The North Carolina Whig.

"Be true to God, to your Country, and to your Duty."

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EDITOR & PROPRIETOR.

TERMS:

The North-Carolina Whig will be afforded to subscribers at TWO DOLLARS in advance, or TWO DOLLARS AND FIFTY CENTS if payment be delayed for three months, and THREE DOLLARS at the end of the year. No paper will be discontinued until all arrearages are paid, except at the option of the Editors.

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☞ All letters on business must be directed to the Editors. Letters must be post-paid or they will not be attended to.

☞ Payments can be made to either.

☞ Postmasters are authorized to act as agents.

Poetry.

American Song.

AIR—"*Sparkling and Bright.*"

The Know-Nothing throng have a pitch in song,
Translated from the German,
To pitch out gopts and pitch in votes;
To set the tailors squirming!
CHORUS—The Pitch in sound is rolling 'round
Our watchword, and replying
To pitch out shame and pitch in fame,
And make that fame undying.

The North and the South pitch in their sculls,
To root the foe of Union;
The Romish snake manfully to shake,
And send it foster running!
CHORUS—The Pitch in sound, &c.

In Fifty-six the country we'll fix,
And set the world to staring,
With a President and Know-Nothing beat,
The right and Truth declaring!
CHORUS—The Pitch in sound, &c.

Huzzah with a noise for the pitch in boys
Columbia's true salvation;
For they pitch out foes and pitch in those
Who swear to save the nation!
CHORUS—The Pitch in sound, &c.

In Fifty-six we'll pitch in tricks,
With playing cards, by thunder,
With Know-Nothing guile and know something smile,
While the "Jack of Clubs" goes under!
CHORUS—The Pitch in sound, &c.

Our heart and hand with the pitch in hand,
Already fam'd in story;
For they pitch in fame and pitch out shame,
That time our upward glory!
CHORUS—The Pitch in sound is rolling 'round
Our watchword, and replying
To pitch out shame and pitch in fame,
And make that fame undying!

Miscellaneous.

From Chamber's Journal.

THE SEWING GIRL.

A BEAUTIFUL SKETCH.

Annie Linton was the best sewer in Mrs. Roy's School; and the mistress declared, on inspecting the first shirt she made for her father, 'That the Duke of Buccleuch himself might wear it!' This was high praise for little Annie, who was only eleven years of age; and she never forgot it. Her work was the cleanest and neatest ever seen. Then she did it so quickly, her mother could not keep pace with her daily demand for 'something to sew.'

'I wish Annie would take to her book,' said Mrs. Linton to her husband. But it was quite clear that Annie would never take to her book; she had little reading and less spelling; and yet she could 'mark' (with cotton) all the letters of the alphabet, as if she was a very miracle of learning.

'Something to sew!' eagerly demanded Annie.

'Will any mowing come to this sewing?' asked her father, with a very natural attempt at a pun.

'Those who do not sew shall not reap,' said little Annie, cleverly taking up her father's meaning and her work-bag at the same time, as she whisked past him in fear of being too late for school.

Three weeks after: Annie's learning to be a scholar,' said Mrs. Linton; 'no more demands for sewing.' That afternoon Annie came bounding into the house from school, sat upon her father's knee, opened her work-bag, which hung over her arm, and putting a screwed up paper into his hand, said: 'There's the mowing.'

Her father undid the paper, and found four half crowns. 'Annie,' questioned her father, 'where did this come from?'

'From the sewing,' answered Annie, laughing delightedly at his surprise, as she escaped from his knee, and ran out of the room, to delay a little longer the solution of the riddle.

