue a duplicate certificate to the said Thomas R. Fentress, agent of S. W. Oniterbridge, for the sum of seventeen hundred and seventy-six dollars ($1,776,) marked upon its face duplicate, upon the execution and delivery to the clerk of this House, of a bond with approved security, in the penal sum of three thousand dollars, payable to the State of North-
Resolved, That Samuel F. Phillips, Esq., late commissioner to investigate the Blockade operations of the State and report thereon to this Assembly, be allowed seven hundred and fifty dollars ($750) for his services, and that the further sum of six hundred dollars ($600) be allowed to Henry L. Plummer, employed to aid him in the capacity of clerk, to be paid out of any moneys in the treasury not otherwise appropriated. [Ratified the 1st day of February, 1865.]

Resolved, That the doorkeepers of the House of Commons and the Senate, be allowed one hundred and fifty dollars for the pay of servant hire during the present session. [Ratified the 6th day of February, 1865.]

Resolved, That the Public Treasurer be authorized and required to pay to the principal of the deaf, dumb, and blind institute, the sum of twenty dollars for one bound book furnished to the House of Commons. [Ratified the 6th day of February, 1865.]
RESOLUTION IN FAVOR OF JOHN POOL, DAVID M. CARTER, SAMUEL J. PERSON AND EDWARD HALL.

Resolved, That John Pool, David M. Carter, Samuel J. Person and Edward Hall, the commissioners sent by this Legislature to Richmond, be allowed their expenses, to be paid by the Public Treasurer upon their certificate. [Ratified the 6th day of February, 1865.]

RESOLUTION IN REGARD TO SLAVES AT WORK ON FORTIFICATIONS AT WILMINGTON.

Whereas, The Congress of the Confederate States having passed an act authorizing the impressment of slave labor for work on fortifications and other purposes, which renders unnecessary and inoperative a similar law of our State; and whereas, a number of negroes now at work and employed in and near the town of Wilmington having been collected, under the law of the State, and by the order of the Governor, to work for two months, and having been retained already from four or five without the consent of the owners. Therefore,

Be it resolved, That the Governor be, and he is hereby requested to take such steps as he may deem expedient to procure the immediate return of said negroes to their owners. [Ratified the 7th day of February, 1865.]

RESOLUTION REQUESTING THE APPRAISING STATE COMMISSIONERS IN CASES OF APPEAL TO ALLOW MARKET VALUE FOR ARTICLES IMPRESSED.

Whereas, The present impressment laws of Congress approved March 26th, 1863, and February 10th, 1864, have been so executed by many impressing agents as to do great injustice and give dissatisfaction; and whereas, said laws contemplate that the value of all articles of subsistence or other property, impressed for the use of the army and navy, should be first fixed and certified to by local appraisers,
when the impressing agent and the owner cannot agree as to price; and then if said price be not considered fair and just by said agent, it is made his duty to endorse his reasons for disapproval on the certificate, appeal from said decision and report the case to the appraising State commissioners when judgment shall be final; and whereas, whenever an appeal is thus taken, it is made the duty of saidcommissioners, under oath and within three months from the time of impressment to allow "a just compensation for the property so impressed at the time and place of impressment;" and for this purpose they are empowered to summon and examine witnesses; and whereas, we believe that the best criterion whereby just compensation is ascertained is to be found in the market price of an article:

Resolved, therefore, That in all cases of appeal under existing impressment laws, it is the opinion of this Legislature that the State commissioners shall allow the market price for articles at the time and place of impressment, in order that said laws be executed in letter and spirit. [Ratified the 1st day of February, 1865.]

RESOLUTION IN FAVOR OF MESSRS. CALVERT AND ROGERS, CONTESTANTS FROM NORTHAMPTON COUNTY.

Resolved, That the Public Treasurer be, and he is hereby authorized to pay to Messrs. Rogers and Calvert, the claimants of a seat in the House of Commons, the same mileage and per diem, and under the same rules and regulations as the members of this House are paid. [Ratified the 6th day of February, 1865.]

RESOLUTION IN FAVOR OF PRINCIPAL CLERKS OF THE TWO HOUSES.

Resolved, That the principal clerks of the Senate and House of Commons be allowed four hundred dollars each for the copying of the journals. [Ratified the 6th day of February, 1865.]
RESOLUTION CONCERNING MILEAGE OF MEMBERS OF THE GENERAL ASSEMBLY.

Resolved, That the members of this General Assembly be allowed mileage to and from their respective homes during the late recess. [Ratified the 6th day of February, 1865.]

RESOLUTION IN FAVOR OF THE COMMISSIONERS OF THE SINKING FUND, AND THE SECRETARY OF THE BOARD.

Resolved, That the Public Treasurer pay to the commissioners of the sinking fund, and the secretary of the board, the same pay per diem, for their service in the years 1862, 1863 and 1864, as the members of the General Assembly received at the times such service were rendered. [Ratified the 1st day of February, 1865.]

RESOLUTION IN FAVOR OF THE CLERKS AND DOORKEEPERS.

Resolved, That the clerks and doorkeepers of this General Assembly be allowed mileage to and from their respective homes, during the late recess. [Ratified the 6th day of February, 1865.]

RESOLUTIONS IN REFERENCE TO THE ARREST AND CONFINEMENT OF HENRY P. RITTER.

Whereas, It has been represented to this General Assembly that on the 5th day of December, 1864, Dr. H. P. Ritter, a citizen of the county of Chowan, was arrested at Weldon by Col. Parham, provost marshal, and detained and sent to Richmond by Col. P. C. Galliard, and there imprisoned until returned on demand of the Governor of this State; and whereas, the grounds upon which said arrest is said to have been made were of so feeble and unsatisfactory a nature, as to raise a reasonable apprehension in the minds of all good citizens, that the same outrage may be
Inquiry shall be instituted.

