

THE RALEIGH STAR AND NORTH CAROLINA GAZETTE.

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"NORTH CAROLINA—POWERFUL IN MORAL, INTELLECTUAL AND PHYSICAL RESOURCES—THE LAND OF OUR BIRTH AND THE HOME OF OUR AFFECTIONS."

[THREE DOLLARS A YEAR—IN ADVANCE]

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No. 13

LAWs OF THE STATE OF NORTH CAROLINA, PASSED BY THE GENERAL ASSEMBLY.

AT THEIR SESSION WHICH COMMENCED ON MONDAY, THE SIXTEENTH OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX, AND ENDED ON THE EIGHTEENTH OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FORTY SEVEN.

(BY AUTHORITY.)

An Act to incorporate the "Roanoke Rail Road Company."

CONCLUDED.

Proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary either in person or by proxy properly authorized; and if a sufficient number do not attend on that day, or any day appointed for a general meeting called by the directors as aforesaid, the proprietors who do attend may adjourn from time to time until a general meeting shall be held.

Sec. 31. That in counting all votes of the said company, each stockholder shall be allowed one vote for every two shares above two and not exceeding ten shares; and one vote for every five shares above ten, by him held at the time, in the stock of the company: *Provided however*, that no stockholder, whether an individual or body politic or corporate, shall be entitled to more than sixty votes on any amount of the capital stock of said company, held by him or them.

Sec. 32. That the president and directors, shall render distinct accounts of their proceedings and disbursements of money, to the annual meeting of the stockholders.

Sec. 33. That the works hereby required of the Roanoke Rail Road Company, shall be executed with diligence; and if they be not commenced within two years after the passage of this act, and finished within ten years after the first general meeting of the stockholders, then this charter shall be forfeited.

Sec. 34. That the president and directors shall cause to be written or printed, certificates for the shares of the stock in said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, to each person, for the number of shares subscribed by him, which certificate shall be transferable by him, subject however, to all payments due, or to become due thereon; and such assignee having caused the transfer or assignment to be entered into a book of the company to be kept for the purpose, shall thenceforth become a member of the said company, and shall be liable to pay all sums due, or which shall become due upon the stock assigned to him: *Provided however*, that such assignment shall in no wise exempt the assignor, or his representative, from the liability to the said company, for the payment of all such sums, if the assignee or his representative, shall be unable or fail to pay the same.

Sec. 35. That if any person or persons shall wilfully, by any means whatever, injure, impair, or destroy any part of the rail road constructed under this act, or any of the necessary works, machines, wagons, vehicles, carriages, or other property, belonging to the said company, or shall place any obstruction upon said road, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof in the court of pleas and quarter sessions, or superior court of law of the county where the offence may be committed, shall be fined and imprisoned at the discretion of the court.

Sec. 36. That at any time hereafter, the above rates for tolls and transportation shall enable the said president and directors, after the payment of all necessary expenses, and after setting apart a fair and reasonable sum for the renewal and repairs of the said road, ware houses and depots and other constructions, and of the machines, cars, and other vehicles for transportations, to divide more than fifteen per cent. on their capital stock invested, that the said rates of toll and transportation shall be so reduced by the said president and directors, as to enable them to divide fifteen per cent. a year more.

Sec. 37. That no person shall be eligible as president or director of said company, unless he be a resident citizen of this State.

Sec. 38. That it shall be the duty of the president of said company, on the first week in December of each and every year, to transmit to the General Assembly a correct statement of the receipts and expenditures of said company during the year preceding.

Sec. 39. That when the General Assembly may be of opinion that the charter hereby granted, shall have been violated, it may be lawful by joint resolution of the two houses, to direct the Attorney General, with such assistant counsel as the Governor or Legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the judges of the supreme court, calling upon said corporation to show cause why their charter shall not be forfeited, subject to the same proceedings as are now prescribed by law in case of other corporations.

Sec. 40. That any road which may hereafter be constructed by the State, or by any company incorporated by the Legislature, shall be at liberty to cross the road hereby allowed to be constructed, upon a level or otherwise as may be most advantageous, provided the free passage of said Roanoke Rail Road is not thereby obstructed.

Sec. 41. *Be it further enacted*, That whenever the said rail road shall be so crossed, or approached by any other rail road incorporated by this State, the said Roanoke Rail Road Company may erect a depot at or near the point of intersection, where they may receive and deliver passengers and freight, and take therefor the same rates of compensation, and be subject to the same regulations, as at other depots; and should they fail or refuse to erect such depots, the State or company owning the intersecting road, may erect one; and the company hereby incorporated shall receive and deliver passengers and freight at such depots, under the same regulations as aforesaid, unless the same shall be rendered impracticable, by the situation of the road at such places.

