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ROBERT P. WARING, Editor.

"The States---Distinct as the Willow, but one as the Sea."

RUFUS M. HERRON, Publisher.

VOL. 3.

CHARLOTTE, N. C., FRIDAY MORNING, MAY 11, 1855.

NO. 42.

R. P. WARING,
Attorney at Law,
Office in Loring's Brick Building, 2nd floor,
CHARLOTTE, N. C.

J. B. F. BOONE,
WHOLESALE AND RETAIL DEALER IN
BOOTS & SHOES,
SOLE LEATHER, CALF SKINS,
LINING AND BINDING SKINS,
SHOE TOOLS OF EVERY DESCRIPTION,
Charlotte, N. C.
Oct. 20, 1854. 1y

ELMS & JOHNSON,
Forwarding and Commission Merchants,
NO. 10 VENDUE RANGE,
CHARLESTON, S. C.
W. W. ELMS. C. JOHNSON.
June 23, '54. 45ft.

R. HAMILTON,
COMMISSION MERCHANT,
Corner of Richardson and Laurel Streets,
COLUMBIA, S. C.
June 9 1854 1y

BREM & STEELE,
Wholesale and Retail
MERCHANTS,
TRADE STREET,
Nearly opposite Elms & Spratt's Grocery,
CHARLOTTE, N. C.
Dec 15 20ft

CAROLINA INN,
BY JENNINGS B. KERR,
Charlotte, S. C.
January 28, 1853. 28ft

BOUNTY LAND BILL.
S. W. DAVIS,
Attorney and Counsellor at Law,
CHARLOTTE, N. C.

All collections and other business attended to with promptness; particularly such as refer to the prosecution of Emancipation, Land Warrants, and other titles of Bounty Land granted by the General Government, and of the late Bounty Land Law of March 3d, 1853, paying 160 Acres of Land to all Officers, Land and Naval, Commissioned or non-Commissioned, all Soldiers, Seamen, Clerks, or other persons, who served in any of the Wars in which the United States have been engaged since 1793, and also to all Officers and Soldiers of the Revolutionary War, their widows and minor children.

Persons having such claims, by presenting them immediately, may secure an early issue of their certificates. Office, 3 doors south of Saylor's Hotel.

Respectfully Yours!
THE unsettled business of Pritchard & Caldwell, for collection and settlement. Those indebted for that year will be doing us a great favor by closing their accounts immediately, as we have invariably cashed to pay, and money now as all most known, to a hard time to borrow.

Save your Cests!
THE Notes and Accounts of the Late firm of A. B. House & Co. have been placed in the hands of S. W. Davis, Esq., for collection and settlement. Those indebted either by Note or Account, are requested to make an immediate arrangement, as further indulgence cannot and will not be granted.

Notice
MY Notes and Accounts having been placed in the hands of S. W. Davis, Esq., for collection, those who are indebted to me individually, or as one of the firm of Steele & Barry, are respectfully requested to make settlement by April Court, if not sooner, as A. C. STEELE, Esq.

MRS. WHELAN,
Dress Maker,
2 DOORS SOUTH OF KERR'S HOTEL,
ALL Dresses cut and made by the celebrated A. B. Pritchard, and renovated to fit.
Bonnets trimmed in the latest style at the shortest notice.
April 20, 1855. 32ft

A. BETHUNE,
TAILOR,
No. 5, Springs Row,
4 DOORS EAST OF THE CHARLOTTE BANK,
CHARLOTTE, N. C.
Feb. 16, 1855. 30ft

W. S. LAWTON & CO.,
Factors, Forwarding and Commission
MERCHANTS,
SOUTH ATLANTIC WHARF,
CHARLESTON, S. C.
W. S. LAWTON. THOS. ALEXANDER.

