VOL 36.

RALEIGH, N. C., WEDNESDAY, MARCH 12, 1845,

No 11.

LAWS OF NORTH CAROLINA, [Passed at the session of Assembly 1844-45.]

An Act to incorporate the Trustees of the Morganton Academy, in

Burke County.

Be it enacted by the General Assembly of the State of North

Carolina, and it is hereby enacted by the authority of the same, That nobert C. Pearson, Dr. W. C. Tate, William C. Erwin, Tod R. Caldwell, Thomas G. Walton, Burgess S. Gaither, David Corpening, William W. Avery, William L. McRee, Edward J. Erwin, Clarke M. Avery, J. J. Erwin, John W. Puett Alexander Duckworth, Gabriel Presuell and Robert H. Erwin, shall be, and they are hereby declared to be, a body politic and corporate, to be known and distinguished by the name and style of the Trustees of the Morganton Academy, and by that name shall have succession, and a common seal; and that they the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and posess all monies, goods and chattles and choses in action, that shall be given them for the use of the said Academv, and the same apply according to the will of the donors; and by gift, purchase and devise, to take, have, hold, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements Willie Jones, Robert B Thornton, Caleb H. Richmond, George A. my, and the preservation of good order and morals therein, as are and hereditaments of what kind, nature, or quality soever, in special Smith, William A. Whitfield, Nathaniel J. Palmer, Carter Powell, trust and confidence, that the same, and the profits thereof shall be John L. Prichard, Thomas Stamps, Stephen Towns, John Cobb Jr., sary, provided the same be not inconsistent with the constitution and applied to and for the use and purpose of endowing the said Acade- Daniel Verser, Joel B. Watters, John G. Mills, A. M. Poindexter, laws of the State.

SEC. II. And be it further enacted, That the said Trustees and their successors, or a majority of them, by the name aforesaid, shall Jones, and Harrison Parker, be, and they are hereby declared a be able and capable in law to bargain and sell, g.ant, demise, alien, body politic and corporate, to be known and distinguished by the convey and assure to the purchaser or purchasers of any such lands, name and style of the Trustees of the Milton Female Institute; and rents, tenements and hereditaments aforesaid, where the condition of by that name shall have succession and so continue for the term of Samuel Chinn, of the County of Buncombe, in the State of North the grant to the worthe will of the testator or devisor does not forbid it; fifty years; may have and use a common seal; and that the said trus- Caro'ina, his hens and assigns, he, and they are hereby authorized and further, that they, said Trustees, and their successors forever, or a tees and their successors, by the name aforesaid, a majority of them majority of them, shall be able and capable in law, by the name afore- or such number as they may declare to be a quorum to transact busisaid to sue and be sued, plead and be impleaded in all Courts whatever, ness, shall be able and capable, in law, to take, demand, receive, and may do all such other acts and things as are usually done by bodies sha'l be given them for the use of the said Institute, and by devise, corporate for the purpose of effecting the objects of this act,

Sec. III. And be it further enacted, That on the death, reare hereby authorized and required to elect and appoint other Trusact or remove out of the State, which Trustee so appointed, shall be such other rights as are usually incident to corporate bodies. vasted with the same power, trust and authority as the one in whose stead he small be so appointed, would have had in case he had lived their successors, or a majority of them, by the name aforesaid, shall be and continued to act.

Sec. IV. Be it further enacted, That the title to all the lands and lots in the Town of Morganton (except the Public Square and the lot upon which the Jail is built belonging to the public,) shall said trustees, or a majority of them, and their successors, for the Jurisdiction having cognizance of the same, yest in said trustees and their successors in office, for the sole purposes of education; and the said trustees and their successors in of fice are hereby fully authorised and empowered to take possession of the academy in said town, and exercise exclusive control over the same, for the purposes aforesaid.

SEC. V. Be it further enacted, That the said trustees, or their sucgessors, or a majority of them, may from time to time appoint their own president, secretary and treasurer, and such professors and tutors for said academy as to them may appear necessary and proper, whom they may remove for misbehavior, inability or neglect of duty They may make all such bye-laws and regulations, for their own government and that of the academy, for the preservation of order and of any one from office, from any cause, by the concurrence of two from the passage of this act: provided nevertheless, That the Jusgood morals therein, as are usually made in such seminaries, and as thirds, at an annual or special meeting, the vacancy or vacancies so tices of the County Court of Buncumbe, a majority being present, to them may appear expedient, provided the same are not inconsist the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of this State, or of the United the tent with the constitution and laws of the United the tent with the constitution and laws of the United the tent with the constitution and laws of the United the tent with the tent

[Ratified the 7th day of January, 1815]

An Act to incorporate Washington Academy, in the county of Du-

plin.