Sec. 42. *Be it further enacted*, That the said Roanoke Rail Road Company shall have full power and authority to condemn the interest of individuals in the rail road bridge over Roanoke river near the town of Weldon, and in the same manner, and upon the same terms and conditions that the said company is authorized to have lands condemned for the purposes of said rail road: *Provided however*, that before the said condemnation shall take place, the said Roanoke Rail Road Company shall satisfy and pay to the Board of Internal Improvement of this State, the debt due to the said board by the Portsmouth and Roanoke Rail Road Company, and for which debt a mortgage has been executed on the said bridge, by the said company to the said Board of Internal Improvement; and when the said debt shall have been paid, together with the interest which may have accrued thereon, then all the right, title, and interest in the said bridge, belonging to the said Board of Internal Improvement, shall vest in the said Roanoke Rail Road Company, and the said Board of Internal Improvement is hereby authorized, to make an assignment of the said mortgage to the said company.

Sec. 43. *Be it further enacted*, That the corporate powers herein granted, shall be in force for ninety years and

no longer, unless renewed by competent authority.

Sec. 44. *Be it further enacted*, That it shall be lawful for the said Roanoke Rail Road Company, to extend the rail road contemplated to be constructed under the provisions of this act, from the said town of Weldon, to such point on the Raleigh and Gaston rail road, as the said Roanoke Rail Road Company, through their president and directors may deem most useful and expedient; and for this purpose they are hereby invested with all the powers, privileges, rights and benefits, conferred on the said company, for constructing and using the road herein authorized to be made from the said town of Weldon, to the line of the State of Virginia, in the neighbourhood of Margaretsville; and the said company shall be subject to all the restraints, regulations, liabilities and requirements imposed by the preceding section of this act, in making the said road from the said town of Weldon to the Raleigh and Gaston Rail Road.

[Ratified 15th January, 1847.]

An Act concerning a road in Iredell 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 R. W. McDowell, Isaac Lowe and Charles Graham, be, and they are hereby appointed commissioners to examine, lay off and make such alterations and improvements as they may deem right and proper, in the public road from Rufus Read's, in Iredell county, by Beattie's Ford, on the Catawba river, to Lincoln county. And after said commissioners, or a majority of them, shall lay off and make such alterations and improvements, on any part or parts of said road, they shall then report such alterations to the county court of the respective counties in which they may be made; and that written report shall therein be filed.

Sec. 2. *Be it further enacted*, That the county courts of Iredell, Mecklenburg and Lincoln counties shall each respectively, whenever said commissioners, or a majority of them, shall file a written report of any alteration of said road, made and marked by them in their county, then said court shall appoint overseers and hands to make the public road so altered and marked as aforesaid; and all and every part of said road shall be kept up and repaired as other public roads.

Sec. 3. *Be it further enacted*, That if any person or persons shall conceive him or herself injured by any alteration made on any part of said road passing through his or her land, he or she may file a petition in the county court of the county in which the alleged injury is said to exist, and ask and obtain a jury to assess any damages he may thereby sustain; and if any damages are allowed, they shall be paid by the county; and if no damages are given, the petitioner shall pay all costs.

[Ratified 18th January, 1847.]

An Act to incorporate the Caldwell and Ashe Turnpike Company.

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 Dr. Larkin Jones, Robert C. Williams, George Bowers, George Hamilton, William Dula, or a majority of them, are hereby appointed commissioners to open books and receive subscriptions of stock to the amount of five thousand dollars; which sum, together with the amount to be raised as hereinafter provided, shall constitute the capital stock of the company hereby incorporated; and it shall be the duty of the commissioners to open books at Lenoir and at Jefferson, and at such other places as a majority of them may think proper, on the second day of April next, after giving due notice of the time and places by public advertisement, at least fifteen days previous; and said commissioners shall open the books from time to time, as they think proper, until said stock is subscribed.

Sec. 2. *Be it further enacted*, That whenever the said amount shall be subscribed, it shall and may be lawful for the Public Treasurer, and he is hereby directed to appropriate the sum of five thousand dollars, as it may be received, out of the sales or entries of the wild or unentered land in the counties of Ashe and Caldwell, now belonging to the State, for the purpose of aiding to construct said road; and that the part of the sums to be hereafter received from the payment of tolls, shall be paid to the State in proportion to the amount owned by the State in said road.

Sec. 3. *Be it further enacted*, That the aforesaid capital stock shall be divided into shares of twenty dollars each, which shall be applied in laying out and making a turnpike road from Yadin M— house, in Caldwell county, by the Blowing Rock, to the Tennessee line; the road to be made sixteen feet wide, clear of obstructions, except where side cutting may be necessary, in which case the road may be twelve feet wide.

Sec. 4. *Be it further enacted*, That as soon as the sum of five thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a general meeting of the stockholders in the town of Lenoir; and if a majority of the stockholders shall attend, it shall and may be lawful for them to appoint a president, treasurer, and three directors for the term of one year, and until their next general meeting of the stockholders; and the said president, treasurer and directors, when so appointed and their successors in office, shall constitute a body corporate and politic in law, by the name and style of "The Caldwell and Ashe Turnpike Company;" and by that name may sue and be sued, plead and be impleaded in any court of record within this State; and as such have perpetual succession, and a common seal, and shall have and possess all the rights and privileges necessary to carry into full effect the objects of this corporation.