Dr. R. M. Normont
RESPECTFULLY offers his professional services to the citizens of Charlotte and surrounding country. He hopes by devoting his entire attention to the duties of his profession to merit patronage. He may be found at all hours, at his office opposite the American Hotel, when not professionally engaged.
March 2, 1855. 32ft

Removal.
R. W. BECKWITH has removed his Jewelry Store to No. 2, Johnston's Row, three doors South of Kerr's Hotel.
Feb. 18, 1855. 30-1y

MECKLENBURG HOUSE,
BY S. H. REA.
HAVING purchased the building on the corner of Beaufort and North streets, I have repaired and fitted it up in the first-rate style, and respectfully inform the traveling public that it is now open for the reception of regular and transient boarders. Drovers will find ample accommodations at my house.
Jan. 12, 1855. 25-1y S. H. REA.

THE AMERICAN HOTEL,
CHARLOTTE, N. C.
BEG to announce to my friends, the public, and present patrons of the above Hotel, that I have leased the same for a term of years from the 1st of January next. After which time, the entire property will be thoroughly repaired and renovated, and the house kept in first-class style. This Hotel is near the Depot, and pleasantly situated, rendering it a desirable house for travellers and families.
Dec 16, 1855. 22t G. M. RAY.

Can any man, wedded to the interests of Virginia, read the following article without indignation at the monstrous attempt of the Secret Order to foist themselves upon the people of the State? Know-Nothingism is openly avowed to be the lever with which to push anti-slavery designs, even in Virginia! Will not all true Virginians be warned in time?

From the Wheeling Argus.
A Development.
Whatever we may have thought of the ability of Mr. Flournoy, the Know-Nothing candidate for Governor, we had supposed that his views on the slavery question were Virginian, and that the party in this State would have washed their hands of the abominations of their Northern brethren, and place upon their tickets men who were not fettered with abolitionism, however much so they might have been with other peculiarisms of which the party is composed. Pollock, of Pennsylvania, Wilson, of Massachusetts, and numerous other abolitionists, the first fruits of Northern Know-Nothingism, was "proof as strong as Holy Writ" that there was a complete fusion and affiliation with the free-soilers, abolitionists and higher law factions in the North, but in the face of these facts and the evidence before them, the Organ and Richmond Whig have been laboring zealously to convince the American people that the Know-Nothing party was national, conservative, and the only one that could preserve the Union. A desperate cause requires a strenuous vindication, as is known to those who are laboring for the muzzled night-walkers in the Old Dominion, and hence the enormous exertions that are being made by these partisans, and the Backback stories set afloat in regard to their strength. A letter that was accidentally misdirected by a member of the Winchester convention to a brother in Rhode county, and received by the gentleman whose name was endorsed upon it, says, that the whole strength of the party, boys and all, in the State, is only forty-six thousand, instead of the seventy-five thousand which in large figures is emblazoned upon the columns of the Know-Nothing papers, the number enrolled upon the list of the night-mighty. Small packages produce great results in some cases, and a significant statement from one brother in the order to another may, with a moderate allowance for the natural propensity for exaggeration in such cases, necessary to bear up the drooping spirits of the brethren, be considered as a fair estimate. All told, then, there may be from thirty to forty thousand of "the dark lantern set" in the State, and this is the mighty party that contemplates the defeat of the noble champion of human rights—Henry A. Wise, and the overthrow of the democracy of Virginia. Greatly duped has that Democrat been who has forsaken his party principles and cast himself into the shell of Know-Nothingism, depending upon its power to promote him to office. Duped in regard to the strength of the order, and deceived as to its principles, they will hasten to leave the sinking ship and be able to say, I was not there when she went down, but with the democracy who sail smoothly through rough seas as well as calm.