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 1. Swinson, David Jones, W. Jurnegan, J. W. Pridgeon, S. Sulle. a President or Principal, and such professors or assistants and tuvan and Jesse Quinn, be, and are hereby constituted a body politic, by the name and style of the Trustees of Washington Academy; and by that name may sue and be sued, plead and be impleaded; shall or other sufficient cause; and may from time to time make such have perpetual succession and a common seal; may acquire, by purchase, gift or otherwise, to them and their successors, estate real and personal, for the use of said academy; and enjoy all other powers, privileges and immunities incident to bodies corporate of a like na

Sec. 11. Pe it further enacted, That in case of any vacanev, by death, resignation or removal from the county, the remaining tees and their successors to form a quorum to do business, and may him as now required by law. trustees shall have power to fill such vacancy thereby occasioned. [Ratified the 8th day of January, 1845.]

An Act to incorporate the Carthage Male and Female Academies, in the county of Moore.

Be it exacted by the General Assembly of the State of North Caroli of converge, and it is hereby enacted by the authority of the same. That John B tion, she feeler, Charles Chalmers, John Morrison, C. C. Shaw, N. Richard by law. son, A. C. Curry, D. Murchison, A. R. Kelly, C. H. Dowd, S. J. Sec. Person, John M. Black, and Samuel Paisley, be, and they are here w d clared a boly politic and corporate, to be known and distinguish ed, by the name and style of the Carthage Male and Female Academies, in Moore county; and by that name and style shall have soc ression and a common seal, and shall be invested with power and effect and be in force from and after its ratification. outhority to sue and be sued, plead and be impleaded in any court of ustice, and to hold such lands and chattels as may be acquired for he use of the said academies, according to the will of the donors,

SEC. II. Be it further enacted, That the said trustees and their necessors, or a majority of them, shall have power to supply all vo cancies which may occur in their body, from death, resignation, removal or otherwise; and that this act shall take effect and be in force ion and after its ratification.

[Ratified the 7th day of January, 1845.]

An Act to amend the act incorporating the Trustees of Edenton A

cademy. That when vacancies occur by resignationor otherwise of any of the present Trustees of Edenton Academy, it shall not be necessar

nine, and when so reduced said Trustees shall not thereafter exceed Sec II. And be it further enact d, That this act shall be in force said Society and Academy. from and after its ratification.

[Ratified the 9th day of De ember, 1841]

a Act to incorporate Du in Faison Academy, in the County of Du

are hereby constituted a body politic and corporate, by the name and answered, in any and all Courts of record whatsoever; and that they style of the Trustees of Dunn Faison Academy; and by that name shall have full power to open and receive subscriptions, enforce sion and a common seal; and in general shall have, exercise, and en-done by bodies corporate and politic. joy all such rights, powers and privileges as are usually exercised and SEC. IV. Be it further enacted. That on the death, refusal to act. State

may constitute a quorum for the transaction of business; and that on elect and appoint one or more trustees in the place and stead of such the death, refusal to act, or removal out of the State, of any of the trustee or trustees dead, refusing to act, resigned, removed, or to elect Trustees of the Academy aforesail, the remaining trustees shall have and appoint any additional number which may seem to them proper power to fill such vacancy.

[Ratified the 6th day of January, 1845.]

An Act to incorporate the Trustees of the Milton Female Institute, in the County of Caswell.

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 Joshua J. Kerr, Algernon S. Yancy, John T. Garland, Willie P. Mangum, laws and regulations, for the government of said Society and Acade-William H. Jordan, William Watkins, Elisha Betts, Thomas King, E. Y. Wimbish, Thomas B. Barnett, William Jones, George W tees for the time being, the remaining Trustees or a majority of them, special trust, and confidence, that the same and the profits thereof Sec. II. And be it further enacted, That the said trustees or

able and capable in law, to bargain and sell, grant, demise, alien, convey and assure to the purchaser or purchasers, any such lands, rents, term aforesaid, shall be able and capable, in law, to sue and be sued, plead and be impleaded, in all courts whatsoever, either in law or Equity, of record or otherwise.

