PUBLIC LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

ADJOURNED SESSION OF 1863.

RALEIGH:
W. W. HOLDEN, PRINTER TO THE STATE.
1863.
PUBLIC LAWS
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ASYLUMS.

AN ACT CONCERNING THE INSANE ASYLUM.

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 the sum of seven thousand five hundred dollars ($7,500) drawn from the public treasury over and above the appropriation for the year ending September 30th, 1863, be and the same is hereby legalized, and the public treasurer is hereby indemnified for the same.

Sec. 2. Be it further enacted, That for the purpose of furnishing proper support for the Institution for the present fiscal year ending the 30th day of September, 1864, the sum of one hundred and fifty thousand dollars ($150,000) be appropriated in addition to the sixty-two thousand five hundred ($62,500) appropriated at the first regular session of the General Assembly, making in all two hundred and twelve thousand and five hundred dollars; and that the Treasurer of the State be authorized to pay to the order of the Executive Committee, from time to time, so much of
the said sum of two hundred and twelve thousand five hundred dollars, during the years 1863-'4, as may be necessary for the support of the Institution.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 11th day of December, 1863]

Chap. 2. AN ACT CONCERNING THE NORTH-CAROLINA INSTITUTION FOR THE DEAF, DUMB AND THE BLIND.

Annual appropriation to be $35,000.

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 section first of an act passed by the General Assembly, at the session of 1862-'3, entitled an act concerning the North-Carolina Institution for the Deaf, Dumb and the Blind, and ratified December 20th, 1862, be and the same is hereby amended so that the annual appropriation for the support of the Institution of the Deaf, Dumb and the Blind shall be thirty-five thousand dollars.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the — day of December, A. D. 1863.]

BANKS.

Chap. 3. AN ACT TO AMEND AN ACT ENTITLED AN "ACT FOR THE RELIEF OF CERTAIN BANKS OF THE STATE AND THE PEOPLE."

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 for the relief of certain Banks of the State and the people," passed at the second extra session, A. D. 1861, be so amended as to strike out the words "located east of the city of Raleigh and the town of Fayetteville."

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage. [Ratified the — day of December, 1863.]
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 agent for the State for the collection of Cherokee Bonds, shall sell at no less than the State price, vacant tracts or parcels of land situated in the counties of Macon, Cherokee, or Clay, which have been surveyed by the State, and failed to sell for the State price: or such as have been surrendered to the State by purchasers or their sureties: Provided, That any one having an improvement worth ten dollars shall be entitled to a pre-emption upon said tracts for three months from the passage of this act.

Sec. 2. Be it further enacted, That the Secretary of State shall issue grants to any persons presenting the said agent's receipt, showing that the price fixed by law has been paid for any of the tracts or parcels of land above described.

Sec. 3. Be it further enacted, That all the provisions of the preceding section of this act shall apply to Jackson county, and the agent for the collecting of bonds in said county shall have all the powers of the agents for the collection of Cherokee Bonds. [Ratified the 12th day of December, 1863.]

COMPTROLLER OF PUBLIC ACCOUNTS.

AN ACT TO REPEAL THE 11TH SECTION OF CHAPTER 23, REVISED CODE, PROHIBITING THE TREASURER TO PAY DRAFTS OR WARRANTS BEFORE THE COMPTROLLER SHALL HAVE ENDORSED HIS ORDER THEREON TO PAY THE SAME.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the 11th section of chapter 23, Revised Code, entitled Comptroller, be and the same is hereby repealed. [Ratified the 12th day of December, 1863.]
AN ACT TO RESTORE THE COURTS AND FOR OTHER PURPOSES.

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 there shall hereafter be two terms of the superior courts of law and equity for each county in the State, to be held at the times prescribed in chapter thirty-one, sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen of the Revised Code, and by an act entitled "An Act to establish the eighth Judicial Circuit, and for other purposes, ratified the 12th day of December, 1862."

Section 2. Be it further enacted, That said superior courts of law shall have jurisdiction to try and determine all actions of tort, under the rules and regulations which existed prior to the passage of an act entitled "An Act to change the jurisdiction of the Courts, and the rules of pleading therein," ratified the 11th day of September, 1861, and all process hereafter to be issued in such actions, and in all criminal proceedings, shall be made returnable in like manner and under the same penalties as were prescribed prior to the passage of said act: Provided, That no suits in debt, assumpsit or account, shall be tried before said courts by virtue of any jurisdiction conferred by this act.

Section 3. Be it further enacted, That all process in the said actions and criminal proceedings from said courts, hereafter issued and made returnable to the fall term, 1864, of said courts, shall be deemed and taken to be returnable to the spring term, 1864, of said courts respectively.

Section 4. Be it further enacted, That so much of the said act of September 11th, 1861, as applied to the rules of pleading in cases of bills for injunction and sequestration, motions for sale or partition of land, be, and the same sealed.

Further enacted, That there shall, hereafter, be the supreme court, to be held in the city of Monday in June, and the thir-
tieth day of December, or on the day after, in case the thirtieth day be Sunday.

Sec. 6. Be it further enacted, That the county courts shall have jurisdiction to try and determine all cases of contested wills.

Sec. 7. 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 14th day of December, 1863.]

AN ACT TO AUTHORIZE COURTS OF OYER AND TERMINER.

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 on application for a court of oyer and terminer by any county court in behalf of its county, or of the attorney general or of the solicitor on behalf of any county within their respective circuits, the Governor shall issue a commission therefor to a judge of the superior courts, who shall hold the same; and such courts shall have like jurisdiction by a grand jury to inquire of and by a petit jury to hear and determine all felonies and larcenies whatever, and also all other crimes whereof the county court of that county hath not jurisdiction; and the court thus appointed shall have like power as a regular superior court to continue or remove cases; and all such cases whereof jurisdiction is hereby conferred, pending for trial in the superior court of any county, shall be deemed in the court of oyer and terminer held for that county during its session, and on the adjournment thereof shall be deemed in the superior courts for the county. And in all cases of appeals from any judgment in a court of oyer and terminer the certificate from the supreme court shall be sent to the clerk of the superior court and the same proceedings shall be had therein as if the appeal had been taken from the superior court: Provided, however, That such court of oyer and terminer shall not take jurisdiction of any offence whereof justices of the peace have jurisdiction out of the county court.

Sec. 2. Be it further enacted, That the said courts shall be held where the superior courts are held, and shall
be attended by the same officers, who shall have like fees for their services. And the jurors for said courts shall be
the same in number and qualification and be drawn in like
manner as for the superior courts, by three justices of the
peace, with the assistance of the clerk of the county court.

Sec 3. Be it further enacted, That the judge comis-
sioned to hold the court shall fix the time of its session and
be shall forthwith notify the clerks of the county and supe-
rior courts thereof, and also the prosecuting officer of the
circuit in which said court is to be held; and the clerk of
the county court shall forthwith summon the justices to
draw the jurors and deliver the 

venire
to the sheriff, who
shall summon the jury.

Sec 4. Be it further enacted, That the judge shall have
like discretion as at a regular term to order a special 

venire.

Sec. 5. Be it further enacted, That this act shall take
effect from and after its ratification, and thenceforth shall
be repealed all laws coming within the meaning and pur-
view of this act: Provided, however, That courts of oyer
and terminer already appointed and not yet held shall pro-
ceed under the commission issued; but their proceedings
shall be in conformity with this act. [Ratified the 12th day
of December, 1863.]

CRIMES AND PUNISHMENTS.

Chap. 8.

AN ACT IN RELATION TO THE CRIME OF ARSON.

Be 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 ma-
licially burn in the night time any stable containing a
horse or horses, or a mule or mules, shall be deemed guilty
of arson, and upon being convicted, according to due course
of law, shall suffer death. [Ratified the 12th day of De-
cember, 1863.]
AN ACT IN RELATION TO LARCENY AND ROBBERY.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any person shall feloniously steal, take and carry away, or take by robbery any Confederate bond or treasury note of the Confederate States, the property of any person or of any corporation, such felonious stealing, taking and carrying away or taken by robbery, shall be deemed and construed to be felony of the same nature and degree, in the same manner it would now be if the offender had feloniously stolen or taken by robbery money, goods or property of the value of five dollars, and such offender for every such offence, shall suffer such punishment and be subject to the same pains, penalties and disabilities as he should or might have suffered if he had feloniously stolen or taken by robbery money, goods or other property of the value of five dollars. [Ratified the 12th day of December, 1863.]

AN ACT TO ENFORCE CRIMINAL LAWS OF THE STATE.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all the counties of the State, wherein by reason of the presence or power of the enemy, the superior courts cannot be held, all offenders charged with the commission in such counties of high crimes and misdemeanors, of which the superior court has exclusive jurisdiction, shall be recognized to appear before, or be delivered up for trial to the superior court of any adjacent county, or to the nearest county in which a superior court is held, to the county in which the offence was committed, and the said court shall in all respects have the same jurisdiction as though the offence had been committed within the county where the court is being held. [Ratified the 14th day of December, 1863.]
Chap. 11. AN ACT TO AMEND SECTION 85TH, CHAPTER 34TH, OF REVISED CODE.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That no person shall at any time buy or receive the article of salt from any slave without a written permission for that purpose from the person then having the management of such slave, specifying the article and the probable amount and quantity thereof; and any person so offending shall be deemed to be guilty of a misdemeanor, and shall, on conviction thereof, be punished in the manner prescribed in section eighty-nine, chapter thirty-four of the Revised Code. [Ratified the 8th day of December, 1863.]

