

(Continued from 4th page.)

An Act to amend an act to reduce into one the several acts concerning pilots and commissioners of navigation, Revised Statutes, chapter 83, section 32.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the court of pleas and quarter sessions of Carteret county shall appoint five commissioners of navigation for old Topsail Inlet and the waters thereof; and the court of pleas and quarter sessions of Onslow county shall appoint five commissioners of navigation for Bogue Inlet and its waters; and, in case any vacancy shall occur among the commissioners so appointed, by the death, resignation, refusal, inability, or any other cause, of any one or more of said commissioners to act during the recess of said courts, the remaining commissioners so appointed, for each county, shall fill any such vacancy so occurring in their respective counties, until the next session of the court of pleas and quarter sessions of the county in which said vacancy shall occur, when it shall be the duty of said court to fill such vacancy, either by confirming the appointment so made by the commissioners, or to elect some other person or persons to fill such vacancies.

Sec. 2. *Be it further enacted,* That the commissioners so appointed shall have the same powers and authorities, with regard to the pilots and pilotage of old Topsail Inlet and its navigation, and Bogue Inlet and its navigation respectively, and as to staking out their respective channels, and the placing of buoys and beacons, as are given to the commissioners of navigation for the port of Newbern, Washington and Edenton.

Sec. 3. *Be it further enacted,* That if any ballast or any other substance calculated to injure the navigation, shall be wilfully or knowingly thrown or cast out of any vessel, or from any other place, into or upon any part of the navigable waters of Carteret or Onslow counties, by any sailor, mariner, or any other person, the person convicted thereof in the superior court of the county where the offence may have been committed, shall be fined, or fined and imprisoned, at the discretion of the court; and the master of the vessel when the ballast, &c. shall be cast or thrown, shall forfeit and pay the sum of one hundred dollars, to be recovered before any notice of the peace of the county in which said offence shall occur, in the name of one or more of the commissioners of navigation to be as aforesaid appointed for said county, one half to the informer, and the other half to be applied in improving the navigation of said waters: *Provided always* that if either party shall be dissatisfied with the judgment of the justice of the peace, he or they may appeal as in other cases now provided by law; and *provided further,* that no recovery shall be had thereon, unless suit shall be brought within three years after the time the said offence shall be committed.

Sec. 4. *Be it further enacted,* That if any branch pilot of the waters of Carteret and Onslow counties, in charge of any vessel, shall knowingly suffer any kind of ballast, trash, or any other substance calculated to injure the navigation, whilst he is so in charge of any vessel, to be thrown or cast out of said vessel into or upon any of the navigable waters of Carteret or Onslow counties, or be cognizant thereof, and shall not within five days after the commission of said offence, give information thereof to one or more of the commissioners of navigation of the county in which the same shall occur, such pilot shall, upon conviction in the superior court of said county, be fined at the discretion of the court, and be forever rendered incapable of acting as pilot for the said waters or any part thereof.

Sec. 5. *Be it further enacted,* That the commissioners of navigation who may be appointed, as herein before provided, for old Topsail Inlet, shall have power to appoint a harbor master for the port of Beaufort, and to prescribe his duties; which said harbor master shall be entitled to receive from the master of each vessel entering said port, which he may board under the direction of said commissioners, the sum of one dollar.

Sec. 6. *Be it further enacted,* That said commissioners of navigation shall have power and authority to designate the place of deposit for any ballast which any master of a vessel, or any other person, may desire to discharge in said harbor; and that it shall be the duty of each and every pilot, who shall pilot any vessel into the harbor of Beaufort, having ballast on board, to inform the master of said vessel where such place of deposit is, under a penalty of five dollars, to be recovered before any justice of the peace of the county in which said offence shall be committed, in the name of the commissioners of navigation so as aforesaid appointed for said county, to be applied in improving the navigation of said waters.