SEC. III. And be it further enacted, That there shall not be the objects of the said corporation, which may not effect a change right to toll during the time of such omission. in its character and purposes; and upon the death, resignation or refusal to act of any of the trustees for the time being, or the removal ing, which trustees so appointed shall be vested with the same powr, trust and anthority as the others.

to hold their offices for such length of time as the Board may de- the same manner that overseers of public highways now are. signate; and the said Board shall also have the power of appointing tors as to them shall appear necessary and prover for said Institute, whom they may remove for misbehavior, inability, neglect of duty ther, that if a majority of said Trustees shall not convene for the from time to time make necessary bye laws and regulations, or do any other business connected with the well being of the Institute, laws and clauses of laws coming within the meaning and purview of or in furtherance of its objects.

Sec. V. And be it further enacted, That any real estate over and above one hundred acres which may be needed for the erection of convenient buildings on the same or other objects of the Institu- An Act to after the mode of appointing Constables in Tyrell county. tion, shall be subject to taxation as now or may hereafter be directed | Be it enacted by the General Assembly of the State of North

Institute, by and with the consent of the trustees, shall have the ty, shall, at the first term of said court which shall happen after the power of conferring all such degrees or marks of literary distinction as are usually conferred in Institutions of the kind.

SEC. VII. And be it further enacted. That this act shall take

[Ratified the 24th day of December, 1844.]

An Act to incorporate the Trusters of the Bethania Literary Society and Academy, in Stokes County.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That George F. Wilson, Eugene C. Lehman and Thomas B. Lash shall be, and they are hereby constituted a body politic and corpora'e, to be known and distinguished by the name of the trustees tion of the county, and persons are willing to invest money to erect of the Bethania Literary Society and Academy; and by that name said mills as a hody corporate, under certain privileges and restricshall have perpetual succession and a common seal; and that they, tions: therefore, the said trustees, and their successors, or a majority of them, shall be able and capable, in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given them, for the use of the That William G. Smith, Eben Nelmes, Joseph P. Nelmes, and such said Society and Academy, and apply the same according to the will y to fill such vacancies by making other appointments, until the of the donors; and, by gift, purchase or devise, to take, have, possess constituted a body politic and corporate, by and under the name and immer of Trustees of said Academy shall be reduced to less than and retain to them and their successors forever, any lands, tenements, style of the Pee Bee Milling Company, for the purpose of manufactures. renis, hereditaments, of whatsoever kind, in special trust that the turing flour, and carrying on the milling business, in all its various not number; and hereafter five Trustees shall constitute a quorum. same, or the profit thereof, shall be applied to and for the use of the

> their successors, or a majority of them, by the name aforesaid, shall have full power and authority to bargain, sell, grant, demise, alien to carry on such business; may purchase, and hold real estate; may and convey to the purchaser, any such lands, tenements rents or sae and be sued, plead and be impleaded, contract and be contracted

arolina, and it is hereby enacted by the authority of the same, Sec. III Be it further enacted. That the said trustees and their States or of this State, as may be deemed expedient and proper for that James Dunn, Elias Faison, Henry Faison, James H Hicks, successors forever, or a majority of them, shall be able and capable. The government of said corporation.

The Faison, George W. Huffman and Isham Hicks, be, and they in law, to sue and be sued, plead and be impleaded, answer and be:

States or of this State, as may be deemed expedient and proper for the government of said corporation.

Sec. III Be it further enacted, That the said trustees and their states are of this State, as may be deemed expedient and proper for the government of said corporation.

may sue and be sued, plead and be impleaded; shall have a succes- their collections, and in general do all such things as are usually

enjoyed by the Trustees of any incorporated Academy within this resignation or removal out of the State, of any of the said trustees for the time being, it shall be lawful for the remaining trustees, or a SEC. II. Be it further enacted, That any three of the Trustees majority of them, and they are hereby authorized and empowered to and necessary; and the said trustee or trustees so appointed, shall be invested with the same trusts, powers and authorities as the original trustees are by virtue of this act.

SEC. V. And be it further enacted, That the said trustees and their successors, or a majority of them, shall have power and authority to appoint a President, Treasurer and Secretary, and to employ = such teachers and instructors as to them shall appear necessary and James, Thomas Settl , Calvin Graves, William A. Graham, John proper; and they shall have further power of making all such bye usually made in such institutions, and as to them may seem neces-

[Ratified the 7thday of January, 1845.]

An Act to authorize Samuel Chunn to establish a toll bridge over French Broad River, in the county of Buncombe.