CURRENCY.

Chap. 12. AN ACT TO AMEND CHAPTER 36TH, REVISED CODE, ENTITLED CURRENCY.

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 operation of the second section, chapter 36th, of the Revised Code, entitled currency, be suspended until the first day of January, eighteen hundred and sixty-five.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of December, 1863.]

DEPOSITIONS.

Chap. 13. AN ACT IN RELATION TO DEPOSITIONS.

Be 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 deposition of the president of the university, or the head of any other incorporated college of
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this State, may be taken and read as evidence on the trial of any suit pending in any of the courts of this State, in the same manner with that of the Governor, and certain other public officers, as prescribed in the Revised Code, chapter 31, section 63. [Ratified the 11th day of December, 1863.]

EXEMPTION FROM MILITARY SERVICE.

AN ACT TO EXEMPT CERTAIN OFFICERS AND EMPLOYEES OF THE STATE FROM CONScription.

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 obedience to an act of the Congress of the Confederate States, passed and approved May the 1st, 1863, in relation to exempting certain persons necessary as the State officers, in addition to the State officers exempted by the act of Congress, passed October 11th, 1862, the Governor of the State having claimed and obtained the exemption of the following officers, necessary to carry on the operation of the State government, viz: all justices of the peace whose appointments were made previous to May 11th, 1863, county trustees, county solicitors, registers, tax collectors, one deputy sheriff in each county where there is no tax collector, coronors, constables who entered into bond previous to the 11th of May, 1863, or their successors in office, one deputy clerk for each court requiring it, one county commissioner for each county for distributing money and provisions amongst soldiers' families, agent appointed under an act of the Assembly for any duty, commissioned officers of the militia of this State and commissioned officers of the Home Guard, mayors and police of Raleigh, Wilmington, Salisbury, Charlotte, Fayetteville and Goldsboro', counsellors of State, board internal improvement and literary board, and employees of the State government in the different departments.
Sec. 2. Be it further enacted, That the General Assembly doth claim and exempt all the different classes of officers named in section first of this act, in obedience to the act of Congress approved May 1st, 1863.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of December, 1863.]

IMPRESSMENTS.

AN ACT CONCERNING IMPRESSMENTS.

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 officer or private in the military service of the Confederate or State government, or any other person claiming authority to impress, who shall seize any corn, pork, beef, bacon, flour, or other provisions or forage, or stock, or other private property of any kind, contrary to the provisions of the present or any future act of Congress regulating impressments, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall be fined and imprisoned at the discretion of the court.

Sec. 2. Be it further enacted, That upon complaint being made, upon oath, to any justice of the peace, it shall be his duty to issue his warrant commanding the arrest of parties charged with such unlawful proceedings; and upon satisfactory evidence, the person or persons thus offending shall be bound over to the next superior court of the county in which the offence was committed.

Sec. 3. Be it further enacted, That this act shall take effect from and after its ratification. [Ratified the 12th day of December, 1863.]
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LITERARY FUND.

AN ACT FURTHER TO DEFINE THE DUTIES OF THE TREASURER OF Chap. 16.
LITERARY FUND AND FOR OTHER PURPOSES.

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 taxes due to the literary fund shall be paid as heretofore to the public treasurer of the State, and shall be by him accounted for and paid to the treasurer of the literary fund, and the said public treasurer shall furnish the treasurer of the fund a statement in writing of such taxes, and of the times when paid, which statement shall be filed with the records of the treasurer of the fund.

Sec. 2. Be it further enacted, That it shall be the duty of the Secretary of State to account for and pay over the money received in his office for the benefit of the literary fund to the treasurer of said fund as he formerly did to the public treasurer.

Sec. 3. Be it further enacted, That railroad companies and other corporations and individuals indebted to the literary fund shall make their payments of interest and principal, when due, to the treasurer of the literary fund under the same regulations as heretofore existed when they were accountable to the public treasurer.

Sec. 4. Be it further enacted, That the moneys due to the several counties of the State for common school purposes shall be paid by the treasurer of the literary fund to the persons authorized to receive the same, in the same manner and under the same regulations heretofore used and recognized in such payments by the public treasurer of the State: Provided, That the president and directors of the said literary fund be and they are hereby authorized to require drafts for amounts due the several counties, to be presented for payment to the treasurer of the fund within six months from the time that public notice is given that the monies are due.

Sec. 5. Be it further enacted, That the said treasurer of the literary fund shall perform all other duties and be subject to all the liabilities heretofore imposed on the public treasurer as the treasurer of said fund.
Sec. 6. Be it further enacted, That the president and
directors of the literary fund be and they are hereby au-
thorized to secure a safe and convenient place for depositing
all the books, returns, blanks and other papers and docu-
ments relative to common schools, to be arranged by the
State superintendent of common schools and under his care
and safe keeping.

Sec. 7. Be it further enacted, That all laws and clauses of
laws in conflict with the provisions of this act are hereby
repealed, and this act shall have force from and after its
ratification. [Ratified the 14th day of December, 1863.]

MEMBERS OF CONGRESS.

Chap. 17. AN ACT TO REPEAL THE THIRD SECTION OF AN ACT ENTITLED AN
ACT TO DIVIDE THE STATE INTO TEN CONGRESSIONAL DISTRICTS.

Repeals 3d section former act.

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 the third section of an act entitled
"An Act to divide the State into ten Congressional Dis-
tricts and ratified the fourth day of September, 1861," be
and the same is hereby repealed.

Sec. 2. Be it further enacted, That the next election for
electing representatives in the Congress in the Confederate
States shall be held on the first Thursday in August, 1866,
and on the same day for every successive two years there-
after, and shall be conducted by the sheriffs and other per-
sons appointed therefor in like manner as elections for
members of the General Assembly, and each voter shall
give his vote in the county in which he resides: Provided,
however, That this act shall not be construed to repeal or
modify an act entitled "an act to enable refugees and others
to vote for members of Congress," ratified July 6th, 1863.

Sec. 3. Be it further enacted, That the elections shall be
held at the same places as are prescribed for holding elec-
tions for members of the General Assembly. [Ratified the
3d day of December, 1863.]
MILITIA.

AN ACT TO AMEND AN ACT IN RELATION TO THE MILITIA AND CHAP. 18.
A GUARD FOR HOME DEFENCE.

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 neither the Governor of this State nor the officers acting under an act ratified on the 7th day of July, 1863, entitled "An Act in relation to the militia and a guard for home defence," shall call out for drill or muster the persons enrolled under said act oftener than once a month in company drill, or oftener than twice a year in battalion drill; which battalion drills shall take the place of the company drills for the month in which they are appointed, unless when called into actual service to repel invasion or suppress insurrection or to execute the laws of the State.

SEC. 2. Be it further enacted, That the Governor shall have the power to use the guards for home defence for the purpose of arresting conscripts and deserters: Provided, they shall not be ordered upon this duty beyond the limits of the counties in which they reside or the counties adjacent thereto.

SEC. 3. Be it further enacted, That in addition to the exemptions contained in the act to which this is an amendment, there shall be exempt county commissioners, appointed under an act entitled "an act for the relief of wives and families of soldiers in the army," regular millers, blacksmiths who have established shops, necessary operatives in factories and foundries, the attorney general, solicitors of the several circuits and counties, physicians of five years practice, contractors with the State or Confederate governments, one editor to each newspaper and the necessary compositors, mail carriers, professors in colleges and teachers in academies: Provided, That this exemption shall only apply to the drills specified in this bill and not to service when the guard for home defence is called into the field.

SEC. 4. Be it further enacted, That for failure to attend at battalion or regimental drill, each field officer shall forfeit
and pay one hundred dollars; each captain and other officers who shall fail to muster and drill their companies the times appointed shall forfeit and pay for each failure fifty dollars, and if a non-commissioned officer or private shall fail to attend at any drill he shall forfeit and pay not less than five nor more than twenty-five dollars: Provided, That every absentee shall be allowed until the next muster to make his excuse. The fines shall be adjudged by regimental and company court-martial, and judgments are to be entered up and the fines collected in the same mode and in accordance with the provisions of the militia law of North-Carolina, passed at the second extra session of the General Assembly, 1861.

Sec. 5. Be it further enacted, That the General Assembly, by and with the advice and consent of the Governor, may appoint surgical boards, not exceeding three, composed of two physicians each, who shall declare by their certificates those persons who shall be exempt from service under the act to which this is an amendment, on account of mental or physical disability, and that they shall receive the pay of their rank and traveling expenses to be determined by the adjutant general.

Sec. 6. Be it further enacted, That the guards for home defence, should they be called into service by the Governor, shall receive the same pay, rations and allowances as soldiers in the Confederate States' service, and shall be subject to the rules and articles of war of the Confederate States.

Sec. 7. Be it further enacted, That when the pressure of public danger shall not prevent the observance of such a rule, the said guards for home defence shall not be called into service en masse, but by drafts of a number of men from each convenient company, so as to make up the aggregate force required.