Sec. 7. *Be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

Sec. 8. *Be it further enacted,* That this act shall take effect and be in force from and after its ratification: *Provided, however,* that until the next term of the court of pleas and quarter sessions to be held for the county of Carteret such of the commissioners of navigation for the bar and harbor of old Topsail Inlet and the waters thereof, as shall have been heretofore appointed, and shall still continue in office, shall have full power and authority to act as commissioners of navigation for the said bar and harbor and the waters thereof, in as full and ample a manner, as the whole number originally appointed could have done.

[Ratified 5th day of January, 1847.]

An Act to regulate the issuing of process in certain cases.

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 if, at any time, there should be no proper officer in any county in this State, to whom any process, original, mesne, or final of any court of record, shall, or ought to be directed, who can lawfully serve or execute the said process, then the clerk of the court from which such process shall or ought to issue, shall, upon the same being made to appear upon the affidavit of the plaintiff, his agent, or attorney, issue such process to the sheriff of any county adjoining the one to which the said process ought to have issued, who shall execute the same, and shall have the same powers, and be subject to the same rules and receive the same fees, as are now allowed to sheriffs for executing process out of the county in which they reside.

Sec. 2. *Be it further enacted,* That all laws and clauses of laws, coming within the meaning and purview of this act, be, and the same are hereby repealed.

Sec. 3. *Be it further enacted,* That this act shall go into effect from and after its ratification.

[Ratified 12th day of January, 1847.]

An Act concerning contempt of Court.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the power of the courts of this State, to issue attachments, and to inflict summary punishments for contempt of court, shall not hereafter extend to any cases, except the misbehaviour of any person or persons, in the presence of the said court, or near thereto, as to obstruct the administration of justice; the misbehaviour of any of the officers of

the said court, in their official transactions, and the disobedience or resistance by any officer of the said court, party, juror, witness, or any other person or persons to any lawful writ, process, order, decree, or command of the said courts.

Sec. 2. *Be it further enacted,* That when any court shall adjudge or award any summary punishment for a contempt, such court shall cause the particulars of the offence to be specified on the record, and in every commitment, attachment, writ, or process in nature of an execution, founded upon such judgment or award, or in a written schedule thereto annexed and therein referred to, such particulars of the offence shall be set out; or otherwise the same shall be unlawful and void.

[Ratified 18th January, 1847.]

An Act to regulate the appointment of principal Clerks of the two Houses, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the principal clerk of the Senate, and principal clerk of the House of Commons, shall hold their respective offices for the term of two years, or until others are appointed, and shall meet at such time and place as may be appointed for the meeting of the General Assembly, by adjournment or otherwise, on the first day appointed for that purpose, and perform the duties of their office; for which they shall receive the *per diem* pay and mileage now allowed by law to said office.

Sec. 2. *Be it further enacted,* That the keeper of the capitol, and, if there be no keeper of the capitol, then the secretary of State, shall and it is hereby made his duty to employ two suitable persons, whose duty it shall be to place the two halls of the General Assembly in order, and wait upon the members of the same at their first meeting, until doorkeepers can be regularly appointed; and the persons so employed shall be allowed as a compensation in full the sum of three dollars each for their daily attendance and services.

[Ratified 16th January, 1847.]

An Act to alter the mode of electing Wardens of the Poor.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the courts of pleas and quarter sessions of the several counties of this State, a majority of the justices of the peace being present, at the first term of the court which shall be held after the first day of January in the year in which wardens of the poor are now required to be elected, and every three years thereafter, to proceed to elect not more than twelve, nor less than seven freeholders to serve as wardens of the poor, in their respective counties, for the term of three years from the time of election.

Sec. 2. *Be it further enacted,* That it shall be the duty of the said courts, at the time the said elections are held, to appoint a time for the meeting of said wardens; so elected; it shall also be the duty of the clerks of said courts to issue notices to the sheriffs of said counties, whose duty it shall be to notify the wardens, so elected, of the time and place of their meeting.

Sec. 3. *Be it further enacted,* That so much of the first section of the 89th chapter of the Revised Statutes, as relates to the time and manner of electing wardens of the poor, be, and the same is hereby repealed.

[Ratified 16th January, 1847.]