'Wife,' said John Linton, 'it is impossible that Annie could earn all this by the sort of child's play girls call work; and whom did she earn it from? I'm afraid there's something wrong?' And, to tell the truth Annie Linton was practising a little disguise; nor had she given her father all the money she had earned. The sum originally was twelve shillings. This was all designed for her father alone; but a prior claim had come in the way. It was cold winter weather, and the children of the school brought their forms in a sort of square, around Mrs. Roy's fire. Annie, who was a favorite of the mistress, always occupied a warm corner close to her own big chair. On the day in question, Mrs. Roy happened to be out of the room—

'I'll change seats with you, Jessie Wilson, if you're cold,' said Annie, addressing a little girl, a very book-worm, who, clad in a threadbare printed cotton gown, sat shivering over her lesson.

Jessie thus invited, came a little nearer.

"You should put on a woolen frock like mine and warm yourself well at your mother's fire before you come to school these winter days,' said Annie, scrutinizing the poverty struck appearance of the girl.

'Mother says,' replied Jessie, 'that she'd rather do without a fire than my schooling, and she can't pay for both.'

'Has your mother no fire at home this cold weather?' asked Annie in amazement.

'No,' said Jessie. 'I wished I dare bring her with me here—it's warmer than at home. And I know mother is ill, though she won't tell me.'

'Sit here,' said Annie, placing Jessie in her warm corner; 'and don't go out of school without me.'

That afternoon the two girls went hand in hand to Jessie's door.

'Have you plenty to eat, if you have no fire?' asked Annie.

'This is the first day mother has been forced to send me to school without breakfast,' said Jessie, hanging down her head, as if ashamed of the confession.

'Here,' said Annie, after a slight pause, untwisting the paper in which were deposited her first earnings; 'I won't go in with you, for your mother might not like to take it from a little girl like me; but'—and she put two shillings into Jessie's hand—'that is to buy you something to eat, and a fire, and, if your mother can sew as well as I can,' said Annie, with pardonable vanity, 'I can tell her how to get plenty of money to pay for both.'

No wonder Annie's riches increased; the first investment was a good one. Nevertheless the concealing of it from her parents she knew to be wrong; she feared they would disapprove of it; and she added to her little prayer at night, after the usual ending of 'God bless father and mother—and forgive me for keeping secret that I helped Jessie Wilson.' Could the Recording Angel carry up a purer prayer to Heaven?

Of course, Mr. and Mrs. Linton very soon discovered that Mr. Seamwell, of the 'Ready made Linen Warehouse,' was the grand source of Annie's wealth. He said there was no one who could work like her, and said that he would give eighteen pence each for the finest description of shirt-making—This was no great payment for Annie's exquisite stitching, thirty years ago it would have brought her three and sixpence a shirt. But Annie is of the present, not of the past, and as she could complete a shirt a day, her fingers flying swifter than a weaver's shuttle, she earned nine shillings a week.

'Good wife,' said Mr. Linton, 'we are not so poor but that we can maintain our daughter until she's twenty, and by that time, at the present rate of her earnings, she will have a little fortune in the bank.

But this little fortune amassed but slowly, for Annie seldom had nine shillings at the end of the week—there were other 'Jessie Wilsons' who required food and fire.

Had Annie been a poet, she would assuredly have written, not *the* song, but *a* song of the shirt, for once when she was questioned as to the dull monotony of her work; 'Dull! Delightful!' said Annie, in advocacy of her calling. 'Why, with this rare linen and fine thread, my stitches seem like stringing little pearls along the wristbands and collars!' What an anti-song of the shirt might not Annie have written!

Annie's eighteenth birth-day was celebrated by a tea party to all seamstresses of Mr. Seamwell's establishment, where she was now forewoman; besides being a cheerful, kind-hearted little creature; beloved by everybody, it was a compliment, Mr. Seamwell said, she well deserved—her admirable superintendence of the department allotted her having increased his business tenfold.

Some time after there was a day of rejoicing in the firm of Seamwell & Co. The father had taken his son as a partner, and the son took a partner for life—the indefatigable little seamstress, Annie Linton. There never was a blither bridal. Annie; herself having risen from the ranks—had a present for every workwoman. Indeed it was a day of presents, for on that very morning, and in time to be worn at the wedding, a shawl arrived for Annie, all the way from India—an India shawl, that a Duchess would have envied! Upon it was pinned a paper, on which was written: 'Wear this for the sake of one who is now rich and happy, but who can never forget the services you rendered to the poor school girl—Jessie Wilson.'

