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BY GEORGE HOWARD,

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Advertisements, not exceeding 16 lines, will be inserted at 50 cents the first insertion, and 25 cents each continuance. Longer ones at that rate for every 16 lines. Advertisements must be marked the number of insertions required, or they will be continued until otherwise ordered. Letters addressed to the Editor must be post paid, or they may not be attended to.

## DOMESTIC.

[The following Acts were passed at the last session of the General Assembly.]

### AN ACT

To incorporate the Tarborough and Hamilton Rail Road Company.

1. *Be it enacted*, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that it shall be lawful to open books in the town of Tarborough under the direction of Michael Hearn, Theophilus Parker and Spencer D. Cotten; in the town of Hamilton under the direction of James L. G. Baker, William R. Bennett and Exum L. Lowe; in the town of Williamston under the direction of James B. Slade, James Shaw and Henry Gray; in the town of Norfolk under the direction of James Gordon, John Newton and John B. Roy; in Elizabeth City under the direction of John L. Bailey, William Gregory and Charles R. Kenney; and at such other places, and under the direction of such other persons, as the Commissioners herein named for the town of Tarborough may appoint, for the purpose of receiving subscriptions, not exceeding the sum of sixty thousand dollars, in shares of one hundred dollars each, to constitute a joint capital stock for the purpose of effecting a communication by a Rail Road from the town of Tarborough to the town of Hamilton, Hill's or Anthony's ferry, or any intermediate point; the precise route shall be determined on by the Company hereby incorporated; that the said books shall be opened in each place, at such time as the Commissioners, or deputy Commissioners, shall respectively appoint, between the thirty-first day of March and the first day of July next; and shall be kept open at such place, at least sixty days, and if it shall appear that more than the whole amount authorised by this act shall be subscribed, then it shall be the duty of the Commissioners, or a majority of them appointed to receive subscriptions at Tarborough, to reduce the number of shares subscribed for, among the subscribers, in fair and equal proportions to the amount of stock subscribed for respectively by each, until the whole amount of shares shall be reduced to six hundred—But if the whole number of shares shall not be subscribed for within one year from the time books shall be opened to receive subscriptions, then the books may be closed or continued opened as a majority of the Commissioners named to receive subscriptions at Tarborough may

judge most beneficial, until the whole number of shares shall be subscribed for; and the time and place of receiving such subscriptions as aforesaid, shall be advertised in one or more newspapers published in the city of Raleigh, in the town of Tarborough, Elizabeth City, and Norfolk, Virginia.

When three hundred shares shall be subscribed in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a Company by the name and style of "The Tarborough and Hamilton Rail Road Company," and in that name may sue and be sued, plead, and be impleaded, and shall possess and enjoy all the rights, privileges, and immunities of a corporation, or a body politic in law; and may make all such bye-laws, rules and regulations, not inconsistent with the Constitution and laws of this State, or of the United States, as shall be necessary for the well ordering and conducting the affairs of the Company.

Upon any subscription of stock, there shall be paid at the time of subscribing, to the person or persons appointed by this act, or by virtue of this act, to take subscriptions, the sum of one dollar on every share subscribed, and the residue thereof shall be paid, in such instalments, and at such times as may be required by the President and Directors of said Company: The said Commissioners and deputy Commissioners shall forthwith after the election of a President and Directors of the Company, pay over to the said President and Directors, all monies received by them; and on failure thereof, the said President and Directors may recover the amount due from them, or from any one, or more of them, by motion, on ten days previous notice, in the Superior Courts, or in the Courts of Pleas and Quarter Sessions, or before a Justice of the Peace of the county in which such Commissioner, his executor, or administrator, may reside.

2. *Be it further enacted*, That when three hundred shares or more of the stock shall have been subscribed, public notice of that event shall be given by any two or more of the said Commissioners appointed to receive subscriptions at Tarborough, who shall have power at the same time, to call a general meeting of the subscribers, at such convenient place and time as they shall name in the said notice: To constitute any such meeting, a number of persons holding a majority of all the shares subscribed, shall be present either in person or by proxy, and if a sufficient number to constitute a meeting do not attend on that day, those who do attend, shall have power to adjourn, from time to time until a meeting shall be formed.

3. *Be it further enacted*, That the subscribers at their general meeting before directed, and the proprietors of the stock at every annual meeting thereafter, shall elect a President and five Directors, who shall continue in office, unless sooner removed, until the next annual meeting

after their election, and until their successors shall be elected, but the said President or any of the Directors may at any time be removed, and the vacancies thereby occasioned, be filled by a majority of the votes given at any general meeting. The President with any three or more of the Directors, or in the absence of the President, any three of the Directors, who shall appoint any one of their own body President pro tempore, shall constitute a Board for the transaction of business. In case of vacancy in the office of President, or any Director happening from death, resignation, removal or disability, such vacancy may be supplied by appointment of the Board, or by the proprietors in general meeting.

4. *Be it further enacted*, That the President and Directors of the said Company shall be and they are hereby invested with all the rights and powers necessary for the construction, repair and maintaining of a Rail Road, to be located as aforesaid, and to begin at such point, and to be prosecuted in such direction as the stockholders shall direct; and may cause to be made and constructed all works whatsoever, which may be necessary and expedient, in order to the completion of the said Rail Road.