Sec. 8. Be it further enacted, That this act shall be in force and take effect from and after its ratification. [Ratified the 14th day of December, 1863.]
AN ACT TO AMEND AN ACT APPROVED 20TH SEPTEMBER, 1861, Chap. 19.
ENTITLED MILITIA.

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 so much of section 23rd of the act approved 20th September, 1861, entitled militia, as fixes the rank of the assistants to the adjutant general, and the pay of the clerks in the military departments of the State, be amended as follows: The assistants in the adjutant general's department shall have the rank of major in times of war, and the clerks shall receive such pay, not exceeding fifteen hundred dollars per annum, as the adjutant general may determine.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863.]

AN ACT AUTHORIZING THE GOVERNOR TO ACCEPT THE SERVICES OF CHEROKEE INDIANS TO REPEL INVASION OR INSURRECTION.

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 Governor to accept the services of one or more companies of Cherokee Indians to repel in invasion or insurrection in this State.

Sec. 2. Be it further enacted, That for the purpose of raising such a force, the Governor shall appoint and commission one captain and one lieutenant to command said company; the captain to have power to appoint a first and second sergeant in his company.

Sec. 3. Be it further enacted, That the company or companies so raised shall not consist of less than forty nor more than one hundred officers and privates.

Sec. 4. Be it further enacted, That said companies shall be under the rules and regulations of law provided for home guards, and shall receive the same compensation while in actual service. [Ratified the 14th day of December, 1863.]
AN ACT CONCERNING SLAVE LABOR ON PUBLIC WORKS.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the first section of chapter sixteen of an act concerning “public works,” ratified 20th December, 1862, entitled an “Act to authorize the Governor to employ slave labor in erecting fortifications and other works,” is hereby amended by inserting the word “male” before the word “slaves” and after the word “slave” between the ages of eighteen and forty-five, so that the section may read as follows: That the Governor shall have power and authority to compel the services of any number of slaves between the ages of eighteen and forty-five years, &c.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863.]

REVENUE.

AN ACT TO AMEND THE ACT ENTITLED “REVENUE” RATIFIED THE 11TH DAY OF FEBRUARY, 1863.

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the 15th paragraph under schedule A, section 70, of said act be amended so that said paragraph shall read as follows:

On every dollar of nett profit or dividend declared, received or due during the year preceding the 1st day of April in each year upon money or capital invested in manufacturing cotton or woolen goods, leather or articles made of leather, iron and tobacco, also on every dollar of nett profit or dividend on the purchase and sale of any of said manufactures; also, on every dollar of profit made by the purchase and sale of corn, flour, bacon and other provisions,
salt, cotton, tobacco, leather and naval stores; also, on every dollar of nett dividend or profit on money invested in steamboat companies (whether incorporated or not) and in railroads, a tax of two cents.

Sec 2. Be it further enacted, That there shall be levied on every dollar of nett profit or dividend on the purchase and sale of articles imported into this State from neutral ports through the blockade of our coast, or which shall be brought from the States with which we are at war and sold in this State, a tax of five cents, and it shall be the duty of the sheriff of the counties in which said sales are made to proceed forthwith to collect the tax authorized by this section as soon as sales are made, under the same penalties for neglect as are prescribed for neglect in similar cases in an act entitled "Revenue," to which this is an amendment.

Sec. 3. Be it further enacted, That the 19th paragraph, under section 86 of said act, schedule B, be and the same is hereby repealed.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863.]
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SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of December, 1863.]

Chap. 24.

AN ACT TO AMEND AN ACT ENTITLED "REVENUE."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That schedule B, section 86, paragraph 7, of an act entitled "Revenue," ratified on the 11th day of February, 1863, be amended so that hereafter the tax upon every express company shall be five per cent. upon their gross receipts, returns to be made upon oath, quarterly to the sheriff or tax collector of each county by each agent in the State, and the tax to be paid at the time the returns are made, and any agent refusing or neglecting to do so shall be deemed guilty of a high misdemeanor, and shall be fined not less than one thousand dollars for each offence or imprisoned at the discretion of the court. [Ratified the 14th day of December, 1863.]

Chap. 25.

AN ACT TO AMEND AN ACT RATIFIED ON THE 14TH DAY OF FEBRUARY, 1863, ENTITLED "REVENUE."

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 4th paragraph in schedule B, 86th section of the 57th chapter, of an act ratified on the 11th day of February, 1863, entitled "Revenue," be amended by striking out the word "five" in the second line of said paragraph and inserting "three," so as to make the paragraph read as follows, viz: Every insurance company incorporated out of the State three per cent. upon its gross receipts.

Sec. 2. Be it further enacted, That this act shall be in force from and after it ratification. [Ratified the 14th day of December, 1863.]
AN ACT TO PROVIDE AGAINST A POSSIBLE DEFICIENCY IN THE CHAP. 26.
TREASURY.

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 the event of a deficiency in the treasury the public treasurer be and he is hereby authorized to raise a sufficient sum to meet appropriations by the sale of State bonds, with coupons, bearing six per cent. interest, payable semi-annually and running thirty years from the 1st day of January, 1863, or by the sale of North-Carolina treasury notes, or both, provided, however, that the amount to be so raised shall not exceed two millions of dollars.

SEC. 2. Be it further enacted, That this act shall be in force immediately after its ratification. [Ratified the 14th day of December, 1863.]

ROADS.

AN ACT TO AMEND THE 9TH SECTION OF CHAPTER ONE HUNDRED CHAP. 27.

AND ONE OF REVISED CODE.

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 9th section of chapter one, hundred and one of the Revised Code be so amended as to make the forfeiture and penalty five dollars instead of one, for failing to work on public roads unless unavoidably prevented.

SEC. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863.]
Chap. 28. 

AN ACT IN RELATION TO SALARIES AND FEES.

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 last day of December, 1863, each judge of the supreme court of North-Carolina shall be allowed an annual salary of three thousand dollars, to be paid quarterly on the first days of April, July, October, and January. And each judge of the superior courts of law and equity shall be allowed an annual salary of three thousand dollars to be paid quarterly in like manner.

Section 2. Be it further enacted, That for the year one thousand eight hundred and sixty-four, the several State officers hereinafter named shall receive salaries or compensation as follows to-wit: The public treasurer, three thousand five hundred dollars; the chief clerk of the treasurer, two thousand dollars; the second clerk of the treasurer, twelve hundred dollars; secretary of State, fifteen hundred dollars and double the fees of office and allowances heretofore allowed by law; the comptroller of public accounts, two thousand dollars; the clerk of the comptroller of public accounts, twelve hundred dollars; the private secretary of the Governor, five hundred dollars and double the fees now allowed by law; the attorney general, two hundred dollars for his attendance on the supreme court and fifty dollars for each term of the superior court of any county he shall attend; each solicitor of the State, forty dollars for every term of the superior court of any county he shall attend; the reporter of the decisions of the supreme court, eight hundred dollars; the clerk of the supreme court, six hundred dollars and double the fees now allowed by law; the marshal of the supreme court, five dollars per day; the clerks of the county courts, clerks of the superior courts of law, clerks and masters in equity, sheriffs, coroners, constables, registers, rangers, estray takers, processioners, standard keepers and inspectors, double the fees now allowed by law; the chief clerk of the auditor of public accounts,
two thousand dollars; the superintendent of common schools, two thousand dollars; the public librarian, one thousand dollars; the keeper of the capitol, eight hundred dollars; the adjutant general, the pay of adjutant general in the Confederate service commanding in the field; the public printer, fifty per cent. upon the compensation, now allowed by law, to commence from the third session of the General Assembly: Provided, That no increase shall be made in the rate of commissions now allowed to any of the officers aforesaid.

Sec. 3. Be it further enacted, That the courts of pleas and quarter sessions of the several counties of the State, a majority of the justices being present, shall have the power and authority to allow the justices composing the special courts of their respective counties such compensation as they may deem adequate, to be paid in the same manner as the compensation hitherto allowed by law.

Sec. 4. Be it further enacted, That this act shall take effect from and after its ratification. [Ratified the 14th day of December, 1863.]

AN ACT TO INCREASE THE PAY OF WITNESSES AND JURORS.

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 remainder of the year 1863 and during the year 1864, every witness attending court shall be allowed for each day's attendance and for every thirty miles he may travel going to and returning from court, one dollar and twenty-five cents: Provided, the witness lives within the county, or the sum of two dollars if he live without, and his ferriage.

Sec. 2. Be it further enacted, That for and during the time aforesaid, the several county courts, a majority of the justices being present, shall have power to provide for paying the jurors of the county for their services, whether for their attendance upon court or for other purposes, a sum which shall not be less than one dollar nor more than four dollars per day, and a sum equal to the daily allowance for
every thirty miles traveling to and from the court, and a proportion agreeably to the distance traveled: Provided, That when a majority of the magistrates cannot be obtained, one-third shall be competent to make such order.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863.]

Chap. 30. AN ACT TO PROVIDE FOR THE PAY OF JUDGES HOLDING COURTS OF OYER AND TERMINER.

To be paid $150.

Be 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 judge holding a court of oyer and terminer shall receive therefor the sum of one hundred and fifty dollars, to be paid by the treasurer, on presentation of the certificate of the clerk of said court. [Ratified the 12th day of December, 1863.]

Chap. 31. AN ACT CONCERNING THE GOVERNOR'S SALARY.