'Annie,' said young Seamwell after the marriage, 'I fell in love with you when you were a child, and came to our shop for your first sewing. I also happened to be passing when you gave part of your first earnings to Jessie Wilson; I was a boy then, but I said to myself, 'If I were a man, I'd marry Annie Linton; but she's so pretty'—here Annie blushed most becomingly—'not because she's so industrious, but because she's so kind-hearted.'

☞ A droll story is related of an honest farmer, who, attempting to drive home a bull, got suddenly hoisted over the fence. Recovering himself, he saw the animal on the other side of the rails, sawing the air with his head and neck, and pawing the ground. The good old man looked steadily at him for a moment, and then shaking his fist at him, exclaimed:

"Darn your apologies—you needn't stand there, you tarnal critter, a bowin and scrapin—you did it a purpose darn your curly picture!"

☞ Smith and Brown running opposite ways round a corner, struck each other.

'Oh, dear,' said Smith, 'how you made my head ring.'

'That's a sign it's hollow,' said Brown.

'Don't yours, ring,' said Smith.

'Then that's a sign it's cracked,' said his friend.

☞ We picked up a good anecdote the other day, of an old Methodist preacher, who rode a circuit a few years ago. While going to one of his appointments he met an old acquaintance who was one of the magistrates of the county. He asked the minister why he didn't do as the Savior did—ride an ass. 'Because', said the divine, 'the people have taken them all to make magistrates of.'

Communication.

FOR THE N. C. WHIG.

The Sunny South.

Mr. Editor: Have you ever gone into the forest alone on a Sabbath evening, and meditated amid the quiet of the grand old woods, while the soft wings of the wind were sweeping the ever-green pine tops as a woman's hand would sweep harp-strings? If so, you can form some idea of true Southern life. Not that mere breathing which some would-be great folks call life, where there is nothing to be seen but stone pavements, and brick walls, and smoke, and dust; and where there is nothing to be heard but the tramp of multitudes, the rattling of drays, and the ringing of bells. Why, sir, in this section, we consider ourselves the masters, and cities our servants. Whatever our plantations cannot supply us with, we get from cities, such as groceries, dry goods, books, newspapers, and the like. Always remembering that the up-country favours us sometimes in the news line. But as for living in cities, where a man can scarcely get ground enough for his house to stand upon, and where he rarely gets a breath of air only at second hand, where there are no peach blossoms to smile at old winter as he runs away, where there are no gardens for beaus to grow in, no groves for birds to sing in, and numerous other inconveniences and annoyances; as for life in such a place, I have nothing more to say at present, only to place in contrast with it the tranquility of rural scenes, the soothing influence which foliage and verdure, and the fresh turned earth, have upon the mind, leaving it comparatively free to contemplate scenes of celestial beauty and joy.

To those who have left a familiar locality for a distant home, there are two points of especial interest connected with the friends they have left behind. There are the altar and the urn. It is always interesting to know who among the "solitary" have been "set in families," and who among the living have been numbered with the dead. The union of hearts, hands, and fortunes, is with some, a matter of but little importance; with others, even the mention of such unions amongst those with whom they have taken "sweet counsel" in former days, is full of interest. When one who is far away, hears of the forming of such *co-partnerships*, he is apt to imagine the fond hopes which animated the bosoms of the betrothed ones, the gay festivities of the nuptial evening, the unexpected trials and sorrows which the now happy ones are destined to experience, and the unanticipated happiness which will come occasionally over their spirits as snatches of sun-shine in a cloudy day, or as blooming wild flowers in the traveller's path.