But, to return from the digression, let us consider for a moment some of the antecedents of Mr. Stanhope Flournoy and see how he stands, and has stood upon a question that is of vital importance to the State of Virginia in a pecuniary point of view, and one in which is embodied the peace, perpetuity and renown of the Union. Mr. Flournoy in a speech delivered at Charlotte county, Va. in the year 1846 or 1847, is said to have held the following language, which would grace the columns of the New York Tribune, the National Era, the Wheeling Times or any other paper that takes special delight in descending upon the evils that arise out of slavery as it exists in the Southern States. Here is what he said: "The decline of Virginia was not attributable to the want of internal improvements," and maintained that "IT WAS DUE TO NEGRO SLAVERY—ASSERTING THAT NO COUNTRY CAN BE PROSPEROUS WITH A SLAVE POPULATION. Know-Nothing Wilson will live and die with unrelenting hatred to slavery on his lips—Know-Nothing Pollock has declared in favor of the repeal of the Fugitive Slave Law and the Nebraska bill—the Know-Nothing Legislature of Michigan has instructed her Senators to vote for the repeal of both these laws, and Flournoy, the Know-Nothing candidate for Governor of Virginia, says that no country can be prosperous with a slave population. Read this, Virginians, and consider the wonderful similarity that exists between the Know-Nothing North and in our own State, and then read the following from the Young America, a Know-Nothing paper that was published in Pittsburg, and mark the designs of the American party, the national party, the party that is pure and free from sectional prejudices, the party in which the South is called upon to place confidence in their trust:

"ANTI-SLAVERY AND THE KNOW-NOTHINGS.
—The contest in Virginia is looked upon as a decided matter, and the election of the Know-Nothing candidate for Governor as a fixed fact. This may be regarded by some as a matter of surprise, inasmuch as the Know-Nothing organization, having its rise in the North, is as much in opposition to the slavery of the South as to the domination of the Catholic church and other foreign influences in our government generally. But the truth is, there is no cause for surprise in the matter. Virginia has a population as decidedly favorable to the abolition of slavery as any people in Pennsylvania or Ohio. Virginia, instead of being unanimous, is therefore greatly divided on the subject of slavery. The pro-slavery portion are the rich, whose wealth is in land and negroes. The poorer and laboring classes are oppressed by the institution and favor its abolition. This feeling prevails widely in the east, but predominates largely in the west, and there are many who would not hesitate to come out openly in advocating abolition, join cheerfully and at once in the Know-Nothing move, seeing that it tends to that end. Others, indifferent to the subject, fall into the current as the popular one, yet knowing that the success of the party is the surest blow that can be given to the pro-slavery interest of the State. The pro-slavery of Virginia is therefore to be broken, as the old parties in the other States were broken, by the quiet but onward progress of the Know-Nothing organization. They do not, of course, as we of the North have done, come out in open opposition to slavery."

An Act to Incorporate "the Wilmington and Charlotte Rail Road Company."

SEC. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the purpose of effecting a railroad communication between Wilmington and Charlotte by way of Lumberton, Rockingham, Wadesboro and Monroe, the formation of a corporate company, with a capital stock of two millions of dollars is hereby authorized, to be called "The Wilmington and Charlotte Rail Road Company," and when formed in compliance with the conditions hereinafter prescribed, to hold a corporate existence, as a body politic, for the space of ninety-nine years.

SEC. 2. That the said company be and the same is hereby authorized to construct a Railroad from Wilmington to Smithville, or some point on the Wilmington and Manchester Railroad in the county of Columbus, or from some point on the Wilmington and Raleigh Railroad in the county of New Hanover, as the stockholders may determine, via Lumberton, Rockingham, Wadesboro and Monroe, to the town of Charlotte in the county of Mecklenburg.

SEC. 3. That for the purpose of creating the capital stock of said company, the following persons be and they are hereby appointed commissioners, viz: Gen. Alexander McRae, of Wilmington; Alfred Smith, of Whitesville; Thos. A. Norment, of Lumberton; Jas. P. Leak, of Rockingham; Walter R. Leak, of Wadesboro; David A. Covington, of Monroe; and Charles J. Fox, of Charlotte.