An Act to establish a Public Burying Ground in the county of Cherokee.

Whereas, a certain piece of land in the county of Cherokee, included in lot 43, in the seventh district, hath been long used as a burying ground, by the early settlers; and whereas, it would be a public convenience and expedient that said burying ground should be exempt from entry and grant:

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 ten acres of land, including the burying ground, in Cherokee county, included in lot 43, in the seventh district, shall not be subject to entry or grant, but that the title to the same, shall remain in the State as a public burying ground, and that any grant or patent which may hereafter issue, including in its boundaries the said ten acres, shall be null and void, and of no effect as to the said ten acres of land.

[Ratified 8th day of January, 1847.]

An Act to protect from injury the Lots belonging to the State in the City of Raleigh.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Treasurer of the State, Secretary of State and Comptroller, be, and they, or any two of them, are hereby authorized and directed to lease for a period not exceeding two years, upon such conditions and terms as they may deem just and proper, any of the lots of land in the city of Raleigh belonging to the State, and now occupied by private persons: *Provided,* that nothing herein contained shall be so construed as to authorize the sale or renting of the lot known as the Baptist Grove, on which the public school house and Baptist church are erected.

[Ratified 17th January, 1847.]

An Act to authorize the Sheriffs and other officers of Hyde and Carteret counties to execute any process on any person on board of vessels lying in the waters between Ocracoke Island, in Hyde county, and the Island of Portsmouth, in Carteret county, and to increase their fees for such service.

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 it shall hereafter be lawful for the sheriffs, constables or other officers of Hyde and Carteret counties to execute any process upon any person or persons on board any vessels lying in the waters between Ocracoke Island, in Hyde county, and the Island of Portsmouth, in Carteret county.

Sec. 2. *Be it further enacted,* That the sheriffs of said counties shall receive, for every process they shall be thus required to execute, three dollars, and constables, for like service, two dollars.

Sec. 3. *Be it further enacted,* That all laws and clauses of laws coming within the meaning of the provisions of this act, be, and the same are hereby repealed.

[Ratified 18th January, 1847.]

An Act to improve the navigation of the Yadkin River.

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 it shall and may be lawful to open books of subscription, at Lexington, under the direction of J. P. Mabry, William Harris, and Joseph H. Thompson, or any two of them; at Salisbury, under the direction of John I. Shaver, William S. McCoy, and Joseph F. Chambers, or any two of them; at Mocksville, under the direction of Braxton Bailey, James McElroy, and Alexander Hanes, or any two of them; at Hontsville, under the direction of Richard C. Paryear, Nicholas L. Williams, and Francis Clingman, or any two of them; at Rockford, under the direction of Francis K. Armstrong, Mark York, and James R. Dodge, or any two of them; at Wilkesborough, under the

direction of Sidae y Stokes, Anderson Mitchell, and James Gwynn, or any two of them; for receiving subscriptions, for improving the navigation of the Yadkin River, to an amount not less than thirty thousand dollars, nor more than three hundred thousand, which subscriptions shall be made personally, or by power of attorney in shares of fifty dollars each; that the said books shall be opened on the first day of February next, and be kept open till the first day of May next inclusive; and on the second Monday of the said month of May, there shall be a general meeting of the subscribers at Lexington aforesaid, and the managers aforesaid, of any three of them, shall give notice of such meeting in one or more papers published in the town of Salisbury, one month at least, before the day appointed for that purpose, and such meeting shall be continued from day to day until the business is finished; and the managers aforesaid, shall then and there lay before such meeting the books kept by them, containing a statement of said subscriptions, and if the sum of three hundred thousand dollars aforesaid, shall not have been subscribed, then the meeting aforesaid, or a majority thereof, if they think proper, may direct any three of the managers aforesaid to continue to receive subscriptions of stock at such times and places as may be designated by said meeting, until the said sum of three hundred thousand dollars shall have been subscribed, or such other sum over and above thirty thousand dollars as said meeting may specify: *Provided,* the same does not exceed three hundred thousand dollars, and the president and directors, to be constituted as hereinafter provided, shall immediately after the said first meeting and afterwards from time to time, as often as the same shall, by new subscriptions, become necessary make a list of the subscribers, with the sums subscribed by each person, and return the same under their hands, or under the hands of any three of them to the office of the Secretary of the State of North Carolina, there to be recorded.