The obituary column likewise possesses a mournful interest. We ask as we read it, who of our kindred, friends, and acquaintances shall we see no more? And in the course of a year, various are the announcements which fill up this department. This week we read of a blooming girl of sixteen summers, whose sparkling eye, and merry laugh, and spring like smile, we remember well; but alas! she now sleeps beneath the sod, and above her fair form cedars may wave, and willows may weep, and roses may wave their chaplets, and friends may drop their tears, but the lovely and the beloved one is gone.

Next week, between the black lines, we read that a revolutionary soldier has laid himself down to sleep upon the bosom of mother earth. He has fought on many a field; his scars are a volume of eulogy which his friends have read with admiration for many years past; he has never quailed before any foe, although clad in steel, and armed like Ajax; but the destroyer found him at last, and the hero of numerous battles, fell at his feet. Above the hero's narrow bed, thunders may roll, and the nightingale may sing, and the friends he loved, may talk of his valorous deeds; but he will list not to this voice of God that wrecks the sky, nor to the song which charms the peasant's ear after the day's toils, nor to the story of his own struggles and triumphs in arms,—

"No sound can awake him to glory again."

It is thus that death tyrannizes over the young and the old—he has as little regard for gray hairs as for raven ringlets: he knocks at the door of the palace with as little ceremony as he knocks at the door of the cottage, and when he comes for his victim, neither the infant's cries nor the maiden's smiles, nor the mother's tears, nor the soldier's scars, nor the physician's skill, nor the christian's faith, can stay his relentless hand. When we see the ghastly king thus ravaging the world, we exclaim in the words chiseled on a young lady's tombstone, whose mental remains sleep in the soil of the "Old Dominion:"

"O, human life, how mutable, how vain,
How with thy sorrow, circumscribed thy joy.
A sunny island in a stormy main,
A spot of azure in a cloudy sky."

But is there no relief from this gloomy picture of life? There is surely none but the hope set before us in the gospel. When bidding adieu to kind friends, and when hearing of the death of others, I have often sighed to think that earth's friendships are so transient. A familiar song has now and then called my spirit away from present things, and placed me amid the friends and the scenes of my school-days, and I have felt sad to think that those halcyon days are forever fled, and that the friends of my boyhood are dispersed as were the builders of Babel, to different and distant climes. And for such sickness of the heart as this, I have found but one remedy, and that is hope. Hope tells me of a better day and of a brighter world. It tells me of the glorious and eternal re-union of friends when

"No forewell tears are shed."

This low country, Mr. Editor, is the most beautiful country for *grave yards*, that I have ever seen—an excellency which travellers are not wont to discover in the lands which they visit. Yes, sir, perhaps Bonaventun, an old grave yard three miles below the city of Savannah, Georgia, is unsurpassed by any grave yard in the United States, not excepting Mount Auburn and Laurel Hill. Near the streams throughout all the far Southern country, the trees are hung with festoons of gray moss. These droop down from the limbs for a distance of from one to six feet, and when you travel rapidly through them they stalk by you like "ghosts on a pilgrimage." Think then of a cemetery full of live oaks, cypresses, and pines, all gracefully draped in *second mourning*. Then they stand in solemn silence as mourners bending in grief over the graves of the departed—as sentinels watching the dust of the dreamless sleepers.

But I must talk [illegible] of sisters and tombs, or you and your readers will think my communication too sombre. By way of transition, let me ask what has become of the Charlotte Female College, or Academy? Have its foundations been laid, its walls been reared, and the top stone been carried up with shouting? And your streets enlivened with *three score and ten* fair pupils going to and returning from the halls of learning? Or, has the enterprise failed? It is an admitted fact that Charlotte can furnish fine stores, splendid residences, excellent hotels, magnificent mills, Rail Roads and Plank Roads, etc., etc., but that a Female Seminary of high grade, is out of the question? Taking the most sordid view of the subject, could anything be more conducive to the pecuniary interest of Charlotte, than such an institution? But I will make no minute calculations, as many of your citizens know very well how to do that.

It is now time for us to reach the *terminus*.

Thou garrulous gold, hold thy peace!

BLACK SWAMP.