Expenses of investigation.

perpetrated upon every one passing Weldon; and whereas, the harsh and cruel treatment of said Henry P. Ritter, by the authorities at Weldon as represented to this General Assembly can be viewed only as a base and inhuman use of power to oppress and torture under the pretense of confining suspected parties. Therefore,

Resolved, That the Governor is hereby requested to institute an immediate and searching inquiry into the circumstances of said arrest and detention of the said Henry P. Ritter, and should it appear that said arrest was based on insufficient grounds, or that his treatment after his arrest was unusually harsh or severe, he shall demand of the Confederate government the immediate arrest and trial of the said Cols. Parham and P. C. Galliard, and all other officers at said post, voluntarily concerned in any part of said transaction that was contrary to law and right, or unnecessarily offensive or cruel in its execution.

Resolved, That the expenses attending this investigation be paid by the State, and that the Governor is hereby authorized to draw by warrant from the public treasury such sums as may be necessary for the same. [Ratified the 6th day of February, 1865.]

RESOLUTION INSTRUCTING A JOINT SELECT COMMITTEE OF TWO ON THE PART OF THE SENATE AND THREE OF THE HOUSE IN REGARD TO RAILROADS.

Resolved, That a joint select committee of two from the Senate and three from the House be instructed to inquire if any of the railroad companies, in North-Carolina, have violated and forfeited their charters, and in what manner they have so violated and forfeited them, whether by raising their freights above their chartered privileges, by refusing to receive and transport freight, by charging unlawful and unusual prices for freight, by transporting freight for some parties in preference to others, by conveying some passengers over their roads and refusing others, by absolutely refusing to convey freights, by contracting with express companies, in preference to private citizens, by dividing profits
with express companies, by fraud, by conception, by bribery, by certificates to keep men out of the army, by keeping more men out of the army than the roads need, by entering into contracts with men to keep them out of the army for consideration and profit, by being paid directly or indirectly to keep men out of the army, by neglecting and refusing to provide suitable and comfortable accommodations for their passengers, for detention of goods, for neglect of duty, for extortion and an intent to evade the law, and for every other manner in which they have violated their chartered rights.

Resolved, That said committee have power to send for persons and papers, to compel the attendance of stockholders, directors and all officers and employees of said roads, to compel the attendance of witnesses, to swear witnesses and examine parties under oath.

Resolved, That said committee have power to regulate and fix their own times and places of meeting and adjournment during the present session, in vacation, or during any subsequent session, and that when their investigation shall have been completed, they report to the General Assembly if in session, and if not in session to the Governor, and that said committee receive the per diem and mileage of members of this General Assembly. [Ratified the 6th day of February, 1865.]

Resolutions relating to the suspensions of the privilege of the writ of habeas corpus.

Resolved, That the privileges of the writ of habeas corpus extends no further than securing to the party under arrest the right to be carried before a civil tribunal, to have inquiry into his claim to be discharged or admitted to bail; and that the clause in the Confederate Constitution which authorizes the suspension of the privilege of the writ, applies only to cases of persons, who may stand committed for criminal or supposed criminal offences, and that to extend it beyond this in the execution of a conscript law, so as to deny the right to enquire through the judiciary whether the per-
son arrested is liable or not to military service, is a palpable violation of the constitution, utterly destroys the power of the States to preserve their separate organization and sovereignty and reduces them to absolute dependence on the mere courtesy of the Confederate government for their simple existence.

Resolved, That the provisions in the constitution of the Confederate States, that no person shall "be deprived of life, liberty or property, without due process of law," was meant to deny to the Confederate government all power to make any arrests except upon warrant from a civil tribunal, and that any arrests otherwise made or authorized by Congress, or trials except by due course of law, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, "are unconstitutional and subversive of every principle of civil liberty, and that North Carolina could not see a violation of this fundamental and reserved right, in regard to her citizens, without the deepest concern.

Resolved, That Congress has no constitutional power to impair the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, by authorizing arrests otherwise than under warrants returnable before the regularly established, constitutional tribunal of the country, "except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger."

Resolved, That until Congress shall see fit to organize a supreme court, as is required by the constitution, any suspension of the privilege of the writ of habeas corpus must naturally and necessarily operate to deprive the citizen of his constitutional rights; and this General Assembly doth therefore protest against any legislation upon the subject whatever.

Resolved, That our Senators and Representatives in Congress be requested to protest, at all times, against every infringement of the foregoing principles of civil rights and constitutional liberty. [Ratified the 6th day of February, 1865.]
RESOLUTION IN FAVOR OF SENIOR AND JUNIOR RESERVES.

Resolved by the General Assembly of North-Carolina, That His Excellency, Gov. Vance, be, and he is hereby requested to correspond with the Confederate authorities and use every effort possible to procure from them suitable and comfortable accommodations, especially surgeons, medicines, ambulances, and baggage wagons for our junior and senior reserves, now said to be in a suffering condition. [Ratified the 6th day of February, 1865.]

RESOLUTION IN FAVOR OF DRURY KING.

Resolved, That the Public Treasurer be authorized to pay Drury King the same per diem as the doorkeeper is entitled to receive, for thirteen days' services in the absence of the principal doorkeeper. [Ratified the 7th day of February, 1865.]

RESOLUTION IN FAVOR OF THE PRINCIPAL CLERKS OF THE TWO HOUSES.

Resolved, That the principal clerks of the Senate and House of Commons, be allowed three hundred dollars each for copying the journal of the present session. [Ratified the 7th day of February, 1865.]

RESOLUTION AUTHORIZING THE GOVERNOR TO CONTRACT FOR A SUPPLY OF SALT WITH STEWART, BUCHANAN & CO., FOR THE YEAR 1865.

Resolved, That the Governor be authorized to contract with Stewart, Buchanan & Co., for a supply of salt for the year 1865, if in his judgment, the salt works will not produce enough for the consumption of the people. [Ratified the 6th day of February, 1865.]
RESOLUTION ON THE SUBJECT OF PEACE AND A PREPARATION FOR WAR.

Preamble.