Sec. 2. *And be it further enacted,* That in case six hundred shares or more of said capital stock shall be subscribed as aforesaid, the subscribers, their heirs, and assigns, from the time of the first said meeting, shall be, and they are hereby declared to be, incorporated into a company, by and under the name of "The Yadkin Navigation Company," and may sue and be sued, as such, and have and use a common seal; and such of the subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors, for managing all the business of said company, for and during such time (not exceeding one year) as the said subscribers, or a majority of them shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share of stock held by him or her, at the time in said company; and any proprietor by writing under his or her hand, executed in the presence of at least one subscribing witness, and acknowledged or proved before a justice of the peace, may depute any person to act as proxy for him or her at any general meeting, and the presence and acts of such proxy shall be as effectual to all intents and purposes, as the presence or acts of his or her principal could or might be.

Sec. 3. *Be it further enacted,* That the stockholders of said company, shall hold a general meeting, annually, on the second Monday in May of each year, at which general meeting, they shall elect a president and four directors to supply the place of those who may have held said positions in the preceding year; and it shall be in the power of the president and directors, or a majority of them, in case of the death or resignation of one of their own members, to call a general meeting of stockholders to supply the vacancy, and to call general meetings of stockholders at such other times, as they may think the business of the company requires, and at such places as they or a majority of them may think fit; and in all such general meetings, the holders of a majority of the stock shall form a quorum to do business, except at the annual meeting aforesaid, when the holders of one hundred shares of stock shall form a quorum to elect a president and directors, but for no other purpose; and should not the holders of one hundred shares of stock be present at such meeting, the president and directors, or a majority of them, shall adjourn said meeting, from day to day, until such number shall be present.

Sec. 4. *Be it further enacted,* That the president and directors and their successors or a majority of them assembled, shall have power and authority to agree with any person or persons, on behalf of the company, to open and improve the navigation of Yadkin River, from the town of Wilkesborough to the South Carolina line, by canals, locks, or sluices, from place to place, and from time to time, upon such terms as they shall think fit, and out of the said capital, or other monies of the company, pay for making and repairing all works necessary for the said navigation, and also for building boats and employing hands for the purpose of navigating said river, and also to appoint a treasurer, clerk, and all such other officers, managers and servants, as they shall think requisite, and also to agree for their wages, settle and pay their accounts, and at their pleasure to remove all or any of them, and appoint others in their place, and also to establish rules of proceeding, and generally to transact all the business of the company, in the intervals between the general meetings of the same; and any general meeting of the proprietors may allow the said president and directors such sum of money as the said general meeting may think a reasonable compensation for their trouble.

Sec. 5. *And be it further enacted,* That the stock shall be paid in such proportions, and at such times as may be determined by any general meeting of the stockholders, and to such officer of the company as may be appointed to receive the same, one month's previous notice of the amount and time of making the payments being given in some one newspaper published in the town of Salisbury; and if any of the subscribers, their heirs or assigns, shall fail to pay their proportions required within one month after the same is so advertised, the president and directors, or a majority of them, may sell at auction, and convey to the purchaser the shares of the subscribers so failing, giving at least one month's notice of the sale in some newspaper in the town aforesaid, and after retaining the sum due, together with the in-

terest thereon, and charges of sale out of the money produced thereby, they shall refund and pay the surplus, if any, to the former owners; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with interest and incidental charges, the said president and directors, or a majority of them, may in the name of the company, sue for and recover the balance by motion in any court of competent jurisdiction, on ten days previous notice; and the said purchaser or purchasers, shall be subject to the same rules and regulations, and entitled to the same profits and privileges, as if the sale or conveyance had been made by the original proprietor.