Brighton, Beaufort District, S. C., March 10, 1855.

AN ACT

To Incorporate the Western N. C. Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That for the purpose of constructing a Rail Road to effect a communication between the North Carolina Rail Road and the Valley of the Mississippi, the formation of a Coporate Company is hereby authorized under the name and style of "The Western North Carolina Rail Road Company," and when formed in compliance with the conditions hereinafter prescribed, shall have a corporate existence as a body politic for the term of ninety-nine years.

SEC. 2. *Be it further enacted*, That the said company shall have power to construct a Railway with one or more tracks, from the town of Salisbury on the North Carolina Rail Road, passing by, at or near as practicable to Statesville in the County of Iredell, to some point on the French Broad River, beyond the Blue Ridge—and as the Legislature shall hereinafter determine, to such point as it shall designate at a future session.

SEC. 3. *Be it further enacted*, That for the purpose of creating the Capital Stock of said Company, the following persons be and they are hereby appointed General Commissioners, namely, E. J. Erwin, Wm. A. Lenoir, John I. Shaver, Samuel R. Bell and John Wilfong; and books for receiving subscriptions for the Capital Stock aforesaid, shall be opened at the following places, under the directions of the following persons, to wit: at Salisbury, under the direction of J. W. Ellis, D. A. Davis, J. H. Jenkins, Wm. Murphy, A. Henderson, or any three of them; at Lincolnton, L. F. Thompson, C. C. Henderson, H. W. Guion, Wm. J. Huke, and H. Cansler, or any three of them; at Newton, M. L. McCorkle, Geo. Setzer, Jon. Black, Dr. Caldwell, and Geo. Woolkie, or any three of them; at Statesville, R. F. Simonton, S. F. Alexander, C. A. Carlton, A. W. Jamison, W. P. Caldwell, or any three of them; at Taylorsville, A. C. McIntosh, Wm. G. James, R. Wall, Alfred Carson, Devout Little, or any three of them; at Morganton, J. J. Erwin, R. C. Pearson, C. M. Avery, James M. Smyth, Thomas G. Walton, or any three of them; at Marion, Samuel Dool, J. C. Whitson, J. S. Brown, A. Higgins, Legan Burgen, or any three of them; at Rutherfordton, Wm. Miller, Robert Twitty, Edward Bryan, O. Bartlett, David Miller, or any three of them; at Shelby, Wm. T. Miller, Doctor Thomas, Williams, Albert Holmesly, Wm. Green, A. W. Burton, or any three of them; Mocksville, B. Bailey, A. B. Rose, Thomas M. Young, J. F. Martin, E. Gaither, or any three of them; at Asheville, N. W. Woodfin, James. W. Patton, Jas. M. Smith, W. W. McDowel, M. Patton, or any three of them; at Hendersonville, John Baxter, V. Ripley, D. B. Miller, W. W. Lenoir and James Cowper, or any three of them; at Boone, under the direction of Jonathan Horton, Jordan Council, George N. Folke, John Horton and E. W. Clewell, or any three of them.

SEC. 4. *Be it further enacted*, That all persons who are or who may hereafter be authorized to open books for subscription of Stock by the Commissioners herein appointed for that purpose, shall open said books, at any time after the ratification of this act, twenty days previous notice having been given in some one or more of the public newspapers in this State, and that said Books when opened, shall be kept open for the space of thirty days at least, and as long thereafter as the Commissioners first above named, shall direct, and that all subscriptions of stock shall be in shares of one hundred dollars, the subscribers paying at the time of making such subscription the amount of five per cent., on the same, 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, if the Commissioners choose so to declare it, or they may direct it to be recovered by suit or otherwise; and upon closing the books all such sums as shall have been thus recovered of subscribers on the first cash instalment, shall be paid over to the General Commissioners herein before named, by the persons recovering 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 within this State in the County wherein such delinquent resides, or if he resides in any other State, then in any Court in such State having competent jurisdiction, that said General Commissioners shall have power to call on and require all persons empowered to receive subscription of stock at any time, and from time to time as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums made by the subscribers, and all persons receiving subscriptions of stock shall pass a receipt to the subscribers for the payment of the first instalment as heretofore required to be paid, and upon their settlement with the said General Commissioners as aforesaid, it shall be the duty of the said General Commissioners in like manner to pass them receipts for all sums thus received, and such receipts shall be taken and held to be good and sufficient vouchers for the persons holding the same.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said commissioners to direct and authorize the keeping open of books for the subscription of stock in the manner described, until the sum of three hundred thousand dollars shall have been subscribed to the capital stock of said company; 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 the said duplicates to be deposited in the office of the Secretary of State.