That it shall be lawful to open books of subscription in the town of Wilmington, under the direction of George Davis, T. C. Worth, A. H. Van Bokkelen, John C. Latta, Miles Costin, Geo. R. French, J. H. Fluener, Edward Kidder, S. D. Wallace, A. J. DeRosier, Jr., John A. Taylor, H. L. Holmes and Robt. H. Cowan, or a majority of them; at Whitesville, under the direction of Calvin Haynes, T. S. Moore, W. M. Baldwin, Wm. Frank and Thomas Smith, or a majority of them; at Fair Bluff, in Columbus county, under the direction of Alva Smith, Aug. Smith, John Coley and N. L. Williamson, or a majority of them; at Lumberton, under the direction of John T. Pope, Edward Lewis, Robt. S. French, Robt. E. Troy, Edmund McGee, H. P. Penson and J. M. Carmichael, or a majority of them; at Fland County, under the direction of Archibald Smith, Mellen E. French, John Gilchrist, Jr., Will Mc-Nair, and William S. Hays, or a majority of them; at Laurinburg, in the county of Richmond, under the direction of Dr. John Malloy, John Fairley, John Gilchrist, Jr., David McHenry, Dan. McKeon, John L. Fairley, W. M. Mc-Nair, Donald McLaughlin and Rev. Thomas Gibson, or any three of them; at Rockingham, under the direction of Walter F. Leak, Mid. Wall, William B. Cole, Gen. Alfred Duckery, Stephen Cole, Col. John W. Covington and R. S. McDonald, or any three of them; at Wadesboro, under the direction of H. P. Hammond, George W. Little, S. W. Cole, E. F. Lilly, P. G. Smith, Joseph White, S. R. Hargrove, under Richardson and Joseph Medley, or any three of them; at Elizabethtown, under the direction of Jas. G. McDougald, Jas. J. McMillan, Jas. A. McDougald, Thos. C. Smith and Duncan Cromarrie, or any three of them; at Monroe, under the direction of Hugh Houston, Samuel H. Walker, Hugh Wilson, Moses Culbert, Geo. Joe. Mell and M. Stewart, or any three of them; at Charlotte, under the direction of Wm. Johnson, Jas. A. Young, Jas. Irvin, Leroy Springs and John Walker, or any three of them; whose duty it shall be to direct the opening of books for subscription of stock, at such times and places, and under the direction of such persons as they, or a majority of them, may deem proper; and the said commissioners shall have power to appoint a chairman for their body, Treasurer, and all other officers, and to sue for and recover all sums of money that ought under this act to be recovered by them.

SEC. 4. That all persons who are herein, or may be herein, appointed to open books of subscription to the capital stock of said company, shall open books at any time after the ratification of this act; twenty days previous notice having been given in one or more of the newspapers of this State; and that when said books are opened they shall be kept open for the space of thirty days, at least, and as long thereafter as the commissioners first above named shall direct; that all subscriptions of stock shall be in sums of fifty dollars, the subscribers paying at the time of making such subscription two and a half dollars on each share they subscribed to the person or persons authorized to receive such subscription, and in case of failure to pay said sum, all such subscriptions shall be void and of no effect. And upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalment, shall be paid over to the general commissioners named in the third section of this act by the person receiving them, and for failure thereof such person or persons shall be personally liable to said general commissioners before the organization of said company, and to the company itself after its organization, to be recovered in the Superior Court of law of this State, in the county where such delinquent resides, or if he reside in any other State, then in any court in such State having competent jurisdiction. The said general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money made by the subscribers.