Sec. 6. *And be it further enacted,* That said canals, locks and every work and thing appertaining to the said navigation, with all the profits arising from the same, or any part thereof, shall be and they are hereby vested in the said proprietors, their heirs and assigns forever, as tenants in common, in proportion to their respective shares; and they shall, in like manner for the space of thirty (30) years, be entitled to exclusive right of way over said river, to construct boats, build ware houses and carry on the business of transportation, both up and down said river, to the exclusion of all others, for the time above specified, they not being permitted, however, to charge on any articles thus transported more than forty cents per hundred pounds for every hundred miles by water, or at the rate thereof, if the distance be less than one hundred miles.

Sec. 7. *And be it further enacted,* That said company shall have no power to condemn or to appropriate contrary to the will of the proprietors thereof, any land lying without the channel of said river, but shall be permitted to purchase, and to hold such quantities as may be necessary to use in cutting canals, and building ware houses upon, and keeping up the same.

Sec. 8. *And be it further enacted,* That it shall and may be lawful for every proprietor to transfer his or her share or shares of stock by deed executed before one or more witnesses, and registered after proof of the execution in the company's books, and not otherwise, except by devise: *Provided,* that no transfer shall be made, except for one or more whole shares.

Sec. 9. *And be it further enacted,* That in case the said company shall not complete the navigation so as to admit the safe passage of boats drawing eighteen inches water through the same within five years from the passage of this act, then the privileges herein granted, shall be forfeited: *Provided,* That said company may not, if they choose, render the said river navigable, at any time higher up the same than Rockford in Surry county, or lower down than the Trading Ford, in Rowan county, and still all the privileges and immunities herein granted, shall continue to them on that part of the river, between the two points aforesaid.

Sec. 10. *And be it further enacted,* That all laws and clauses of laws, coming in conflict with this act, be, and the same are hereby repealed.

[Ratified 11th of January, 1847.]

An Act to provide for the opening and clearing out certain creeks in the counties of Iredell and Rowan.

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 it shall be the duty of the court of pleas and quarter sessions of Rowan and Iredell counties, a majority of the justices of said courts in each respective county being present, at the second court which shall be held for said counties after the first day of January, one thousand eight hundred and forty seven, to order and direct the opening and clearing out of the respective creeks, to wit: Third and Fourth creek, Witherow's creek and Back creek, Grant's creek, and such other creeks in the counties of Rowan and Iredell, as the county courts may deem expedient, or that portion of them lying within their respective counties, viz. from the junction of said creeks, in Rowan county, to the Iredell line, and from the Iredell line to Andrew A. Allison's mill, on Fourth creek, and to John Keistler's mill, on Third creek.

Sec. 2. *Be it further enacted,* That the county courts aforesaid shall lay off said creeks, in their respective counties, in districts of convenient length, designating the bounds of each district so laid off, and appoint one overseer for each district; and in the order of appointment, it shall be the duty of the court to designate and appoint the hands to which said overseer shall be entitled.

Sec. 3. That all persons liable to work on the public roads shall be liable to work on said creeks, and as such may be designated by the courts of said counties: *Provided,* the courts of said counties shall not designate any hand or hands except such as reside within convenient distance of said creeks, within their respective counties, which distance is to be judged of by the courts aforesaid.

Sec. 4. *Be it further enacted,* That the clerks of the county courts of Rowan and Iredell counties shall, within five days after the adjournment of said respective courts, make out and deliver to the sheriffs of said counties all the orders of appointment, there in specifying the hands designated by the courts aforesaid; and it shall be the duty of the sheriffs of each county as aforesaid to deliver copies thereof to the respective owners, [overseers?] within five days after receiving the same.

(To be continued.)

NEW ALMANAC.

JUST Published, and for sale at the Star Office and the Auction and Commission Store of N. B. HUGHES, in this City, "Leahey's N. Carolina Agricultural Almanac for 1847." It contains, besides much valuable matter for the husbandman, the calendar pages & the usual statistical information for the convenient reference of professional and business men, anecdotes, &c. &c., and will be sold in any quantities very cheap. Raleigh, Nov. 11, 1846.

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