Authorized to receive $600 in foreign exchange.

Be 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 is hereby authorized to draw for and receive the sum of five hundred dollars of his annual salary for the year 1863, in any funds belonging to the State in the hands of its financial agents in foreign countries. [Ratified the 14th day December, 1863.]

SHERIFFS.

Chap. 32. AN ACT TO AMEND THE REVISED CODE IN RELATION TO TAKING THE BONDS OF SHERIFFS.

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 if any person elected to the office
of sheriff of any county in this State by the people, or the justices of the county court, shall be unable to tender his bonds and qualify by taking the prescribed oaths at the term of the county court at which the election is made or declared, by reason of being absent in the military service of the country, or within the enemy's lines, or by reason of his county or a portion of it being in the possession of the enemy, or by reason of the court not being held or being dispersed by an actual or apprehended invasion or raid of the enemy, the person so elected sheriff shall be allowed to tender his bonds and take the prescribed oaths before twelve justices of the peace of the county, at the office of the clerk of the county court of said county within twenty days after the term of the court at which said election shall have been made or declared, which shall be duly recorded by the clerk of the county court.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 8th day of December, 1863.]

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SLAVES AND FREE NEGROES.

AN ACT TO EXPLAIN AND AMEND SECTION SIXTY-EIGHT CHAPTER Chap. 33. ONE HUNDRED AND SEVEN OF REVISED CODE.

Be 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 slave or free person of color convicted of manslaughter or for felony for which the punishment shall not be prescribed, or if prescribed the same shall not be in whole or in part whipping, may in the discretion of the court, be punished with one or more public whippings, not exceeding thirty-nine lashes each, either in addition to or in lieu of such other punishment or some part thereof as may be inflicted for each offence. [Ratified the 11th day of December, 1863.]
AN ACT FOR THE RELIEF OF THE WIVES AND FAMILIES OF SOLDIERS IN THE ARMY.

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 sum of one million of dollars to be paid in treasury notes of the State of North-Carolina in addition to the appropriation heretofore made in that behalf, be and the same is hereby appropriated for the support of the wives and families of the indigent soldiers of this State, whether in the service of the State or Confederate government, or whether killed in battle or dying in the military service of the county. Such sum to be distributed among the several counties of the State as heretofore, according to white population as ascertained by the census of 1860.

Sec. 2. Be it further enacted, That the quota of each county shall be paid to the county commissioner or county trustee of the same according to the provisions of the act of General Assembly, ratified the tenth day of February, 1863, entitled an act for the relief of the wives and families of soldiers in the army, and shall be applied to the support of the wives and families of the soldiers of this State as above enumerated, according to the rules and regulations which have been or may be prescribed by the court of pleas and quarter sessions of each county.

Sec. 3. Be it further enacted, That when any family of a soldier as aforesaid shall have removed from the county of his residence since the commencement of the war and shall have acquired a residence in another county, they shall be considered residents of the latter county and receive a share of such distribution accordingly.

Sec. 4. Be it further enacted, That in addition to the foregoing appropriation, the sum of three thousand dollars is hereby appropriated, to be paid by the public treasurer as aforesaid to the county commissioners in those counties, in which are resident the families of Indian warriors who have rendered service to the Confederate States in the present
TREASURY NOTES.

AN ACT AUTHORIZING THE TREASURER TO ISSUE SMALL TREASURY NOTES TO THE AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS.

Be 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 authorized to have prepared and to issue treasury notes upon the credit of the State of less denomination than one dollar, to the amount of four hundred thousand dollars redeemable on or before the 1st day of January, 1870, under the same regulations and with the same penalties for counterfeiting the same, prescribed in the act of 1862-'63, chapter 29. [Ratified the 12th day of December, 1863.]

WITNESSES.

AN ACT EXPLANATORY OF "AN ACT TO ADMIT PROOF OF THE HAND-WRITING OF ATTESTING WITNESSES IN CERTAIN CASES."

Whereas, Doubts have arisen whether "An Act to admit proof of the hand-writing of attesting witness in certain cases," ratified the 27th day of January, 1863, applies to the probate of wills; 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 act shall be construed to apply to cases of the probate of wills when there are subscribing witnesses, unless the same shall be contested.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863.]
Chap. 37. AN ACT MAKING AN APPROPRIATION TO PURCHASE COTTON TO BE APPLIED TO PURCHASES IN EUROPE.

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 sum of three hundred and twenty-four thousand dollars be and the same is hereby appropriated to enable the Governor to cause cotton to be purchased to be applied to the debt and purchases made on the State’s account in Europe.

SEC. 2. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 14th day of December, 1863.]

Chap. 38. AN ACT TO REGULATE OFFICE HOURS IN CERTAIN OFFICES.

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, comptroller and the secretary of State, shall attend at their respective offices in the city of Raleigh between the hours of 9 o’clock in the morning and two o’clock in the afternoon, Sundays, Christmas, the 4th of July, 20th of May, thanksgiving day and such other days as may be set apart by the President of the Confederate States or the Governor of the State for thanksgiving or other devotional exercises [excepted.]

SEC. 2. Be it further enacted. That all laws coming in conflict with this act be and the same are hereby repealed. [Ratified the 12th day of December, 1863.]
RESOLUTIONS
OF A PUBLIC NATURE, PASSED BY THE
GENERAL ASSEMBLY
OF
NORTH-CAROLINA,
AT ITS
ADJOINED SESSION OF 1863.

A RESOLUTION CONCERNING THE PRINTING OF THE TREASURER'S REPORT.

Resolved, That the public printer, in addition to one copy of the Treasurer's report for each member, as provided in a resolution ratified the 16th February, 1859, be instructed to print fifty additional copies, to be distributed as follows: Twelve copies each to the libraries of the Senate and House of Commons, one copy each to the Governor, Secretary of State and Comptroller, three copies to the State Library and twenty copies to the treasury, to be interchanged with the Treasurers of the States of the Southern Confederacy. [Ratified the — of December, 1863.]

RESOLUTIONS REQUESTING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO SECURE AN ADDITIONAL INCREASE OF THE PAY OF SOLDIERS, &c.

Whereas, The price of provisions and clothing have greatly increased since the commencement of the war now being waged between the North and South, which has ren-
ordered it necessary to increase the salaries and fees of certain officers in order to secure them decent support, and no provision having heretofore been made to increase the pay of the officers and soldiers who are now so gallantly defending on the bloody field the cause of the South for the achievement of our independence,

Be it therefore enacted, That our Senators and Representatives in the Confederate Congress be requested to use all honorable means in their power to secure the increase of the pay of those noble spirits.

Resolved, further, That we who remain at home pledge ourselves to adopt every measure possible for their support and the maintenance of their families.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress. [Ratified the 3d day of December, 1863.]

A RESOLUTION IN RELATION TO SEQUESTERED AND CONFISCATED LANDS IN NORTH-CAROLINA.

Resolved, That his Excellency, the Governor, be requested to instruct the Attorney General to take such steps to institute such proceedings as he may think proper in relation to such lands within the State as have or may be sequestered or confiscated under the laws of Congress, to the end that the question of the ultimate ownership of the same may be adjusted and settled.

Resolved, That in the opinion of the General Assembly the lands of alien enemies belong to the State of North Carolina, and that the State asserts her right to the same. [Ratified the 8th day of December, 1863.]

RESOLUTION IN RELATION TO IMPRESSMENTS.

Whereas, This legislature has been informed that certain persons claiming to be officers and soldiers in the military service of the Confederate States, have been and are now
1863. — Resolutions.

going through portions of the State making impressments of corn, pork and other articles of food essential to the support of the inhabitants of the said localities, in addition to the tithes demanded by the government and before the tithes are collected, and, whereas, it is the duty of the authorities of the State to protect its citizens in the enjoyment of their constitutional rights and privileges, as well as the subject to render obedience to its constitutional and legal requirements. Therefore,

Resolved, That his Excellency, the Governor, is hereby requested to correspond with the authorities of the Confederate government in regard to such impressments, and ascertain whether they are directed and countenanced by them, and to make an effort to prevail upon said authorities to put a stop to all such illegal proceedings and public nuisances.

Resolved, further, That in consideration of the scarcity of provisions after the tithes shall be withdrawn from the State, his Excellency, the Governor, be respectfully requested to use every honorable means to keep in the State the balance of provisions, otherwise great and almost universal suffering most ensue. [Ratified the 12th day of December, 1863.]

Resolutions requiring certain sheriffs to refund money into the public treasury.

Whereas, The 108th section of an act entitled "Revenue," Preamble. ratified the 11th day of February, 1863, as printed, contains an error by which sheriffs would be entitled to ten dollars for every thirty miles of twice the estimated distance from their houses to the seat of government, instead of two dollars for the same distance, as is the case by law, as passed by the General Assembly; and, whereas, it has been brought to the attention of the General Assembly that the sheriffs of several of the counties have received ten dollars instead of two in their settlements with the Treasurer for the distance aforesaid. Therefore,
Resolved, That the public Treasurer require the sheriffs, who may have received the excess as mentioned in the above preamble, to refund the same into the Treasury of the State. [Ratified the 12th day of December, 1863.]

RESOLUTION IN RELATION TO THE ARREST AND IMPRISONMENT OF ELI SWANNER, OF BEAUFORT COUNTY.