SEC. 5. That it shall be the duty of the said general commissioners to direct and authorize the keeping open of books for the subscription of stock in the manner above described until the sum of five hundred thousand dollars shall have been subscribed to the capital stock of said company; and as soon as the said sum of five hundred thousand dollars shall have been subscribed, and the first instalment of two and a half dollars per share in said sum shall have been received by the general commissioners, said company shall be regarded as formed, and the said commissioners, or a majority of them, shall sign and seal a duplicate declaration to that effect, with the names of the subscribers appended, and cause one of said duplicates to be deposited in the office of the Secre-

tary of State, and thenceforth, from the closing of the books of subscription as aforesaid, the said subscribers to stock shall from that time be deemed and public, in deed and in law, for the purposes aforesaid, by the name and style of the Wilmington & Charlotte Rail Road Company.

SEC. 6. That whenever the sum of five hundred thousand dollars shall be subscribed in manner and form aforesaid, the subscribers, their executors, administrators and assigns, shall be, and they are hereby, declared to be incorporated into a company by the name and style of the Wilmington & Charlotte Rail Road Company, and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of their Charter, and no further, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, in any court of law and equity in the State of North Carolina, and may have and use a common seal, which they shall have power to alter and remove at pleasure, and shall have and enjoy all other rights and immunities which other corporate bodies may and of right to exercise, and may make all such by-laws, rules and regulations as they may deem proper and necessary for their government and the interest of their company, not inconsistent with the Constitutions and laws of this State, and of the United States.

SEC. 7. That notice of process upon the principal agent of said company, or the president or any of the directors thereof, shall be deemed and taken to be due and lawful notice of service of process upon the company, so as to bring it before any court of North Carolina.

SEC. 8. That so soon as the sum of five hundred thousand dollars shall have been subscribed in manner and form aforesaid, it shall be the duty of the general commissioners appointed in the third section of this act to appoint a time for the stockholders to meet at Wadesboro, in the county of Anson, which they shall cause to be previously published for the space of four weeks in one or more newspapers as they may deem proper, at which time and place the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations and by-laws as may be necessary for the government of the corporation and the transaction of business. The persons elected at this meeting, shall serve such period, not exceeding one year, as the stockholders may direct, and at this meeting the stockholders shall fix upon the day and place or places where the subsequent election of directors shall be held; and such election shall thenceforth be annually made, but if the day of election shall pass off without any election, it shall be lawful to hold an election on any other day in such manner as shall be prescribed by the by-laws of the corporation.

SEC. 9. That the affairs of the company shall be managed and directed by a general board, to consist of nine directors, to be elected by the Stockholders, at their first annual meeting, and at subsequent annual meetings; each stockholder shall have as many votes as he has shares in the stock of the company, and the election shall be by ballot; the persons having a majority of the votes cast shall be considered duly elected.

SEC. 10. That the President of the company shall be elected by the board of directors from among their number in such manner as the regulations of the company shall prescribe.

SEC. 11. That at the first general meeting of the stockholders, a majority of all the shares subscribed shall be represented in person or by proxy, before the meeting shall proceed with business; and if a sufficient number do not attend, those who do attend may adjourn from time to time until a majority shall be represented. At this meeting, the stockholders may determine what amount of stock shall be necessary to constitute a quorum for the transaction of business in the regular or occasional meetings of the stockholders or directors.

SEC. 12. That at all elections and upon all votes taken in any general meeting of the stockholders, each share of stock shall be entitled to one vote, and any stockholder may vote by proxy, the proxy being a stockholder, and proxies shall be verified in such manner as the by-laws of the corporation may prescribe.

SEC. 13. That the general commissioners shall make their return of the shares of stock subscribed for at the first general meeting of the stockholders, and pay over to the directors elected at said meeting, or their authorized agent, all sums of money received from subscribers, and for failure thereof shall be personally liable to said company, to be recovered at the suit of said company in the Superior Court of law in the county where such delinquent or delinquents reside, or in case of death, from his or the executors or administrators.

SEC. 14. That the Board of Directors may fill all vacancies which may occur in it during the period for which it may have been elected; and in the absence of the President, may elect a President pro tem, from among their number.