5. *Be it further enacted*, That the President and Directors shall have power to make contracts with any person or persons, on behalf of the Company, for making the said Rail Road, and performing all other works respecting the same, which they shall judge necessary and proper—to call on any emergency a general meeting of the proprietors of the stock, giving one month's notice thereof in some newspaper published at Tarborough or the seat of government—to appoint a Treasurer, Clerk and such other officers as they shall deem expedient, and transact all the business of the Company during the intervals between the general meetings of the same.

6. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the President and Directors, or a majority of them, within one month after the same shall have been advertised in some newspaper published at Tarborough, or the seat of government, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction and to convey to the purchaser, the share or shares of such stockholder, so failing or refusing, giving one month's previous notice of the time and place of sale in manner aforesaid, and after retaining the sum due, and all charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner, or his legal representative; and if the sale shall not produce the sum required to be advanced, with the incidental charges attending the same, then the President and Directors may recover the balance of the original proprietor or his assignee, or executor, or administrator, or either of them, by motion, in ten days notice before the Court of Pleas and

Quarter Sessions of the county of which he is an inhabitant, or by a warrant before a Justice of such county—and any purchaser of the stock of the Company, under the sale of the President and Directors, shall be subject to the same rules and regulations as the original proprietor.

7. *Be it further enacted*, That if the President and Directors cannot agree with the owners of land through which it may be necessary to make the said Rail Road, as to the terms upon which the said Rail Road shall be opened through the same, then it shall be lawful for the said President and Directors to file their petition in the Court of Pleas and Quarter Sessions of the county wherein the land lies, under the same rules and regulations as are now prescribed by law for laying off public roads, and upon the filing of said petition, the same proceedings shall be had as in cases of public roads—and when the jury shall have assessed the damages to be paid to the owners of the land through which the same shall be laid off, then it shall be lawful for the said President and Directors, upon paying the owner or owners of said land, his, her, or their guardian, as the case may be, or into the office of the Clerk of the Court of Pleas and Quarter Sessions of the county wherein the land lies, the sum or sums so assessed, to enter upon the land laid off, and construct their Road thereon, to make all necessary excavations and embankments, and other structures necessary to the construction, and preservation of said Road, and to hold the said land to their own use and benefit during their corporate existence; and in all things to have the same power and authority over said land, so laid off, during their existence as a Corporation, as though they owned the fee simple therein—Provided, that nothing in this act contained shall be construed to give power to said Company to lay off said Road through the yard, garden, burial ground attached or appurtenant to the dwelling house on any plantation through which it may be deemed necessary to lay off said road, without the consent of the owner thereof.

8. *Be it further enacted*, That whenever any wood, gravel or earth, may be wanted for the construction or repairing of said Road, and the President and Directors cannot agree with the owners of the lands adjacent, as to the terms on which they can procure the same, then it shall be lawful for the President and Directors, by themselves, or officers, or agents, to enter upon any adjacent lands, not in a state of cultivation, and take therefrom all wood, gravel or earth so needed as aforesaid—Provided, that they shall not, without the consent of the owner, cut down any fruit tree, or trees preserved in any lot or field for shade or ornament, or take any timber or gravel constituting any part of a fence or building—And where any gravel, wood or earth shall be so taken as is provided for in this act, it shall and may be lawful for the owner to file his

petition in the Court of Pleas and Quarter Sessions of the county wherein the land lies, from which said earth, gravel, or wood may have been taken, first giving ten days notice to said President and Directors, their officer or agent, of the filing of such petition, praying to have a jury summoned, to go upon the land and assess the damages he, she, or they may have sustained thereby, upon which it shall be the duty of the Court to order a jury as in laying off public roads, which jury shall go upon the land and after being duly sworn to do equal justice to all parties in assessing the said damages, shall consider what damages the owners of said land shall have sustained, and after assessing the same shall return their proceedings to said Court; and if the Court shall approve thereof, the damages so assessed, together with all costs shall be paid by the President and Directors—But if the said Court shall not approve thereof, they shall order another jury to be summoned, who shall proceed in like manner to assess said damages, and return their proceedings to said Court—And upon approval thereof by the said Court, said damages and costs shall be paid by the said President and Directors: And if said President and Directors shall not pay the damages so assessed, and all cost, execution may issue against them therefor as against other corporations—Provided always, that either party not satisfied with the sentence or decree of the County Court, may appeal therefrom to the Superior Court of Law for said county.

9. *And be it further enacted*, That it shall be lawful for said Company to purchase lands from the proprietors at any point on said road, not exceeding ten acres in any one tract, to be used by them for all necessary purposes of said Road, or to be disposed of by them when it shall be deemed proper.

10. *And be it further enacted*, That whenever in the construction of said Rail Road it shall be necessary to cross or intersect any established road or way, it shall be the duty of the said President and Directors of said Company so to construct the said Road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual such wagon ways across said Road from one part of his land to the other.

11. *And be it further enacted*, That the said President and Directors, or a majority of them, shall have power to purchase, with the funds of said Company, and place on the Rail Road constructed by them under this act, all machines, wagons, vehicles, carriages and teams of any description whatsoever, which they may deem necessary and proper for the purposes of transportation.

12. *And be it further enacted*, That all machines, wagons, vehicles, carriages, and all other personal property purchased by