Whereas, This General Assembly has been informed that Eli Swanner, a citizen of the county of Beaufort, in this State, not in the military service of the Confederate States or by law liable to said service, was on the 9th day of November, 1862, arrested by the order of an officer of the Confederate States army without accusation or warrant, and by said officers sent without examination by any authorized tribunal to the Confederate prison, in the town of Salisbury, and was there incarcerated by the keepers of said prison without any warrant of commitment from the judicial authorities of the State or the Confederate States; and, whereas, the said Eli Swanner being illegally confined and deprived of his liberty as aforesaid, in contempt and derogation of the laws of the State and of the Confederate States, and was in further violation of the rights of citizenship and contempt of the sovereignty of this State, in the month of May last forcibly carried by officers of the Confederate States army beyond the State of North-Carolina, where his offence, if he be guilty of any, was committed and cognizable and was and remains imprisoned in the city of Richmond and State of Virginia. Therefore,

Resolved, That his Excellency, the Governor, be requested immediately to demand of the authorities at Richmond that the said Eli Swanner be forthwith returned to this State to the end that he may be delivered over to the civil authorities here either of this State or the Confederate States for examination, and if sufficient cause appear for commitment and trial, so that if innocent of any matter laid to his charge, he may be acquitted, or if guilty be committed and punished by due course of law. [Ratified the 3d day of December, 1863.]
A RESOLUTION IN FAVOR OF SICK AND WOUNDED SOLDIERS.

Whereas, There is an order in force, issued by the Secretary of War, in which it is forbidden that the certificates of private surgeons shall be respected in the extension of the furloughs of sick and wounded soldiers, compelling them to make application for such extension to a Confederate surgeon; and, whereas, in certain localities in the State it is almost impossible for the sick and wounded to see a Confederate surgeon to have their furloughs extended, thus putting them to great inconvenience. Therefore,

Resolved, That the Surgeon General of North-Carolina be requested to make immediate application to the proper appointing authorities of the Confederate States, and respectfully ask that there be one surgeon appointed in every county in North-Carolina, and impower them to extend furloughs.

Resolved, That such surgeons so appointed shall be residents of the county for which they act. [Ratified the 8th day of December, 1863.]

A RESOLUTION IN RELATION TO WARRANTS AND DRAFTS DRAWN BY THE COMPTROLLER AND PUBLIC TREASURER.

Whereas, It appears to this General Assembly by the message of his Excellency, the Governor, and the report of the public Treasurer, that many warrants issued by the Comptroller to pay amounts due to chairmen of the boards of superintendents of common schools, and by the Treasurer to pay commissioners appointed by the counties under the act for the relief of wives and families of soldiers in the army are not presented for payment, and it is believed that they are withheld by the owners with the view of getting payment at some future period in a currency different from that which the Treasury is supplied according to existing laws. Therefore,

Resolved, That such drafts be paid only in Confederate Treasury notes, excepting those in favor of the commissioners of counties in possession of the enemy, which shall be
RESOLUTION IN RELATION TO WM. D. WYNNE.

Resolved, That the Governor of the State be requested to correspond with the President of the Confederate States and ascertain if W. D. Wynne, a citizen of Bertie county, be confined in prison in Richmond, Va., and if so, upon what charge, and if for any offence cognizable by the courts of this State, to demand that he be delivered up to be tried according to due course of law. [Ratified the 14th day of December, 1863.]

RESOLUTION CONCERNING THE PER DIEM AND MILEAGE OF THE MEMBERS OF THE GENERAL ASSEMBLY.

Resolved, That the members of the General Assembly shall receive twelve dollars ($12) per diem for their attendance during the present session.

Resolved, further, That they shall be entitled to receive twenty (20) cents per mile for traveling to and returning from the city of Raleigh by the most usually traveled route. [Ratified the 8th day of December, 1863.]

RESOLUTIONS INSTRUCTING THE AUDITOR OF PUBLIC ACCOUNTS TO ENQUIRE WHETHER A BETTER SYSTEM OF KEEPING THE ACCOUNTS OF DISBURSING OFFICERS AND BETTER CHECKS ON THEIR ACCOUNTABILITY MAY NOT BE INTRODUCED, AND WHETHER A BETTER MODE OF CANCELING THE VOUCHERS OF THE PUBLIC TREASURER MAY NOT BE ADOPTED.

Preamble.

Whereas, The increased expenditures of the State and multiplication of disbursing agents, growing [out] of a State of war, render it necessary that the best system of keeping the accounts and the most efficient checks on all disbursing officers and agents should be adopted. Therefore,
Resolved, That the Auditor of Public Accounts investigate existing enactments and the mode of carrying them out, now prevailing in each disbursing office, and if after such investigation, he shall be of opinion a better system of keeping the public accounts and more efficient checks on accountability can be adopted, that he report to the General Assembly, at its next sitting, a bill to accomplish these objects with a report explanatory thereof.

Resolved, further, That he enquire whether some better plan of receiving and canceling the vouchers of the public Treasurer in the Comptroller’s office [can be adopted]; and if he shall recommend another plan, that he report to the next sitting of the General Assembly, a bill to carry on this recommendation. [Ratified the 12th day of December, 1863.]
STATE OF NORTH-CAROLINA,
Office of Secretary of State,
Dec. 31st, 1863.

I, John P. H. Russ, 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 31st day of December, 1863.

JOHN P. H. RUSS,
Secretary of State.
PRIVATE LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

ADJOURNED SESSION OF 1863.

RALEIGH:
W. W. HOLDEN, PRINTER TO THE STATE.
1863.
ACADEMIES.

AN ACT CONCERNING RUTHERFORD ACADEMY.

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 an act passed at the General Assembly, at the session of 1858-'59, incorporating Rutherford Academy, in Burke county, N. C., be so amended as to alter the name of said academy, and that it be styled in future Rutherford Seminary.

SEC. 2. Be it further enacted, That said seminary shall have power to graduate and confer degrees.

SEC. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 3d day of December, 1863.]
EXPRESS COMPANIES.

Chap. 2. AN ACT TO INCORPORATE THE NORTH-CAROLINA EXPRESS 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 S. L. Fremont, John D. Flanner, John G. Yancey and M. London and their associates, successors and assigns are hereby created, constituted and continued under the laws of this State, a body politic and corporate by the name, title and style of the North-Carolina Express Company, for the purpose of forwarding goods, wares, merchandize and produce from place to place, and by that name may hold real and personal estate and have existence for thirty years.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863.]

FEES.

Chap. 3. AN ACT TO INCREASE THE FEES OF THE SPECIAL MAGISTRATE OF THE TOWN OF WILMINGTON.

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 period of twelve months from the ratification of this act the special magistrate of the town of Wilmington be entitled to receive double the rate of fees now allowed him by law.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863.]
AN ACT TO REGULATE THE FEES OF THE CLERKS AND SHERIFF IN THE COUNTY OF GUILFORD.

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 sheriff and the clerks of the courts of Guilford county shall be entitled to all the fees allowed to clerks and sheriffs, in chapter one hundred and two of the Revised Code.

Section 2. Be it further enacted, That all laws and clauses of laws coming within the meaning and perview of this act and the same are hereby repealed.

Section 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863.]

AN ACT TO ALLOW A FEE TO THE ASSISTANT CLERK IN THE TREASURY FOR THE REGISTRATION OF STATE BONDS.

Be 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 assistant clerk in the Treasury department be allowed twenty-five cents for each State bond registered, and for the registration of each transfer of said bonds under the act of 1856, chapter 16, to be paid by the person requiring such registration. [Ratified the 12th day of December, 1863.]

AN ACT IN RELATION TO THE COMPENSATION OF THE TAX COLLECTOR OF JOHNSTON 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 compensation of the tax collector for the county of Johnston for collecting a tax recently levied by the magistrates of said county, exclusively for the purpose of providing sustenance for the families of soldiers, shall be fixed by the county court.
thereof, not to exceed however the sum of twenty-five hundred dollars.

Sec. 2. Be it further enacted, That this act shall take effect from the date of its ratification. [Ratified the 5th day of December, 1863.]

INSURANCE COMPANIES.

Chap. 7. AN ACT IN REGARD TO THE MUTUAL INSURANCE COMPANY IN FAYETTEVILLE.

Be 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 mutual insurance company in the town of Fayetteville be authorized to make insurance in certain cases without requiring a premium note, on the payment of such cash premium as may be agreed upon by the officers of said company and the party applying for insurance. The said cash premium to go into the general funds of said company applicable to the payment of losses. The parties so insured shall not be considered as members of said insurance company. [Ratified the 12th day of December, 1863.]

MINING AND MANUFACTURING COMPANIES.

Chap. 8. AN ACT TO INCORPORATE THE LOCKVILLE 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 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 Lockville Mining and Manufacturing Company; and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic for ninety 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: Geo. W. Mordecai, C. P. Meddenhall, Joseph S. Jones, Thos. D. Hogg, Kemp P. Battle, J. M. Heck, Thos. B. Harris, Wm. J. Hawkins and David A. Barnes, 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, by the name and style of “The Lockville Mining and Manufacturing 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-ore, 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 one 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 material, 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 railroads, tram roads, turnpike roads or canals shall be over twenty miles in length.