SEC. 6. *Be it further enacted*, That whenever the sum of three hundred thousand dollars shall be subscribed in manner 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 "Western North Carolina Rail Road Company," and by that name shall be capable in law and equity of purchasing, holding, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this 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 may alter and renew at pleasure, and may have and enjoy all other rights and immunities which other corporate bodies may and of right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or for effecting the object for which it is erected not inconsistent with the constitution and laws of the State of North Carolina.

SEC. 7. *Be it further enacted*, That as soon as the sum of three hundred thousand dollars shall have been subscribed in the manner aforesaid, it shall be the duty of the General Commissioners appointed herein to appoint a time for the stockholders to meet at Salisbury, which they shall cause to be previously published for the space of thirty days 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 four directors of the company, and to enact all such by-laws, rules and regulations as may be necessary for the government of the corporation and the transaction of its business; the persons elected directors at this meeting shall serve for the term of one year, and at this meeting the stockholders shall fix on the place or places where the subsequent election of directors shall be made, but if the day of the annual election should pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by the rules and by-laws of said corporation.

SEC. 8. *Be it further enacted*, That whenever it shall appear to the Board of Internal Improvements of this State, by a certificate signed and sealed by said General Commissioners or a majority of them, that the sum of three hundred thousand dollars has been subscribed for and taken, and the first five per cent. paid in thereon, the said Board of Internal Improvements shall be and they are hereby authorized and required to direct the Treasurer of the State to subscribe on behalf of the State for the stock in said company to the amount of six hundred thousand dollars in the capital stock of said company.

SEC. 9. *Be it further enacted*, That upon the subscription of six hundred thousand dollars as herein before provided by the treasurer under the direction of the Board of Internal Improvements, the State shall appoint eight directors in said company, who shall be appointed by the Governor, by and with the consent of the Council of State.

SEC. 10. *Be it further enacted*, That as soon as the company shall be organized as aforesaid, the Board of Directors shall proceed to locate and have constructed as speedily as possible on the route they may deem best, a Rail Road with one or more tracks to be used with steam power, which may thereafter be extended in the manner hereafter provided, to the town of Salisbury on the North Carolina Rail Road, connecting with the same and of the same gauge, and proceeding Westward to the terminus aforesaid, and as soon as the first division of the said Road shall have been completed, it shall be equipped for the transportation of passengers and freight and all necessary warehouses, water stations and buildings shall be erected, so that such division shall be put in full operation before the State shall be called upon to subscribe any further sum, and two thirds of the nett proceeds of such part so completed, shall be paid into the public Treasury semi-annually to be applied in discharge of the interest on the bonds issued by the State for said Road, and the other third of nett proceeds shall be paid to the individual stockholders in proportion to the stock of each; and whenever such division shall have been completed and in full operation, and one third of the estimated cost of the second division shall have been subscribed by solvent persons and so certified as provided in section eight of this act, the State shall subscribe the remaining two thirds of the estimate of such division, and shall pay *pro rata* with individual stockholders (such payment by them being in cash or labor) and when said second division shall have been completed and in full operation, the nett proceeds shall be applied as herein before prescribed; when the said first and second shall have been completed and in full operation, and one third of the estimated cost for completing the remaining division shall have been subscribed by solvent persons certified as aforesaid, two thirds of the estimated cost thereof for completing the said road to its Western terminus, shall be subscribed by the State, and when the same shall be put in full operation, the net proceeds shall be applied as aforesaid, and the State shall pay her share of the subscription *pro rata* as aforesaid.