Whereas, We have heard with the greatest pleasure and heartfelt satisfaction that negotiations for peace have been inaugurated by the government at Richmond and Washington, yet mindful of the maxim that in time of war, while "we hold the olive branch in one hand we should hold the sword in the other;" Therefore,

Resolved, That until the issue of these negotiations is known, North Carolina will not abate one jot or title of her determination and zeal, for a vigorous prosecution of the war to an honorable peace. [Ratified the 6th day of February, 1865.]

STATE OF NORTH-CAROLINA,
Office of Secretary of State, November 20th, 1865.

I, Robt. W. Best, Secretary of State in and for the State of North-Carolina, do hereby certify that the foregoing are true copies of the original Acts and Resolutions on file in this office. Given under my hand, this 20th day of November, 1865.

ROBT. W. BEST,
Secretary of State.
PRIVATE LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT ITS

ADJOURNED SESSION OF 1865.

By order of the State Convention.

RALEIGH:
CANNON & HOLDEN, PRINTERS TO THE CONVENTION.

1865.
PRIVATE LAWS,
OF
NORTH-CAROLINA,
PASSED AT ITS
ADJOURNED SESSION OF 1865.

ACADEMIES.

AN ACT TO ENLARGE THE CHARTERED PRIVILEGES OF THE
TRUSTEES OF THE YADKIN COLLEGE, IN THE COUNTY OF
DAVIDSON.

Chap. 1.

Section 1. Be it enacted by the General Assembly of the
State of North-Carolina, and it is hereby enacted by the au-
uthority of the same, That immediately after the ratification
of this act, the Trustees of Yadkin College be and they are
hereby empowered to add a military department to the
course of instruction now pursued in the said college.

Sec. 2. Be it further enacted, That the Governor be
empowered to grant a commission to the president or super-
intendent of the aforesaid military and classical institution:
Provided, The rank so conferred shall be no higher than
that of colonel, and that the Governor be empowered to
grant commissions to such other officers of the said institu-
tion as may be recommended by the superintendent: Pro-
vided, The rank so conferred shall be no higher than that of
major; and only such officers shall be recommended by the
superintendent as are essential to the efficiency of said
institutions.
Sec. 3. Be it further enacted, That officers commissioned as herein provided, shall take rank according to date of commission with officers in the line of the North-Carolina militia. [Ratified the 7th day of February, 1865.]

Chap. 2.

AN ACT TO BE ENTITLED AN ACT TO INCORPORATE "THE TRUSTEES OF THE HILL ORPHAN FUND."

Preamble.

WHEREAS, Frederick J. Hill, late of the city of Wilmington, and now deceased, did, by his last will and testament, amongst other things, devise, bequeath and direct as follows: "I give, devise and bequeath unto Bishop Thomas Atkinson, Bishop of North-Carolina, and to his heirs and assigns my house and lot in the town of Wilmington, North-Carolina, my present residence, together with the tract of twenty acres, purchased of James S. Green, hereinbefore described in the bequest to my wife, from and after the death of my wife, and from and after the term of her natural life, in trust and for the use and benefit of the poor orphans of the State of North-Carolina; and the said Bishop and his successors to have the right to select such orphans as shall receive benefit under the trust and bequest, and he shall direct and control said trust in the best way for the support of said orphans and the promotion of their morals and education, as [for] them may seem best; and I do also give, devise and bequeath unto the said Bishop Thomas Atkinson, and to his executors and administrators, for the same trust and purposes, as above set forth, the sum of ten thousand dollars, to be paid to him or his successors to this trust by my executors from and after the death of my wife aforesaid, and not till then; and no right or interest is to accrue to the same for and during the term of her natural life, but to be paid from and after the termination thereof, and not till then," as will appear by reference to said will now of record in the court of pleas and quarter session of New Hanover county; and, whereas, the wife of said Frederick J. Hill, being now dead, the said Thomas Atkinson, Bishop of North-Carolina, hath applied to this General Assembly for an act to be passed conferring on him and his
successors in office, corporate power and succession in order to carry into effect the design of said testator; now, therefore,

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said Thomas Atkinson, Bishop of North-Carolina, and his successors in office, shall and are hereby declared to be a body corporate and politic, by the name of “the Trustee of the Hill Orphan Fund,” and shall be able and capable in law to receive and hold the property and effects devised and bequeathed by the said Frederick J. Hill, in and by his said will, and to use and apply the same to and for the purposes (and none others) specified in the said will, and also to receive donations of lands or personal estates, either by deed or will, for the purposes aforesaid, (and none other,) and to have succession to sue and be sued, and to have the other powers incident to corporations, in regard to the charity created by the said will and for no other purposes.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.]

BRIDGES.

AN ACT TO BE ENTITLED AN ACT TO INCORPORATE THE BIG FALLS TOLL BRIDGE COMPANY.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Wm. J. Murray, Bennett Hazell, their associates, successors and assigns be, and they are hereby created and constituted a body politic and corporate for the space of thirty years, by the name and style of “the Big Falls Toll Bridge Company,” and as such shall have succession, and may sue and be sued, plead and be impleaded in any court of law and equity; shall have power to make all such by-laws and regulations not inconsistent with the laws and constitution of this State as may
be deemed necessary for the government of said company, which shall be binding thereon, and shall have, exercise and enjoy all the privileges of a body corporate.

Sec. 2. Be it further enacted, That the said company is hereby authorized to construct a Toll Bridge across Haw river, into the county of Alamance, at Murray & Brothers Cotton Factory, at or near the place formerly occupied by the county bridge.

Sec. 3. Be it further enacted, That said company have power and authority to fix the rates of tolls for crossing said bridge; Provided, That the toll shall not exceed twelve and a half per cent. per annum on the capital stock of the said corporation.

Sec. 4. Be it further enacted, That after the organization of said corporation, it shall not be lawful to build, construct or open any other bridge, ferry or ford within two miles of said bridge for public use. [Ratified the 7th day of February, 1865.