Rights of way. 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 a remnant 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 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 such 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 to
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 ten 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 vacancy 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 an election, the corporation shall not thereby be dissolved, but the officers formerly elected shall continue in office until a new election take place.
AN ACT TO INCORPORATE THE FAYETTEVILLE KEROSENE 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 Henry E. Colton, E. J. Hale, P. M. Hale and C. B. Mallett be and the same are hereby constituted a body politic and corporate under the name
and style of the "Fayetteville Kerosene Company," for the purpose of manufacturing kerosene oil and such other oils and substances as may be made from coal or black band iron ore.

Sec. 2. Be it further enacted, That said company shall have the right and privilege, if they deem proper to mine coal or iron ore, to construct works in such number of places as they may deem proper and to manufacture such chemicals as may be necessary in their business.

Sec. 3. Be it further enacted, That said company shall make such by-laws and regulations for their own government as they may deem proper.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification. [(Ratified) the 12th day of December, 1863.]

AN ACT TO INCORPORATE THE CAHOTA MINING AND SMELTING 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 Carson P. Bryson, J Keener and Wm. Wilson and their successors and assigns be and are hereby constituted a body politic and corporate by the name and style of the "Cahota Mining and Smelting Company," for the purpose of mining, working and exploring for gold, copper and all other minerals and metals and for mining, vending, smelting and working the same, and for working; and manufacturing and by that name may sue and be sued, plead and be impleaded, appeal, prosecute and defend in any court of law or equity whatever and in all suits and actions, contract and be contracted with, and may have and use a common seal and the same alter at pleasure, and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending metals and chemicals, and may also purchase, hold, sell, convey and issue, give or receive mortgages or bonds on real or personal estate or property with a capital not to exceed two millions of dollars.
Sec. 2. Be it further enacted, That the said corporation may divide their stock into such number of shares and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeits and sell delinquent shares in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meeting of the stockholders, and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of the State and Confederate States.

Sec. 3. Be it further enacted, That it shall be lawful for the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, pass and enact or amend by-laws, and shall continue in office until others are elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, two of whom shall be residents of this State.

Sec. 4. Be it further enacted, That it shall be lawful for the said Carson P. Bryson, J. Keener and Wm. Wilson, to manage the affairs of said corporation as directors until others are elected or appointed; shall meet and organize by choosing from their own body a president and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient and may then proceed to business.

Sec. 5. Be it further enacted, That this corporation shall exist thirty years, and this act shall exist thirty years, and this act shall be in force [from] and after its ratification.

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

Chap. 11. AN ACT TO INCORPORATE THE COMSTOCK MINING AND SMELTING 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 S. G. Murphy, T. J. Craft and G.
W. Swepson and their successors and their assigns be and are constituted a body politic and corporate, by the name and style of the "Comstock Mining and Smelting Company," for the purpose of mining, working and exploring for gold, silver, copper and other metals and minerals and for mining, vending, smelting and working the same, and for working and manufacturing, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatever, and in all suits and actions contract and be contracted with, and may have and use a common seal and the same alter at pleasure, and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending metals or chemicals, and may also purchase, hold, convey and give, issue or receive mortgages or bonds on real or personal estate or property, with a capital not to exceed one million of dollars.

Sec. 2. Be it further enacted, That the said corporation may divide their stock in such number of shares and provide for the transfer and sale thereof in such manner and form as the said corporation shall from time to time deem expedient, and may buy and collect assessments and forfeits, and sell delinquent shares in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of the stockholders, and also said company shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of the State and Confederate States.

Sec. 3. Be it further enacted, That it shall be lawful for the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, pass and enact or amend by-laws, and shall continue in office until others are elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the power to elect said directors annually, two of whom shall be actual residents of the State.

Sec. 4. Be it further enacted, That it shall be lawful for S. G. Murphy, T. J. Craft and G. W. Swepson to manage
the affairs of said corporation as directed until others are elected or appointed; shall meet and organize, by choosing from their own body a president and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. Be it further enacted, That this corporation shall exist thirty years, and this act shall be in force from and after its ratification. [Ratified the 14th day of December, 1863.]

Chap. 12. AN ACT TO INCORPORATE THE MINERS' MINING AND SMELTING 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 J. Newton Bryson, Wm. A. Enloe, C. P. Bryson and their associates and assigns are hereby constituted a body politic and corporate, by the name and style of the "Miners' Mining and Smelting Company," for the purpose of exploring for copper, silver, lead and other minerals and metals, and for mining, vending and smelting the same, and by that name may sue and be sued, plead and be impleaded, appear and prosecute and defend in any courts of law and equity whatsoever in all suits and actions; may have a common seal and the same alter at pleasure, and may enjoy all the privileges incident to mining corporations, and may purchase, hold and convey real and personal estate to the amount of one million of dollars.

Sec. 2. Be it further enacted, That the first meeting of said corporation may be called by the persons named in this act or any of them at such time and place as they may agree upon, and at such meetings and at all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not repugnant to the laws of this State or of the Confederate States.
Sec. 3. Be it further enacted, That said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may lay and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as the by-laws may or shall direct.

Sec. 2. Be it further enacted, That two of the directors shall be actual residents of this State, and that this corporation shall be in force for thirty years from and after its passage. [Ratified the 12th day of December, 1863.]

MONUMENTAL ASSOCIATIONS.

AN ACT TO INCORPORATE THE PENDER MONUMENT ASSOCIATION. Chap. 13.

Whereas, William D. Pender, a native of Edgecombe county, major general commanding a division of Confederate troops, died on ———— of wounds received in the battle of Gettysburg, Pennsylvania, whilst gallantly leading his brave division in the thick of the fight; and, whereas, many soldiers and citizens of North-Carolina desire to raise a monument to his memory in his native State. 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 Joseph A. Engelhard, Henry T. Clark, L. D. Pender, Col. Joseph H. Hyman, Col. D. A. Barnes, W. B. Pope, D. B. Bell, H. G. Williams, Henry L. Joyner and David Cobb and their successors, be and they are hereby constituted a body politic, by the name and style of the "Pender Monument Association."

Sec. 2. Be it further enacted, That the said association may erect a monument to the memory of the late Major General William D. Pender at any suitable place within the capitol square at Raleigh. [Ratified the 12th day of December, 1863.]
Whereas, James Johnston Pettigrew, brigadier general commanding a brigade of North-Carolina troops, died in Winchester, Va., July 18th, 1863, of a wound received by him at Falling Waters, in Maryland, whilst gallantly fighting for the Confederate States; and, whereas, many soldiers and citizens of North-Carolina desire to raise a monument to his memory at some public place in North-Carolina. 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 James F. Taylor, Francis E. Shofer, David M. Carter, Samuel J. Person, Rev. Neil McKay, John M. McKay, and their successors, be and are hereby constituted a body politic, by the name and style of the "Pettigrew Monument Association."

Section 2. Be it further enacted, That the said association may erect a monument to the memory of the late General Pettigrew at any suitable spot within the capitol square.

[Enacted the — day of December, 1863.]
others, who have contributed fifty dollars or more to the fund, of which Charles F. Deems is and has been financial agent, or who may hereafter contribute a like sum to be invested and the interest thereof expended for the education of the indigent orphan sons of such soldiers as have fallen or may hereafter fall or be disabled in the wars of the Confederate States of America, and when no such claimants shall exist then of other orphan boys, to be selected as far as practicable from the counties in proportion to the amount contributed from counties, their assigns and successors in office as herein described, be and they are hereby created, constituted and declared a body politic and corporate in law and in fact, by the name and style of "The Trustees of the North-Carolina Orphan Endowment Fund," and by that name shall be capable of taking by purchase, devise or donation real and personal estate, and of holding and conveying the same, shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in any court of law and equity, and shall have such other powers and enjoy such other rights as are usually incident to corporate bodies and are not inconsistent with the laws and constitution of the State.

Sec. 2. *Be it further enacted by the authority aforesaid,* that all property, moneys or effects of whatsoever nature or description heretofore given or conveyed or devised and hereafter to be given, conveyed or devised to the said Trustees of the said North-Carolina Endowment Fund, shall be held and possessed in special confidence and trust by the said corporation for the sole use and benefit of the said orphans in such manner as may be hereafter devised and adopted by said trustees.

Sec. 3. *Be it further enacted by the authority aforesaid,* that the said trustees may make and establish such rules, regulations and by-laws as may be necessary for the management of its funds as they may deem necessary to accomplish the objects of the same, not inconsistent with the laws and constitution of the State.

Sec. 4. *Be it further enacted by the authority aforesaid,* that the said trustees may declare what number may constitute a quorum for the transaction of business, and may
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appoint a board of directors and such other officers as they may deem expedient to manage said fund.

Sec. 5. Be it further enacted by the authority aforesaid, That this act shall be in force from and after its ratification. [Ratified the 12th day of December, 1863]

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PLANKROADS.

Chap. 16. An Act to Incorporate the Salem and High Point Plankroad Company.