SEC. 15. That all contracts or agreements authorized by the President and Secretary of the Board of Directors, shall be binding on the company without a seal, or such mode of authentication may be used as the by-laws of the company may prescribe.

SEC. 16. That the company shall have power and may proceed to construct as speedily as possible a rail road with one or more tracks, to be used with steam or other power, which shall extend from Wilmington, or from some point on the Wilmington and Manchester Rail Road, in Columbus county, by way of Lumberton, Rockingham and Wadesboro, taking in all cases the most feasible and advantageous route to Charlotte, in the county of Mecklenburg, and they may use any section of said road before the whole shall have been completed.

SEC. 17. That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce on said rail road, to be by them constructed at such charges as may be fixed upon by the Board of Directors.

SEC. 18. That the Board of Directors may call for the payment of the sums subscribed as stock in said company in such instalments as the interests of the company may in their opinion require; The call for each payment shall be published in

one or more newspapers in the State, for the space of one month before the time of payment; and on failure of any stockholder to pay each instalment as required, the Directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholders, and convey the same to the purchaser at said sale; and if the sale of stock do not produce a sum sufficient to pay off the incidental expenses of the same, together with the interest amounting by such stockholders to the company for stock subscribed, then, and in that case, the whole of such balance shall be held and taken as due at once to said company, and may be recovered of such stockholders, or his executor, administrator or assigns, at the suit of said company, either by summary notice in any court of superior jurisdiction in the county where the delinquent resides, on a previous notice of ten days to said subscriber, or by the action of assumpsit in any court of competent jurisdiction, or by warrant before a Justice of the Peace, when the sum does not exceed one hundred dollars, and in all cases of assessment of stock before the whole amount has been paid to the company, then for all sums due on said stock, both the original subscriber and the first or subsequent assignees shall be liable to the company, and the same may be recovered as above described.

SEC. 19. That the debt of stockholders due the company for stock therein, either as original proprietor or as first or subsequent assignee, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representatives.

SEC. 20. That said company shall issue certificates of stock to its members; and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

SEC. 21. That the said company may at any time increase its capital to a sum sufficient to complete said road, not exceeding three million of dollars, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same shall be done in either case shall be prescribed by the stockholders at a general meeting.

SEC. 22. That the Board of Directors shall, at least once in every year, make a full report on the state of the company and its affairs to a general meeting of the stockholders, and whenever it is required by the by-laws, and shall have power to call a general meeting of the stockholders when the Board may deem it expedient; and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.

SEC. 23. That the said company may purchase, have and hold in fee, for a term of years, any land, tenements or hereditaments which may be necessary for said road or the appurtenances thereof, or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for workshops or foundries to be used for said company, or for procuring stone or other materials necessary to the construction of said road, or for effecting transportation thereon, and for no other purposes whatever.

SEC. 24. That the company shall have the right, when necessary, to conduct the said road across or along any public road or water course; Provided, That the said company shall not obstruct any public road, without constructing another equally good and convenient, nor without making a draw in any bridge of said road which may cross a navigable stream sufficient for the passage of such vessels as navigate such stream.

SEC. 25. That when any lands or right of way may be demanded by said company for the purpose of constructing their road, and for the want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record having common law jurisdiction in the county where some part of the land or right of way is extended. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage he, she or they may receive from the erection or establishment of the railroad or work, and shall state particularly the amount and value of each; and the excess of loss and damage over the benefit and advantage, shall form the measure of valuation of said land or right of way; Provided, nevertheless, that if any person or persons whose land said road may pass, should be dissatisfied with the valuation of said commissioners, then, and in that case, the person or persons so dissatisfied may have an appeal to the Superior Court in the county where the said valuation has been made, or in either county in which the land lies when it may be in more than one county, under the same rules, regulations and restrictions, as in appeals from Judgments of Justices of the Peace.