Chap. 4. AN ACT TO FACILITATE THE BUILDING OF BRIDGES WHICH HAVE BEEN WASHED AWAY IN THE COUNTIES OF ALAMANCE AND GRANVILLE.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any person who may contribute any labor or material for the building of any bridge in the counties of Alamance and Granville, before the first day of May, 1865, which the county courts of said counties may order to be built, shall be allowed the cash valuation of such contribution in the payment of the county taxes due from him for the year 1865, and should the value of such contributions exceed the amount of county taxes against such person, the excess thereof shall be paid to such person by the sheriff of the county, and the cash value of such labor or materials shall be assessed and ascertained by the commissioners appointed by the county court to superintend the building of any bridge, to which the labor or materials
may have been contributed, or by such other person as the court may appoint to make such assessment.

Sec. 2. Be it further enacted, That the certificate of the commissioners or such person as may have been appointed by the court to assess the cash value of any labor or materials furnished for the building of any bridge as aforesaid, and which have been paid off by the sheriff, shall be allowed him as vouchers in the settlement of the county taxes with the finance committee.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.]

AN ACT ENTITLED AN ACT TO INCORPORATE THE HAW RIVER TOLL BRIDGE COMPANY.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Thomas M. Holt, R. T. Nutt, G. W. Swepson, Abel Grifflis and John Trollinger, their associates, their successors and assigns be and they are hereby created and constituted a body politic and corporate for the space of thirty years, by the name and style of the Haw River Toll Bridge Company, and as such shall have succession, and may sue and be sued, plead and be impleaded in any court of law and equity; shall have power to make all such by-laws and regulations not inconsistent with the laws and constitution of this State as may be deemed necessary for the government of said company, which shall be binding thereon, and shall have, exercise and enjoy all the privileges of a body corporate.

Sec. 2. Be it further enacted, That the said company is hereby authorized to construct a Toll Bridge across Haw river, in the county of Alamance, at Haw river depot, on the North-Carolina Railroad, at or near the place formerly occupied by the county bridge.

Sec. 3. Be it further enacted, That said corporation shall have power and authority to fix the rate of tolls for crossing said bridge; Provided, Said tolls shall not exceed
twelve-and-a-half per cent. per annum on the capital stock of said corporation.

SEC. 4. Be it further enacted, That after the organization of said corporation it shall not be lawful to build, construct or open any other bridge, ferry or ford within two miles of said bridge for public use. [Ratified the 7th day of February, 1865.]

EXPRESS COMPANIES.

Chap. 6.

AN ACT TO AMEND THE CHARTER OF THE NORTH-CAROLINA EXPRESS COMPANY.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by authority of the same, That the North-Carolina Express Company shall hereafter have the name and style of the "People's Express Company." [Ratified the 6th day of February, 1865.]

IMPORTING AND EXPORTING COMPANIES.

Chap. 7.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CAPE FEAR IMPORTING AND EXPORTING COMPANY."

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the proviso in the first section of an act entitled "an act to incorporate the Cape Fear Importing and Exporting Company," ratified on the twenty-eighth day of May, 1864, 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 1st day of February, 1865.]
MINING AND MANUFACTURING COMPANIES.

AN ACT TO AUTHORIZE AN INCREASE OF THE CAPITAL OF THE Monatock Mining and Manufacturing Company.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be competent to the stockholders of the Monatock Mining and Manufacturing Company, in meeting assembled, to increase the capital of the said company, so that the maximum amount thereof shall not exceed five hundred thousand dollars.

Section 2. Be it further enacted, That the said increase may be effected by the sale of shares of stock in the said company, or by the levying additional quotas on the stockholders now constituting the company, as may be ordered by the stockholders in meeting assembled.

Section 3. Be it further enacted, That this act shall be in force from and after the passage thereof. [Ratified the 7th day of February, 1865.]

AN ACT TO AMEND THE CHARTER OF THE DRAKEVILLE IRON COMPANY IN THE COUNTY OF CHATHAM.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Drakeville Iron Company, in the county of Chatham, shall have the power and authority to increase the capital stock of said company to the sum of one hundred and eighty thousand dollars.

Section 2. Be it further enacted, That the said company shall have power and authority to grind grain and sorghum.

Section 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.]

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AN ACT TO BE ENTITLED "AN ACT TO INCORPORATE THE DEEP RIVER WOOLEN MILLS.

Chap. 10.

Body politic. Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That J. B. Mendenhall, Cyrus P. Mendenhall, D. A. McRae, S. G. Coffin, A. E. Stanley, their associates, successors and assigns, be and the same are hereby created a body politic and corporate, by the name and style of the Deep River Woollen Mills, and as such [shall] have succession, and may have and use a common seal, and change the same at pleasure, sue and be sued, plead and be imploved in any court of law or equity, have power to make all such by-laws and regulations not inconsistent with the constitution and laws of this State, or of the Confederate States of America, as may be deemed necessary for the government of said company, which shall be binding therein, and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary to carry out the purposes for which said company be organized, viz: the manufacture of woollen goods of various kinds and descriptions.

Powers. Sec 2. Be it further enacted, That the capital stock of the company shall not exceed one million of dollars, divided into shares of five hundred dollars each.

Capital stock. Sec 3. Be it further enacted, That the affairs of the company shall be managed and controlled by such officers, directors, as may be agreed upon by the company at their first meeting, each share being entitled to one vote; the officers to be elected by ballot annually, but to remain in office until others may be appointed.

Affairs of the corporation Sec 4. Be it further enacted, That the said company shall have power to purchase, lease or otherwise procure all property and estate, both real and personal, which may be necessary and proper to carry out the purpose of said corporation, and that this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.]
PLANK ROADS.

AN ACT TO AMEND THE CHARTER OF THE PITTSBOROUGH AND HAYWOOD PLANK ROAD COMPANY.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Pittsboro' and Haywood Plankroad Company may have the terminus of said road on Deep river, at Haywood, Locksville or Gorgas, as said company may choose.

Sec. 2. Be it further enacted, That said company may construct a tram or turnpike road if deemed advisable.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of February, 1865.]

PUBLISHING COMPANIES.