Preamble. Whereas, By virtue of an act of the General Assembly of the State of North-Carolina, ratified the 16th day of February, 1859, chapter 158, entitled an “Act to amend an act to incorporate the Fayetteville and Western Plankroad Company,” authority was given the president and directors of said company to sell any or all the branches or any part of the main trunk of their road, and authorizing the purchasers thereof to form themselves into an incorporated company; and, whereas, in pursuance thereof a sale was made of all that portion of the main trunk of said road, running from High Point via Salem to Bethania in the county of Forsythe, together with all the rights, privileges and franchises of the same to John M. Stafford, who (without having procured an act of incorporation as provided under said amended act of Assembly) granted, sold, assigned and transferred the same to I. G. Lash, E. L. Clémmons, Samuel Martin, D. H. Starbuck, Robert Gray and P. A. Wilson, now in order that they may become invested with all the powers and franchises intended to be conveyed on the original purchasers under said act of Assembly. Therefore,

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 said I. G. Lash, E. L. Clémmons, Samuel Martin, D. H. Starbuck, Robert Gray and P. A. Wilson and their successor and assigns, are hereby incorporated into a body politic and corporate, under the name and style of the “Salem and High Point Plankroad Com-
pany,” which incorporation shall be invested with all the rights, powers, privileges and franchises conferred upon and enjoyed by the Fayetteville and Western Plankroad Company under their original charter or any alterations or amendments thereto.

Sec. 2. Be it further enacted, That the capital stock of this company shall be twenty thousand dollars, divided into shares of fifty dollars each.

Sec. 3. Be it further enacted, That said company shall have power to discontinue any portion of said road which they may desire.

Sec. 4. Be it further enacted, That this act shall take effect and be in force from and after its ratification. [Ratified the 12th day of December, 1863.]

PUBLISHING COMPANIES.

AN ACT TO AMEND THE CHARTER OF THE NORTH-CAROLINA CHRISTIAN ADVOCATE JOINT STOCK PUBLISHING COMPANY.

Be 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 North-Carolina Christian Advocate Joint Stock Publishing Company, ratified in General Assembly the 10th day of February, 1863, be so amended as to read “with a capital stock of not less than ten thousand nor more than fifty thousand dollars.” [Ratified the 3d day of December, 1863.]

SHERIFFS.

AN ACT CONCERNING THE OFFICE OF SHERIFF AND CLERK OF THE COUNTY COURT IN CHEROKEE 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 it shall be competent for twelve justices of the peace to fill any vacancy which may occur
in the office of sheriff or clerk of the county court of Cherokee county, the chairman of the court giving ten days notice in each captain's district.

Sec. 2. Be it further enacted, That whenever a vacancy shall occur in vacation in the office of sheriff and there shall be no coroner in the county, or in the office of clerk of the county court and there shall be no deputy qualified to discharge the duties of the office, twelve justices of the peace may assemble at the court house and fill such vacancy, take the bonds and administer the oaths required by law and cause their proceedings to be recorded in the county court clerk's office.

Sec. 3. Be it further enacted, That whenever the justices of the peace shall fail or refuse for twenty days to fill any vacancy in the office of sheriff, it shall be the duty of the judge, holding the next superior court, to appoint a sheriff, take the necessary bond and administer the oaths of office, and cause a record thereof to be made in the clerk's office of that court, and the bonds to filed and recorded as now directed by law. And this power may be exercised by a judge appointed to hold a court oyer and terminer as well as by the judge of the regular term.

Sec. 4. Be it further enacted, That the appointment of sheriff in said county by the justices thereof since the last regular session of the county court, be and the same is hereby ratified and confirmed.

Sec. 5. Be it further enacted, That all laws and 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 14th day of December, 1863.]

Chap. 19. AN ACT TO AUTHORIZE A. J. McBRIDE, SHERIFF OF WATAUGA COUNTY, TO COLLECT ARREARS OF TAXES.

For the years 1863-1864.

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. J. McBride, sheriff of the county of Watauga, shall have full power and authority until the first day of October, 1864, to collect arrears of taxes in
the county of Watauga for the years 1860 and 62, and also in that portion of the county of Mitchell, formerly belonging to the county of Watauga, for the year 1860, under the same rules and regulations as are provided by law for the collection of taxes: Provided, That said taxes shall not be collected if any person shall voluntarily make oath that he or she has paid the same.

Sec. 2. Be it further enacted, That the said A. J. McBride, sheriff as aforesaid, shall within twelve months from and after the ratification of this act make settlement with and pay over to the trustee and chairman of the board of common schools for the county of Mitchell, whatever amount may be due and collected as county and school taxes.

Sec. 3. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 8th day of December, 1863.]

TOWNS.

AN ACT TO INCORPORATE THE TOWN OF HICKORY TAVERN IN THE COUNTY OF CATAWBA.

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 town of "Hickory Tavern," in the county of Catawba, is hereby incorporated by the name and style of "Hickory Tavern," and shall be subject and entitled to enjoy all the privileges and powers contained in the various sections of 111th chap., Revised Code.

Sec. 2. Be it further enacted, That the corporate limits of said town of Hickory Tavern shall be one mile square, having for the center of the same the warehouse of the Western North-Carolina Railroad.

Sec. 3. Be it further enacted, That J. R. Ellis, H. W. Link, A. L. Shuford, A. J. Lindsay, L. Elias and W. Hall are hereby constituted, appointed and declared to be commissioners for said town of Hickory Tavern, and they and their successors are hereby invested with all rights, privileges, powers and immunities conferred upon and secured.
to commissioners of incorporated towns by said 111th chapter of the Revised Code, until their successors have been elected and qualified agreeable to the provisions of said 111th chapter, entitled "Towns."

Sec. 4. Be it further enacted, That this act shall be in force from its ratification. [Ratified the 12th day of December, 1863.]

AN ADDITIONAL AMENDMENT TO AN ACT ENTITLED "AN ACT TO CONSOLIDATE THE VARIOUS ACTS HERETOFORE PASSED TO INCORPORATE THE TOWN OF STATESVILLE IN THE COUNTY OF IREDELL.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the town magistrates and commissioners of the town of Statesville shall have power to institute, appoint and continue in said town a patrol guard and watch, who shall have and exercise the power and authority of suppressing within the town, riots, routs, unlawful assemblies and other disorders tending to breaches of the peace, and of arresting persons engaged therein and confining them within the common prison until they can be carried before a justice of the peace or other magistrate for examination. And as a mode of keeping up such patrol guard and watch they shall cause an enrolment to be made of all the white male citizens of said town between the ages of eighteen and sixty years, and form them into suitable classes and employ the classes in rotation. And the town magistrate and commissioners shall prescribe the terms, nature and mode of service of said patrol watch, in regulations to be by them adopted and published. And the commissioners shall also have the power to employ a hired police force, not exceeding three in number, for said town, whose duties and powers shall be the same as the duties and powers herein assigned to the patrol watch, and shall also execute the precepts and processes of the town magistrate, and aid and assist in the enforcement of the town ordinances with the same pow-
ers as the town constable: The pay of such police shall be regulated by an ordinance of the town magistrate and commissioners, and shall be paid out of the town revenue on the order of the town magistrate. [Ratified the — day of December, 1863.]

VOLUNTEER NAVY.

AN ACT TO INCORPORATE THE NORTH-CAROLINA VOLUNTEER NAVY 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 John L. Jones, Jackson Jones, Jefferson Horner, Jesse Meadows, Dudley Nichols, John Blacknall, E. H. Lyon, E. Dalby, Alexander Oldham, J. G. Hester, R. W. Minor, Williamson Harris and Eli W. Hall, 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 "North-Carolina Volunteer Navy Company," and as such shall have succession and may have and use a common seal and change the same at pleasure, and 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 and 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 of procuring, arming, equipping and manning a vessel or vessels for the volunteer navy to cruise against the enemy's commerce where found, according to the provisions of the act of Congress to establish a volunteer navy, approved April 18th, 1863; the vessel or vessels to be governed by the laws and regulations of the regular navy of the Confederate States; and for the purpose of running out through the blockade cotton, tobacco.
and naval stores, to be deposited at some safe point in Europe, to be used by the company in purchasing, arming and equipping vessels for the cruising service; Provided, the amount so exported shall not be of a value more than sufficient to purchase and equip two vessels, and the same shall be so invested and the vessels immediately tendered for service to the government.

Sec. 2. Be it further enacted, That the capital stock of the company shall not exceed ten millions of dollars, each share being five hundred dollars, and that the liabilities of the stockholders shall be limited to the amount of their subscription.

Sec. 3. Be it further enacted, That the interests and concerns of the company shall be managed by a directory of nine members, to be elected annually by the stockholders, voting according to the number of shares, one vote to each share; and the said directory shall elect a president, vice president, secretary and treasurer from their number, the last named officer entering into bond in such sum as the directory may require for the faithful performance of his duties.

Sec. 4. Be it further enacted, That the said directory shall have power to fill vacancies in their number. That called meetings of the stockholders may be held upon the call of stockholders owning one-fourth of the stock, and that a majority of the capital stock being represented shall constitute a quorum at any meeting.

Sec. 5. Be it further enacted, That when the war shall terminate, thus frustrating the purpose of cruising, the said directory shall have power to dispose of their arms and munitions of war, and employ the vessel or vessels, the company may own, in the carrying trade, until further ordered by the stockholders; and that this act be in force from and after its ratification. [Ratified the 12th day of December, 1863.]
AN ACT IN RELATION TO THE GOVERNOR'S MESSENGER.