SEC. 11. *Be it further enacted*, That the manner and time of the payment of subscription on the part of the State shall be as follows—namely: the one fourth part as soon as the private stockholders shall pay either in cash or labor the one fourth part of their subscription; and the payment thereof is duly certified to the Board of Internal Improvements by a certificate under the seal of said company, signed by their Treasurer and countersigned by their President, and the balance either in part or in whole, whenever the payment of a *pro rata* amount, either in cash or labor shall be made by the private stockholders, and duly certified to the Board of Internal Improvements in manner and form as aforenamed: provided, that the State shall not be called upon to pay an amount at any one time of less than fifty thousand dollars.

SEC. 12. *Be it further enacted*, That the offices of the company shall be managed and directed by a general Board, to consist of twelve directors to be elected and appointed as herein-after provided, at the first and subsequent general annual meetings; provided, that no person shall be eligible as President or director of said company, unless he be a resident citizen of this State, and the *bona fide* owner of at least five shares of stock in said company.

SEC. 13 *Be it further enacted*, That the election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of said company, and the person having a majority of all the votes polled shall be considered as duly elected; provided that no person shall be eligible to serve as director in said board who is not a holder of five shares of stock in said company.

SEC. 14. *Be it further enacted*, That the President of the company shall be elected by the directors from among their number, in such manner as the regulations of the company shall provide.

SEC. 15. *Be it further enacted*, That at the first General Meeting of the Stockholders directed to be called under the seventh Section of this Act, a majority of all the shares subscribed shall be represented before proceeding to business, and if a sufficient number do not appear on the day appointed then those who do attend shall have power to adjourn from time to time, until a regular meeting shall thus be formed; at such meeting the stockholders may provide by a by-law as to the number of stockholders and the amount of stock to be held by them which shall constitute a quorum for the transaction of business at all subsequent, regular or occasional meetings of stockholders.

SEC. 16. *Be it further enacted*, That all elections and upon all votes taken in any general meeting of the Stockholders upon any by-law or any of the offices of said company, each share of stock shall be entitled to one vote, and that any stockholder in said company may vote by proxy, and proxies may be verified in such manner as the stockholders by law may prescribe.

SEC. 17. *Be it further enacted*, That the general commissioners shall make the 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 liable to said company in any of the Superior Courts of Law in this State within the county where such delinquent or delinquents may reside, and in like manner from said delinquents' executors and administrators in case of his death.

SEC. 18. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence of the President, may appoint a President *pro tempore* from among their number.

SEC. 19. *Be it further enacted*, That all contracts or agreements authenticated by the President and Secretary of the board of directors shall be binding on the company without a seal or such a mode of authentication may be used as the company by their by-laws may adopt.

SEC. 20. *Be it further enacted*, That the board of directors may call for the payments of the sum subscribed as stock in said company in such instalment as the interests of said company in their opinion require; the call for payment shall be published in one or more newspapers published in this State for at least one month before the day of payment, and in failure of any stockholder to pay such instalment as thus required, the directors may sell at auction on a previous notice of ten days, for cash all stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if the said sale of stock do not produce sufficient to pay off the incidental expenses of said sale, and the entire amount due to said company for such subscription of stock, then, in that case, the whole balance shall be held as due at once to said company and may be recovered of such stockholder or his executors, administrators or assigns at the suit of said company, either by summary motion in any court of superior jurisdiction in the county, where the delinquent resides, on a previous notice of ten days to such delinquent subscriber or by action of assumption in any Court of competent jurisdiction, or by a warrant before a Justice of the Peace where the sum does not exceed one hundred dollars, and in case of the assignment of stock before the whole amount has been paid to the company, then for all sums of such stock, both the original subscribers and the first and all subsequent assignees shall be liable to the company, and the sum may be recovered as above described.