AN ACT TO INCORPORATE THE CONSERVATIVE PUBLISHING COMPANY.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That M. S. Robins, John B. Neathery, their associates, successors and assigns, are hereby created a body politic and corporate, by the name of the Conservative Publishing Company, for the purpose of printing and publishing books, newspapers and other publications, and of carrying on generally the business of printers and publishers, with a capital stock of not exceeding sixty thousand dollars, to be divided into shares of one hundred dollars, and said company shall have power to purchase, hold and convey real and personal estate necessary to the legitimate prosecution of the said business, and shall have other powers incident to corporations under the general law of the State.

Sec. 2. Be it further enacted, That the business of said corporation shall be conducted, and meetings of stockholders held as may be prescribed in the by-laws of the company.
SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 6th day of February, 1865.]

RAILROAD COMPANIES.

Chap. 13. AN ACT TO AMEND THE CHARTER OF THE PIEDMONT RAILROAD COMPANY.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an ordinance of the State Convention, ratified on the 8th day of February, 1862, entitled "an ordinance to incorporate the Piedmont Railroad Company," be so amended as to authorize and empower the said company to alter the gauge of the said road by widening the same to five feet, or to such other gauge as to make it correspond with the gauge of the Richmond and Danville Railroad: Provided, That the company shall restore the present gauge within six months after the termination of the present war, or forfeit their charter.

Certified copy of this act.

Sec. 2. Be it further enacted, That His Excellency, Gov. Vance, be requested to transmit a certified copy of this act to the Secretary of War of the Confederate States, and that the same shall take effect and be in full force as soon as the Legislature of the State of Virginia shall re-enact the same. [Ratified the 7th day of February, 1865.]

TURNPIKES.

Chap. 14. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR A TURNPIKE ROAD FROM SALISBURY WEST TO THE LINE OF THE STATE OF GEORGIA."

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the 10th section of an act entitled "an act to provide for a turnpike road from Salisbury
west to the line of the State of Georgia," ratified on the 27th January, 1849, be so amended as to allow the court of pleas and quarter sessions of Haywood county, a majority of the justices being present (or such number as are authorized by law to transact public business,) to allot and assign to the Jonathan's creek and Tennessee mountain turnpike road and Western turnpike road, the number of hands liable to work upon public roads living within two miles of the town of Waynesville, in Haywood county, the court may deem necessary to keep in repair both roads.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.

MISCELLANEOUS.

AN ACT TO EXEMPT THE OFFICERS AND EMPLOYEES OF THE NORTH-CAROLINA POWDER MANUFACTURING COMPANY FROM MILITARY SERVICE ON CERTAIN CONDITIONS.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the President and such employees of the North-Carolina powder manufacturing company (not exceeding twelve white persons in number,) as the said president thereof shall certify upon oath before the court of pleas and quarter sessions of the county of Mecklenburg, to be necessary to the successful prosecution of their business, shall be exempt from military duty to the State government.

SEC. 2. Be it further enacted, That whilst claiming the privileges of the foregoing section, if any emergency shall arise which in the opinion of the Governor and council shall require the services of these powder mills, that the said company shall then and in that case, at a reasonable per cent., upon the cost of manufacture, make into powder for the use of the State, such material as the Governor shall furnish for said purpose.
SEC. 3. Be it further enacted, That so long as the aforesaid North-Carolina powder manufacturing company shall claim and enjoy the benefit of this act, that the president of said company shall turn over at the end of every three months to the public treasurer of the State, the one fourth of the nett quarterly income derived from the sale of powder hereafter manufactured by this company, to be appropriated for the benefit of the destitute families of North-Carolina soldiers.

SEC. 4. Be it further enacted, That the Governor be requested to ask the detail from the Confederate government of the employees mentioned in the first section of this act for the purpose aforesaid.

SEC. 5. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.]

Chap. 16. AN ACT TO PUNISH PERSONS FOR PLACING OBSTRUCTIONS IN THE NORTH EAST BRANCH OF THE CAPE FEAR RIVER.

Deemed to be guilty of a misdemeanor.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any person who shall wilfully and maliciously put or place any matter or thing, in, upon, or over, the north east branch of the Cape Fear river, in the counties of Duplin and New Hanover, with the intent to obstruct, stop, hinder, or delay the free passage of fish up said rivers, shall be guilty of a misdemeanor, and on conviction thereof, in the county or superior courts, shall be fined or imprisoned, at the discretion of the court.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 6th day of February, 1865.]
AN ACT TO PREVENT OBSTRUCTIONS TO THE PASSAGE OF FISH UP NEWBEGAN CREEK IN THE COUNTY OF PASQUOTANK.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter it shall be unlawful for any person to stretch any seine, net, wire, or hedge, more than one half the distance across the channel of Newbegan creek in the county of Pasquotank, between the first day of March and the twentieth day of May; and further, that it shall be unlawful for any person to use any seine, net or wire in said creek aforesaid above the first fishing hedge in the same.

Sec. 2. Be it further enacted, That every one violating the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof in any court of record, shall be fined or imprisoned, or both, at the discretion of the court. [Ratified the 3d day of February, 1865.]

AN ACT FOR THE RELIEF OF W. B. CAMBELL, SHERIFF OF BEAUFORT COUNTY.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William B. Cambell, sheriff of the county of Beaufort, be, and he is hereby authorized to collect arrearages of taxes due for the years 1859, 1860 and 1861.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 8th day of February, 1865]

AN ACT IN RELATION TO OBSTRUCTIONS IN THE YADKIN RIVER.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be unlawful to obstruct the Yadkin river by the felling of timber or otherwise from
the mouth of Elk creek in Wilkes county, to Patterson's factory in Caldwell county; and that any person violating the provisions of this act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, in any court of law, be fined and imprisoned, at the discretion of the court.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 6th day of February, 1865.]

Chap. 20. AN ACT TO INCORPORATE THE CUMBERLAND MONUMENTAL ASSOCIATION.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Edward J. Hall, Henry L. Myron, Alfred A. McKethan, Duncan G. McRae, Archibald McLean, Jesse G. Shepherd and William B. Wright, and their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name of "Cumberland Monumental Association," for the purpose of erecting a monument in the town of Fayetteville, to the memory of the gallant dead of the county of Cumberland, who have fallen or may fall, in the present war for Southern independence.