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 messenger of the Governor, for the time being, shall receive two dollars per day, commencing from the ratification of this act.

SEC. 2. Be it further enacted, That this act shall have force from its ratification. [Ratified the 12th day of December, 1863.]

AN ACT TO CHANGE THE TIMES OF HOLDING THE COURTS OF PLEAS AND QUARTER SESSIONS IN THE COUNTY OF WILKES.

Be 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 third Monday in January, 1864, the Court of Pleas and Quarter Sessions for the county of Wilkes, shall be held on the first Monday in February, May, August and November, respectively, in each and every year, and all proceedings and process of every kind, after the third Monday in January, 1864, pending in and returnable to either of said courts, shall stand continued and be returnable to the several courts herein expressed respectively: Provided, That the first court held under the provisions of this act shall be held on the first Monday in February next. [Ratified the 12th day of December, 1863.]

AN ACT TO INCORPORATE THE PALMYRA LODGE A. Y. MASONs, No. 147, LOCATED IN AVERASBORO', HARNETT 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 the masters and wardens, which at present are or in future may be, of Palmyra Lodge, No. 147, in Averasboro', Harnett county, are hereby constituted and
declared to be a body corporate, under the name and style of “Palmyra Lodge,” and by such name shall have a common seal, may sue and be sued, plead and be implored, acquire and transfer property and pass all such by-laws and regulations as shall not be inconsistent with the laws of this State or the Confederate States. [Ratified the 14th day of December, 1863.]

Chap. 25.——26.

A BILL TO AUTHORIZE FOUR JUSTICES OF THE PEACE OF CARTERET AND CRAVEN COUNTIES TO APPOINT A COMMISSIONER AND FOR OTHER PURPOSES.

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 four Justices of the Peace for the counties of Carteret or Craven shall have power to meet at any place which they may select, and appoint a Commissioner to receive and disburse the moneys to which said counties are entitled respectively, under an act entitled “an act for the relief of the wives and families of soldiers in the army,” ratified the 10th day of February, 1863, which said counties may be entitled to under any act of the present session of this General Assembly; and to do all acts which the justices are authorized to do by virtue of said acts.

Sec. 2. Be it further enacted, That this act shall be in force from and after its ratification. [Ratified the 14th day of December, 1863.]
RESOLUTIONS
OF A PRIVATE NATURE, PASSED BY THE
GENERAL ASSEMBLY
OF
NORTH-CAROLINA,
at its
ADJOURNED SESSION OF 1863.

RESOLUTION IN FAVOR OF JOHN W. HINSON, SHERIFF OF DUPLIN COUNTY.

Resolved, That the public Treasurer pay to John W. Hinson, sheriff of Duplin county, the sum of ($7,813) seven thousand eight hundred and thirteen dollars, it being the amount of State taxes taken from him by the enemy, which he has paid into the treasury. [Ratified the — day of December, 1863.]

RESOLUTION IN FAVOR OF ELIZABETH A. GORDON, OF GATES COUNTY.

Whereas, It is represented to the General Assembly that George B. Gordon and others of the county of Gates, are the legal holders of five (5) bonds of one thousand dollars each, issued by the State, payable to bearer on the 1st day
of April, 1883, with coupons for interest, payable semi-
annually, the same being held upon certain trusts, set forth
in an ante-nuptial agreement between the said George B.
Gordon and his wife, Elizabeth A., securing to her a sole
estate therein, which bonds are numbered 2,612; 2,613;
2,614; 2,615 and 2,053, and that said bonds by accident
have become so much defaced and decayed that they can-
not be used, and the writing is daily becoming more
difficult to be read and even now is in many parts illegible.

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 inspect said supposed bonds, and
if upon examination it shall appear that they are genuine
bonds and unfit for use, to issue in the place thereof and
deliver to the said trustees or any of them five other bonds
of the State, being duplicates in all respects of said first
mentioned bonds, in each of which it shall be recited that
it is issued as a duplicate of a destroyed bond of the State
of the same tenor, and upon the delivery of the said sub-
stituted bonds the original shall be cancelled by the Treas-
urer, and said duplicate bonds shall be signed by the Gov-
ernor and countersigned by the public Treasurer.

Resolved, further, That the Treasurer be authorized to
issue said bonds in manuscript. [Ratified the 14th day
December, 1863.]

RESOLUTION IN FAVOR OF JOSEPH COBB, SHERIFF OF EDGECOMBE
COUNTY.

Whereas, Joseph Cobb, sheriff of Edgecombe county,
had forcibly taken from him by the public enemy on the
20th of July, 1863, the sum of sixteen thousand eight hun-
dred and nine-three dollars and fifty-three cents ($16,893.53), the sum being the amount of public taxes then collected by him for the State as such sheriff; and, whereas, on the 23rd of September, 1863, he paid to the public Treasurer the sum of sixty-seven thousand and eleven dol-
Resolved, That the public Treasurer be directed to pay to Joseph Cobb, sheriff of Edgecombe county, sixteen thousand eight hundred and ninety-three dollars and fifty-three cents, the same being the amount of public taxes captured from him by the public enemy, and which he paid into the Treasury out of his private funds in his settlement of the taxes due from said county. [Ratified the 8th of day December, 1863.]

RESOLUTION IN FAVOR OF CHARLES KELLY.

Resolved, That Charles Kelly, special Justice of Craven county, be furnished a copy of the Revised Code, he having by the occupation of his house by the enemy, lost the copy allowed him. [Ratified the 14th day of December, 1863.]

A RESOLUTION IN FAVOR OF THE SPEAKERS, CLERKS AND DOORKEEPERS.

Resolved, That the Speakers of both Houses be allowed sixteen dollars; the Principal and Assistants Clerks twenty dollars; the Engrossing Clerks sixteen dollars, and the Principal and Assistant Doorkeepers twelve dollars each per diem and twenty cents mileage for the present session; and that the principal clerks of both Houses be allowed the sum of one hundred dollars each for transcribing the journals for the public printer and other incidental services attached to their offices for the present session.

Resolved, further, That the Principal and Assistant Doorkeepers of both Houses be allowed the sum of fifty dollars each as an extra allowance for the present session. [Ratified the 12th day of December, 1863.]
RESOLUTION IN FAVOR OF LEVI DAWSON.

Resolved, That the Treasurer of the State pay unto Levi Dawson, of the county of Pitt, forty-six dollars and forty cents, which sum of money has been overpaid as taxes due the State. [Ratified the 12th day of December, 1863.]

A RESOLUTION IN FAVOR OF HENRY H. SUNDLIN OF ONSLOW COUNTY.

Resolved, That the public Treasurer be authorized to pay to Henry H. Sundlin, acting sheriff of Onslow county, the sum of two hundred dollars, amount overpaid by him into the State Treasury; in consequence of a mistake of the clerk in making his statement of the public taxes due from said county. [Ratified the 12th day of December, 1863.]

RESOLUTION IN FAVOR OF COUNCIL WOOTEN.

Resolved, That the public Treasurer pay to Council Wooten, administrator of John Joyner, the sum of forty-one dollars and thirty cents, it being the amount of public taxes paid by his intestate to the sheriff of Davidson county, and also, to the sheriff of Lenoir county, upon the same slaves, and by them paid into the treasury. [Ratified the 12th day of December, 1863.]

RESOLUTION IN FAVOR OF WM. PATTERSON, LATE SHERIFF OF ALAMANCE COUNTY.

Resolved, That Wm. Patterson, late sheriff of Alamance county be and is hereby authorized and empowered to collect the arrearages of taxes due for the years 1858 and 1859. [Ratified the 12th day of December, 1863.]
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A RESOLUTION IN FAVOR OF DRURY KING.

Resolved, That the public Treasurer pay to Drury King Pay $16. sixteen dollars, and that he be allowed the same in the settlement of his public accounts. [Ratified the 12th day of December, 1863.]
STATE OF NORTH-CAROLINA,
Office of Secretary of State,
Dec. 31st, 1863.

I, John P. H. Russ, 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 31st day of December, 1863.

JOHN P. H. RUSS,
Secretary of State.
The following act was accidentally omitted in the published laws of the July session, 1863, and is therefore inserted here:

DEserters.

AN ACT TO PUNISH AIDERS AND ABETTORS OF DEsERTERS.

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 knowingly aid, assist, harbor or maintain, under any pretence whatever, any deserter from the military service of the State or of the Confederate States, shall be guilty of a high misdemeanor, and upon conviction thereof in the Superior Court, shall be fined or imprisoned, or both, in the discretion of the Court, the fine not to exceed five hundred dollars, nor the imprisonment four months.

Sec. 2. Be it further enacted, That any person who shall under any pretence whatever, knowingly aid, assist, harbor or maintain any person enrolled and ordered to report for duty as a conscript, in refusing to obey such order, shall be guilty of a high misdemeanor, and upon conviction in the Superior Court, shall be fined or imprisoned, or both in the discretion of the Court, the fine not to exceed five hundred dollars, nor the imprisonment four months.

Sec. 4. Be it further enacted, That for the purpose of enforcing the conscript law of the Confederate States and arresting deserters and conscripts, the Governor shall have power to call out the militia.

Sec. 4. Be it further enacted, That this act shall have force from its ratification. [Ratified the 7th day of July, 1863.]
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