The proceedings of the said commissioners, accompanied with a full description of said land or right of way, shall be returned under the hands and seals of the commissioners to the court from which the commission issued, there to remain a matter of record. And the lands or right of way, so valued by the said commissioners, shall vest in the said company so long as the same shall be used for the purpose of said railroad, so soon as the valuation may be paid, or when refused, may have been tendered; Provided, That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court, that at least ten days previous notice has been given by the applicant to the owner or owners of land so proposed to be condemned, or if the owner or owners be infants, or non compos mentis, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be so found, then such appointment shall not be made, unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the Court House of the county, and shall have been posted at the door of the Court House on the first day, at least, of the term of the court to which application is made; Provided, further, That the

valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath any Justice of the Peace, or clerk of the County Court of the county in which the land or any part thereof lies, is hereby empowered to administer. Provided, further, That the right of condemnation herein granted shall not authorize the said company to invade the dwelling house, yard, garden or burial ground of any individual without his consent.

SEC. 26. That the right of said company to condemn lands in the manner described in the 26th Section of this act, shall extend to condemning one hundred feet on each side of the main track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have the right to condemn so much in addition thereto as shall be necessary for the construction of said road; and the company shall also have power to condemn any appropriate lands in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents and persons employed on said road, not exceeding two acres in any one lot or station.

SEC. 27. That in the absence of any contract or contracts in relation to land through which said road, or any of its branches, may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land over which said road or any of its branches may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the said company by the owner or owners thereof; and the said company shall have good right and title thereto, and shall have, hold and enjoy the same so long as the same shall be used for the purposes of said road, and no longer, unless the person or persons owning the land at the time that part of the said road which may be on said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said lands as heretofore directed, within two years next after that part of said road which may be on the said land was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall forever be barred from recovering said land, or having any assessment or compensation therefor; Provided, That nothing herein contained shall affect the rights of fee owners or infants, until two years after the removal of respective disabilities.

SEC. 28. That all lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one hundred feet of the centre of said road which may be constructed by said company, shall vest in the said company as soon as the line of the road is definitely laid out through it; and any grant of said land thereafter shall be void.

SEC. 29. Be it further enacted, That if any person or persons shall intrude upon the said road by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, contrary to the will of the said company, he, she or they may be indicted for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

SEC. 30. Be it further enacted, That if any person shall willfully and maliciously destroy, or in any manner hurt or damage, or obstruct, or shall willfully and maliciously cause, or aid or assist, or counsel and advise any other person or persons to destroy, or in any manner hurt or damage, or obstruct, or injure said railroad, or any bridge or vehicle used for or in the transportation thereon any water tanks, warehouse, or any other property of said company, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than twelve nor less than one month, and pay a fine not less than twenty nor more than five hundred dollars, at the discretion of the court before which said conviction shall take place; and shall be further liable to pay all expense of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, agent or servant of the owner of the land, when such destruction, damage, injury or obstruction was done, at the time the same was done or caused to be done.

SEC. 31. Be it further enacted, That every obstruction to the safe and free passage of vehicles on said road or its branches, shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of said company, and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

SEC. 32. Be it further enacted, That the said company shall have the right to take at the store-house they may establish on, or annex to, their railroad or branches thereof, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they may by rules establish (which rates they shall cause to be published) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation; Provided, That the said company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at the regular depositories for immediate transportation, and which the company may have power to transport immediately.

SEC. 33. Be it further enacted, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock which each may own.

SEC. 34. That the following officers and servants, persons in the actual employment of said company, be and are hereby exempt from the performance of jury and ordinary military duty: The President and Treasurer of the Board of Directors, the Chief and Assistant Engineers, the Secretaries and Accountants of the company, the Keepers of the Depositories, Guard stationed on the road to protect it from injury, and such other persons as may be working the locomotives, engines, and traveling with the cars for the purpose of attending the transportation of goods, produce and passengers on said road.

SEC. 35. That the said road shall be divided into sections of twenty-five miles each, and shall