Sec. 2. Be it further enacted, That said Association shall have power to purchase, hold, and possess, real and personal estate, in the town of Fayetteville, and to pass by-laws, to have a common seal, appoint officers, and to exercise all such rights and privileges as may be necessary, to carry out the object of the Association.

Sec 3. Be it further enacted, That this act shall be in force from and after its ratification, and continue for ninety-nine years. [Ratified the 1st day of February, 1865.]
AN ACT TO INCORPORATE MOUNT HERMAN LODGE, A. Y. M., IN THE COUNTY OF BUNCOMBE.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the masters and wardens which at present are or in the future may be, of Mount Herman Lodge, No. 118, in the town of Asheville, Buncombe county, are hereby constituted and declared to be a body corporate under the name and style of Mount Herman Lodge, and by such name shall have a common seal, may sue, and be sued, plead, and be impleaded, acquire and Transfer property, real and personal, necessary only for the transaction of the business of the corporation, and pass all such by-laws and regulations as shall not be inconsistent with the laws of the State, or the Confederate States.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 1st day of February, 1865.]

AN ACT IN FAVOR OF WILLIAM HAYMORE, SHERIFF OF SURRY COUNTY.

Be 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 Haymon, high sheriff of the county of Surry, be, and he is hereby authorized to collect arrears of taxes for the years 1862, 1863 and 1864: Provided, That this act shall not apply to the taxes of any person who shall make oath in due form of law that his, her, or their taxes have been paid. [Ratified the 7th day of February, 1865.]

AN ACT AUTHORIZING THE PUBLIC TREASURER TO RENT OUT THE BUILDINGS ON BURKE SQUARE.

Section 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Public Treasurer be, and he is
hereby authorized to rent out the buildings on Burke Square to J. M. Lovejoy, at six hundred dollars per annum, payable in currency.

Sec. 2. Be it further enacted, That all laws and clauses of laws, coming into conflict with this act, be, and they are hereby repealed. [Ratified the 1st day of February, 1865.]
RESOLUTIONS
OF A PRIVATE NATURE, PASSED BY THE
GENERAL ASSEMBLY
OF
NORTH-CAROLINA,
AT ITS
ADJOURNED SESSION OF 1865.

RESOLUTION IN FAVOR OF WILLIAM F. WASSON, HIGH SHERIFF OF
COUNTY OF IREDELL.

Resolved, That William F. Wasson, high sheriff for the county of Iredell, be, and he is hereby authorized to collect arrears of taxes for the years of 1861, 1862, 1863 and 1864:
Provided, That this resolution shall not apply to the taxes of any person who will make oath in due form of law that his, her, or their taxes have been paid. [Ratified the 6th day of February, 1865.

RESOLUTION IN FAVOR OF JAMES M. TOWLES.

It appearing to the satisfaction of the General Assembly that the Speaker’s certificate for §464, issued at spring session 1864, to Eli Spruill, member of the House of Commons, for his pay and mileage was lost or mislaid after being transferred to James M. Towles, of the city of Raleigh: Be it therefore,
Resolved, That the Speaker of the House of Commons, issue a duplicate certificate for §464, to James M. Towles, as agent for Eli Spruill, upon the said Towles executing and
Resolutions in Favor of the Old Dominion Trading Company.

Preamble.

It appearing to the satisfaction of the General Assembly that the old Dominion Trading Company of the city of Richmond, in the State of Virginia, were the owners and holders of certain bonds of this State with the dates, numbers, amounts, and times and places of payment, as follows, to wit: Three bonds dated 1st January, 1853, Nos. 286, 293, 412, each for $1,000 payable 1st January, 1863;

Also, six bonds of like amount, Nos. 806, 822, 823, 839, 840, 850, dated 1st July, 1853, payable 1st July, 1883;

Also, eight bonds of like amount, Nos. 1,001, 1,002, 1,003, 1,004, 1,005, 1,006, 1,007, 1,008, dated 1st January, 1854, and payable 1st January, 1884;

Also, one bond of like amount, No. 259, dated 1st January, 1856, and payable 1st January, 1886;

Also, two bonds of like amount, Nos. 909, 911, dated 1st July, 1857, and payable 1st July, 1887;

Also, four bonds of like amount, Nos. 290, 291, 292, 715, dated 1st January, 1860, and payable 1st January, 1890.

All of which said bonds were signed by the Governor of this State, and countersigned by the Public Treasurer thereof, were payable at the bank of the Republic, in the city of New York, at six per cent. interest per annum, with coupons for the interest, payable semi-annually, and that coupons of last date attached and due upon all the said bonds, were due on the date 1st July, 1863;

Also, one other bond, No. 364, for like amount, dated 1st July, 1858, and payable 1st July, 1888, with like interest, and payable at same place as above, and last coupons attached and due 1st July, 1863, which last named bond was
1865.—Resolutions.

Signed by the Public Treasurer and countersigned by the Comptroller of this State;

And it further appearing to the satisfaction of the General Assembly, that the said bonds were in a course of transmission by their owners to their agent, Henry W. Moncure, in Liverpool, by the hands of P. H. Butler, of Richmond, Va., by way of Nassau, and that while the said Butler was on his passage from a Southern port to Nassau on board the steamship Beauregard, the said ship was in great peril of being captured by the enemy, and that the said Butler to prevent their falling into the hands of the enemy and by the advice of the captain of the said ship, on or about the 26th June, 1863, burned and destroyed all of the said bonds so that they can in no manner be brought for payment against this State: Therefore,

Resolved, That the Public Treasurer be authorized and required to issue to the said old Dominion Trading Company, of the city of Richmond, like bonds of those herein recited, to be signed and countersigned in the same manner, and showing in the faces or by endorsements upon each of them, what particular bond it has been issued in lieu of; and the said bonds shall be signed by the present Governor, Treasurer or Comptroller, as the originals were, and shall have the unpaid coupons attached as above set forth; and the said bonds when so issued shall in all respects be as binding upon this State as were the said original bonds.