Be it enacted &c. That and empowered to keep up a toll bridg across the French Broad River, at or near the mouth of Pine Creek, in the County of Bimcombe, and to ask, demand and receive the following tolls for crossing said either in law or Equity, of record or otherwise; and in general they possess all monies, goods and chattles, and choses in action, that bridge, to wit: for every pleasure carriage, one dollar; for every gig or sulky, fifty cents; for every one horse buggy, fifty cents; for every gift, purchase and demise, to take, have, hold, possess, enjoy and re- two horse buggy, sixty two and a half cents; for every one horse tain to them and their successors forever, any lands, rents, tene- carryall, or wagon, twenty five cents; for every two horse wagon, lands, rents, tene- carryall, or wagon, twenty five cents; for every two horse wagon, lands, rents, tenesignation, refusal to act, or removal out of the State of any of the Trus ments, and hereditaments of what kind, nature or quality seever, in thirty seven and a half cents; for every three or four horse wagon, fifty cents; for every five or six horse wagon, seventy five cents; for shall be applied to and for the use and benefit of the said Institute; every cart, twenty five cents; for every man and horse, six and a lees in the place of every such one as shall so die, resign, refuse to and that the said trustees shall have such other powers and enjoy quarter cents; for every loose horse or mule, three cents; for every nog or sheep, one cent; for every person on foot, five cents; and for every animal intended for exhibition, fifty cents.

Sec. II Be it further enacted, That every person who shall cross said Bridge and refuse to pay the tolls prescribed in this act. shall forfeit and pay the sum of ten dollars, to be recovered by the tenements and hereditaments aforesaid; and further, that they, the owner of said Bridge, before any Justice of the Peace or any other

SEC. III. Be it further enacted, That the owner of said bridge shall execute bond, with good security, in the sum of one thou and dollars, payable to the State of No:th Carolina, and conditioned for the keeping up said bridge and preserving it in good repair; which less than fifteen or more than forty in number of the trustees at any said bond shall be taken by the County Court of Buncombe, and time for said Institute; and that one half or more of the said trustees filed amongst its records, and shall be renewed every three years; shall be members of the Baptist denomination of Christians, seven and if such bond shall not be executed and renewed as provided for of whom shall be a quorum to transact any business in relation to within six months after the time required, the owner shall forfeit all

SEC. IV. Be it further enacted, That the privileges and immunities hereby granted, shall continue for the full term of thirty years

SEC. V. Be it further enacted, That from the time said bridge shall be opened as a foll bridge, it shall be deemed and held to be a Sec. IV. And be it further enacted, That the officers of said public highway; and the owner or owners thereof shall, on failure Board of trustees shall be a President, Vice President, Treasurer and to keep the same in good and sufficient repair, so that the public can Secretary, to be appointed or elected at any meeting of the Board, cross on it with convenience and safety, be subject to indictment in

[Ratified the 31st day of December, 1844.]

An Act to alter the mode of appointing Constables in Beaufort

County.

Be it enacted by the General Assembly &c. That the Jusbye laws and regulations for their own government, and that of the tices of the Court of Pleas and Quarter Sessions of Beaufort county Institute, and the preservation of order and good morals therein, as to shall, at the first term of said court which shall happen after the first them may appear expedient: provided, the same are not inconsis- day of January in each and every year (a majority of Justices being tent with the constitution and laws of the State; and provided fur- present,) proceed to elect one constable for each captain's district in said county, and one for the town of Washington, in said county of purposes aforesaid, it shall and may be lawful for seven of said trus- Beanfort, and shall qualify such person, and shall take bond from

Sec. II. Be it further enacted by the authority of the same, That al this act, be repealed, so far as said county is concerned. [Ratified the 6th day of January, 1845.]

Carolina, and it is hereby enacted by the authority &c. that the SEC. VI. And be it further enacted. That the faculty of the said Justices of the Court of Pleas and Quarter Sessions of Tyrrell counfirst day of Juanuary in each and every year, (seven Justices being present,) proceed to elect one Constable for each Captain's District

in said county, and shall qualify such person, and shall take bond from him as now required by law. Sec. 11. Be it further enacted, by the anthority of the same, That all laws and clauses of laws coming within the meaning and purview of this act, be repealed, so far as said conney is concerned.

Ratified the 1st day of January, 1845.]

An Act to incorporate a Milling Company in Anson County, Whereas the erection of a grist and saw mill on Pee Dee River, in said county, would be of public utility to the citizens of a large por

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, other persons as may hereafter be asso, justed with them, are hereby branches, in the county of Auson; and by that name they and their assigns and successors are hereby authorized and empowered to pur-SEC. II. And be it further enacted, That the said trustees and chase, take, hold, occupy and enjoy to them and their successors and neir successors, or a majority of them, by the name aforesaid, shall assigns, any personal property whatsoever, that may be necessary Be it enacted, by the General Assembly of the State of North the will of the devisor does not forbid it. all such bye laws and regulations, not contrary to the laws of the United