SEC. 21. *Be it further enacted*, That the debt of stockholders, due to the company for the stock therein either as original proprietors or first or subsequent assignees shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his personal representatives.

SEC. 22. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

SEC. 23. *Be it further enacted*, That said company may at any time increase its capital to a sum sufficient to complete said road not to exceed (26,000,000,) six millions of dollars.

SEC. 24. *Be it further enacted*, That the board of directors shall once in every year at least, make a full report of the state of the company and its affairs to a general meeting of the stockholders, and oftener if required by law, and said report shall be laid before the board of directors, shall have power to call a general meeting of the stockholders, when the board may deem it expedient, and the company may provide by their by-laws, for occasional meetings being called and prescribe the mode thereof.

SEC. 25. *Be it further enacted*, That the said company shall have the exclusive right of conveyance, transportation of persons, goods, merchandize and produce over the said rail road, to be by them constructed, at such charges as may be fixed on by the board of directors.

SEC. 26. *Be it further enacted*, That said company may, where they see fit, farm out their right of transportation over said rail road, subject to the rules above mentioned, and the said company and every one who may have received from them the right of transportation of goods, wares, and merchandize over the said rail road shall be deemed and taken to be a common carrier as respects all goods, wares, produce and merchandize entrusted to them for transportation.

SEC. 27. *Be it further enacted*, That the said company may purchase, have and hold in fee or for a term of years, any land, tenements, hereditaments which may be necessary for the 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 work shops, founderies, to be used for said company, or for procuring stone or other materials necessary for said company in the construction or repairs of the road, or for effecting transportation thereon and for no other purpose.

SEC. 28. *Be it further enacted*, That the company shall have a right when necessary to construct the said road across or along any road or water course: Provided, the said company shall not obstruct any public road without constructing another equally as good, and other roads may hereafter connect with, or cross the same upon such terms as the General Assembly may prescribe.

SEC. 29. *Be it further enacted*, That when any lands for right of ways may be required by said company for the purpose of constructing their road, or for any of the uses described in Section 27 of this act, and for the want of agreement as to the value thereof or from any cause, the same cannot be purchased from the owner or owners, the said company shall have the same powers to condemn all such lands belonging to individuals or Corporations as may be needed for the aforenamed purposes as were granted to and conferred upon the North Carolina Rail Road Company, by their act of incorporation, shall proceed to condemn such lands in the same manner and to the same extent under the like rules, restrictions and conditions, as are prescribed in the charter aforesaid for the government of the said Company, and the said Company shall be entitled to hold in fee simple all the lands belonging to the State over and through which the said road may pass, to an extent not exceeding one hundred feet on either side of said road, and in the absence of any contract or contracts in relation to lands through which said road may pass, it shall be presumed that the land on which said road may be constructed, together with one hundred feet on each side thereof, has been granted by the owner or owners to the Company; and the said company shall have good right and title thereto, and shall have, hold and enjoy the same so long as it shall be used for the purposes of said road and no longer, unless the owner or owners shall apply for an assessment of the value of said lands as herein before directed within two years next after that part of said road has been located, and in case the owner or owners of such lands, or them claiming under him, her or them, shall not apply within two years from the time aforesaid, he or she or they shall be forever barred from recovering the same or having an assessment or compensation therefor; Provided, that nothing herein contained shall effect the rights of infants, *feme coverts*, persons non compos, or beyond the seas, until two years after the removal of their respective disabilities, and the same and all the estate aforesaid, shall be exempt from taxation, until the dividends of profits of said Company shall exceed six cent per annum.

SEC. 30. *Be it further enacted*, That if persons shall intrude upon said Railroad, by any manner of use thereof of the rights and privileges connected therewith, without permission, or contrary to the will of said company, he, she or they may be indicted for misdemeanor, and upon conviction, may be fined and imprisoned by any Court of competent jurisdiction in this State

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