Resolved, That as a condition precedent to the issuing of said bonds, the old Dominion Trading Company is hereby required to enter into bond with security to be approved by the Public Treasurer, in the penal sum of fifty thousand dollars, payable to the State of North-Carolina, and conditioned to save the State harmless from all loss or damage which she may sustain, by reason of the said bonds not having been actually destroyed, and the same shall be deposited with the Public Treasurer for safe keeping. [Ratified the 7th day of February, 1865.]
RESOLUTION CONCERNING THE SHERIFF OF DAVIE COUNTY.

Preamble.

Whereas, In a resolution passed at the first session of the present Legislature in favor of W. A. Maroney, sheriff of Davie county, the sum of four hundred and twenty-four dollars was by mistake, allowed the said sheriff, instead of forty-four dollars: Therefore,

Resolved, That the intention in the passage of the said resolution was to pay the said W. A. Maroney, sheriff of Davie county, the sum of forty-four dollars, and that he is hereby allowed the same. [Ratified the 7th day of February, 1865.]

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

Resolved, That E. D. Davis, sheriff of Jackson county, be allowed until the first day of October next to collect arrearages of taxes due for the years 1861 and 1862: Provided, That no one shall be compelled to pay taxes for three years who will make oath that he has heretofore paid said taxes. [Ratified the 7th day of February, 1864.]

RESOLUTION IN FAVOR OF D. F. BAGLEY, SHERIFF OF PERQUIMANS COUNTY.

Resolved, That D. F. Bagley, sheriff of Perquimans county, be authorized to collect arrearages of taxes for the years 1863 and 1864. [Ratified the 6th day of February, 1865.]

A RESOLUTION IN FAVOR OF A. H. SANDERS, FORMER SHERIFF OF MONTGOMERY COUNTY.

Resolved, That A. H. Sanders, former sheriff of Montgomery county, be allowed to collect arrears of taxes for the years 1864 and 1865, and all former taxes. [Ratified the 6th day of February, 1865.]
RESOLUTION OF THANKS TO MAJOR HARVEY BINGHAM AND CAPTAIN JORDAN COOKE, AND THE MEN UNDER THEIR COMMANDS.

Resolved, That the thanks of this General Assembly are due and are hereby tendered to Major Harvey Bingham and Captain Jordan Cooke, of Watauga county, and the brave men under their commands, for their efficient services in capturing deserters, bushwhackers and other lawless men in Watauga county, and the adjacent county, and in defending the northwestern frontier from the incursions and depredations of these marauders during the past two years.

Resolved, That His Excellency, Governor Vance, be requested to communicate a copy of the foregoing resolutions to Major Bingham and Captain Cooke at his earliest convenience. [Ratified the 1st day of February, 1865.]

RESOLUTIONS IN FAVOR OF THOMAS D. WALKER.

Whereas, It appears to the Assembly that Thomas D. Walker, of New Hanover county, has overpaid to the Treasury the sum of three hundred and seventy-eight dollars in taxes, in consequence of an error in the tax list taken of said county; therefore, be it

Resolved, That the Treasurer be and he is hereby authorized to refund to the said Thomas D. Walker the said sum of three hundred and seventy-eight dollars. [Ratified the 1st day of February, 1865.]
STATE OF NORTH-CAROLINA,
Office of Secretary of State,
November 20th, 1865.

I, ROBT. W. BEST, Secretary of State in and for the State of North-Carolina, do hereby certify that the foregoing are true copies of the original Acts and Resolutions on file in this office. Given under my hand, this 20th day of November, 1865.

ROBT. W. BEST,
Secretary of State.
ACTS

AND

RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH-CAROLINA,

PASSED IN

SECRET SESSION.

RALEIGH:
CANNON & HOLDEN, PRINTERS TO THE CONVENTION.

1865.
The document is not clearly legible due to the quality of the image. It appears to be a historical or legal document, possibly related to the formation or governance of a city or state. The text is written in a formal style, typical of early America, but the specific content is not discernible from the image provided.
AN ACT TO RATIFY AND CONFIRM ON THE PART OF THE STATE OF NORTH-CAROLINA, A CONTRACT MADE BY JOHN WHITE, ESQ., SPECIAL COMMISSIONER OF THE SAID STATE, WITH MESSRS. ALEXANDER, COLLIE & CO., OF THE CITY OF MANCHESTER, IN THE KINGDOM OF GREAT BRITAIN, FOR A LOAN OF MONEY.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the contract heretofore made by John White, Esq., special commissioner of the said State with Messrs. Alexander, Collie & Co., of the city of Manchester, in the Kingdom of Great Britain, for the loan of money to the State, be, and the same is hereby ratified, confirmed and adopted in all things by the State of North-Carolina, and the Governor of the State is invested with full power and authority to execute the same.

Sec. 2. Be it further enacted, That this act shall be in operation and effect from and after its ratification. [Ratiﬁed the 6th day of July, 1863.]
AN ACT AUTHORIZING THE GOVERNOR OF THE STATE TO PURCHASE COTTON AND WOOL CARDS.

SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Governor of this State be authorized and directed to purchase for the State two hundred and fifty thousand pairs of cotton cards, and fifty thousand pairs of wool cards, through our agent in Europe, and have the same transmitted at as early a day as possible; and when so procured, it shall be the duty of the Governor, or his agents in the State, to distribute said cotton and wool cards throughout the State, in quantities according to its population, upon the payment by said counties of the prime cost of the articles, with expenses incurred in transportation and other incidental expenses, which said cards may have cost the State of North-Carolina.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 7th day of July, 1865.]
RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH-CAROLINA,
PASSED IN
SECRET SESSION.

RESOLUTION OF THANKS TO COL. CROSSAN.

Resolved, That the thanks of this General Assembly are
due, and are hereby tendered to Col. T. M. Crossan, for the
able, energetic and faithful manner, in which he has dis-
charged the duties entrusted to him, of purchasing a vessel
in Europe for the State, and transporting therein to the port
of Wilmington a cargo of clothing and other supplies for the
North-Carolina troops.

Resolved, That His Excellency, the Governor, be request-
ted to communicate a copy of these resolutions to Colonel
Crossan. [Ratified the 6th day of July, 1863.]

RESOLUTION FROM THE JOINT SELECT COMMITTEE ON THE VERBAL
MESSAGE OF THE GOVERNOR.

Resolved by the General Assembly of the State of North-
Carolina, That the sum of two millions of dollars be, and
the same is hereby appropriated to enable the Governor of
RESOLUTIONS AUTHORIZING THE GOVERNOR TO DRAW UPON THE TREAURER FOR MONEY TO PURCHASE COTTON, &C., AND IN ORDER TO COMPLY WITH THE CONTRACT MADE BY JOHN WHITE, ESQ., COMMISSIONER, AND FOR OTHER PURPOSES.

Whereas, By a contract entered into in behalf of this State, on the part of John White, Esq., our special commissioner, it is agreed that the said contract which he has made with Alexander, Collie & Co., of Manchester, England, for the loan of money be discharged in cotton, deliverable after peace at some port in the Confederate States:

Be it resolved by the General Assembly of the State of North-Carolina, That the Governor be authorized to purchase at his discretion the cotton that may be needed for the aforesaid purpose, and he is authorized fully to draw upon the treasury for such sums of money, from time to time, as may be needed to execute on the part of the State the said contract.

Resolved, That the use and disposing of the steamship purchased for the State, shall be confided to the judgment and discretion of the Governor, and in case he shall send the steamer to sea, to bring in the remaining portion of the cargo purchased by the said John White, and now at Bermuda, he is authorized hereby fully to purchase or supply such cargo for the out going of the said steamer, as may be most available to us in foreign markets, and draw upon
the Treasurer for such sums as may be needed for this purpose.

Resolved further, That the Governor be authorized to employ an agent to sell at public auction the coffee and rum, and the furniture needed in the ship, reserving so much thereof as is necessary for the hospitals, and dispose of the proceeds in the purchase of a cargo for the ship belonging to the State, if the Governor should conclude to send out another cargo, and if not to pay the nett amount into the public treasury.

Resolved, That in the opinion of this General Assembly, the cotton now owned by the State is virtually pledged to Alexander, Collie & Co., of Manchester, on account of the aforesaid loan, and should not be used or disposed of, unless in the judgment of the Governor, the same is in danger of loss, waste or damage, and whenever disposed of for this cause, the Governor is directed to make other purchases, that the supply may be kept up, and the faith of the State preserved with the utmost fidelity and strictness. [Ratified the 7th day of July, 1863.]

A RESOLUTION IN REGARD TO THE ARCHIVES, &c., OF THE STATE.

Whereas, By reason of the frequent incursions of the enemy from his garrisons in the eastern part of the State towards the interior, the public danger is increasing; and, whereas, by reason of these incursions, and the want of proper force for defence, the capitol of the State, with all the public papers and archives, money, bonds, army stores and all the effects of every kind connected with the State government may be destroyed or put in peril of loss:

Resolved, That the Governor of the State be directed to have made or procure for the use of all the civil and military departments at the seat of government such boxes as may be needed for the removal of all the aforesaid government effects, as also to remove the same at his discretion, and he is authorized to draw upon the Treasury for such
sum of money as may be needed for the execution of this purpose. [Ratified the 7th day of July, 1863.]

A RESOLUTION CONCERNING THE PURCHASE OF ARMS AND AMUNITION.

Resolved by the General Assembly of the State of North-Carolina, That the authority conferred upon the Governor by a joint resolution, passed at the present session, appropriating two millions of dollars for the purchase of clothing, &c., be extended so as to include the purchase of arms, amunition and other necessary supplies, in addition to the articles therein enumerated, and that both resolutions shall take effect from and after their ratification. [Ratified the 8th day of December, 1862.]

RESOLUTION AUTHORIZING THE GOVERNOR OF THE STATE TO UNITE WITH ALEXANDER, COLLIE AND COMPANY IN PURCHASE OF VESSELS.

Resolved, That His Excellency, the Governor, be and he is hereby authorized and empowered to unite with Messrs. Alexander Collie & Co., or Alexander Collie, in the purchase of one-fourth interest in four steamers, to be employed in importing goods from Europe, or any islands in the seas, to the port of Wilmington, and carrying out produce from the same port, on such terms as may be mutually agreed upon by the parties aforesaid; Provided, That the cost to the State of the one-fourth interest, in each of the said steamers, shall not exceed the sum of twenty-five thousand dollars, or one hundred thousand dollars in the aggregate amount; and the Governor is hereby further authorized and empowered to apply to said purchase, in his discretion, the sum of one hundred thousand dollars, out of the loan authorized by this General Assembly to be negotiated in Europe on the sales of cotton shipped thither on State account.
Resolved further, That if the said steamers shall be purchased, the Governor is fully authorized and empowered to sell the interest of the State in the same at any time, in his discretion, and pay the proceeds into the public treasury.

[Ratified the 12th day of December, 1863.]

A RESOLUTION APPOINTING FOUR COMMISSIONERS TO PROCEED TO RICHMOND.

Resolved, That a commission of four members of this General Assembly, consisting of two from the House of Commons and two from the Senate, be sent to the city of Richmond to confer with the President, and other authorities of the Confederate States, upon the condition of the Confederacy, and to gain and report to this General Assembly all possible information in regard to the same, and that this commission proceed immediately and report at the earliest practicable time.

STATE OF NORTH-CAROLINA,
Office of Secretary of State,
November 20th, 1865.

I, ROBT. W. BEST, Secretary of State in and for the State of North-Carolina, do hereby certify that the foregoing are true copies of the original Acts and Resolutions on file in this office. Given under my hand, this 20th day of November, 1865.

ROBT. W. BEST,
Secretary of State.
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**ADJOURNED SESSION, 1865.**

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