Sec. 5. *Be it further enacted*, That the number of votes to which any stockholder may be entitled, shall be according to the number of shares he may hold, in the proportion following, that is to say: for one share and not more than two, one vote; for every two shares above two and not above ten, one vote; for every five shares above ten and not exceeding fifty, one vote; and for every ten shares above fifty, one vote.

Sec. 6. *Be it further enacted*, That the owners of a majority of all the shares subscribed, shall at any time have power to remove from office the president, treasurer and directors of said company or any of them, and appoint others in their stead, and to fill all vacancies which may happen in any way; and it shall be the duty of the president to make a full and fair statement of all the affairs of the company to each general meeting of the stockholders; and it shall be the duty of the treasurer to receive and account for all monies belonging to the company, and keep a fair account of the same, and to do and perform all such duties as may be required of him, in relation to his office.

Sec. 7. *Be it further enacted*, That the stockholders, at their first annual meeting, shall fix on the time and proportions in which the stock subscribed shall be paid; and shall further have power to declare the stock of the delinquent subscribers forfeited.

Sec. 8. *Be it further enacted*, That when the road shall be completed, as directed in this act, it shall and may be lawful for the company to erect a toll gate or gates at some convenient place or places on said road and demand and receive tolls at the

following rates, that is to say: for a man and horse, 10 cents; for loose horses and mules, 8 cents; for cattle, 2 cents each; hogs and sheep, 1 cent each; for six horse wagons, 75 cents; two or three horse wagons, 50 cents; four horse wagons, 50 cents; two or three horse wagons, 37½ cents; gig, sulky or cart, 25 cents.

Sec. 9. *Be it further enacted*, That if at any time the said company shall suffer the road to get out of order and remain so for the space of twenty days, the president and directors shall be subject to indictment, in any court of record, and on conviction shall be fined at the discretion of the court.

Sec. 10. *Be it further enacted*, That if any person or persons shall for the purpose of avoiding the payment of the above tolls, either break through or go round the toll gate, they shall be subject to pay five dollars, and be further liable to damages, to be recovered before any court or justice of the peace, in the county where the wrong shall be committed.

[Ratified 18th of January, 1847.]

An Act to amend an act entitled "an act to consolidate and amend the acts heretofore passed on the subject of Common Schools."

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 school committee of the several school districts shall be elected on the last Saturday of June in each and every year, whose term of service shall commence on the first Monday in July, and continue for one year and until others are chosen.

Sec. 2. *Be it further enacted*, That the board of superintendents of common schools in the several counties of this State, are authorized and empowered to appoint a committee of examination, consisting of not more than five persons, whose duty it shall be to examine into the qualifications, both mental and moral, of all such persons as may apply for employment as teachers in any of the common schools in their respective counties, which said committee of examination shall and may be convened by said board at such time and place as to them may seem expedient.

Sec. 3. *Be it further enacted*, That hereafter, no person shall be employed as a teacher in any of the common schools in any county of the State, in which an examining committee is appointed, unless he obtain from a majority of the committee of examination for the county in which he seeks employment, a certificate of his good moral character and sufficient mental qualifications as such teacher.

Sec. 4. *Be it further enacted*, That the chairman of the board of superintendents of common schools in this State shall in no case pay any draft drawn on him for any of the funds set apart for the support of common schools, unless such draft shall be accompanied with a report from the committee of the district, stating the name of the teacher in said district, the length of time for which the school may have been kept during the current year, and the several branches taught.

Sec. 5. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act, be, and the same is hereby repealed.

[Ratified 18th day of January, 1847.]

An Act to change the time of electing Superintendents of Common Schools in the counties of Granville and Wake.

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 the counties of Granville and Wake, shall at the term next preceding the first Monday of June, in each and every year, a majority of the justices of said county being present, appoint not more than five nor less than ten superintendents of common schools, who shall hold their appointment for one year and until others are chosen.

Sec. 2. *Be it further enacted*, That the term of said superintendents shall commence on the first Monday of June, and they shall assemble at the office of the clerk of the county court, on the said day, and appoint one of their number chairman.

Sec. 3. *Be it further enacted*, That free white men of the several school districts in said counties, who are entitled to vote for members of the House of Commons, shall vote by ballot, on the last Saturday in May, in each and every year, for three men, to be entitled "The School Committee," whose term shall commence on the first Monday in June, and continue for one year, and until others are chosen; and the said election shall be held and conducted under the same rules, regulations and restrictions, except as to the time of holding the same, and the commencement of the term of the committee as provided and set forth in the eighth section of an act, entitled "an act to consolidate and amend the act heretofore passed on the subject of common schools," ratified the 9th of January, 1845.

Sec. 4. *Be it further enacted*, That it shall be the duty of the justices of the county court of Granville county, a majority of the justices being present, once a year, and every year to appoint three competent committee men, to be called the "examining committee" for said county; and it shall be the duty of said committee, either jointly or separately, to examine every one who proposes to teach any of the common schools in said county; and if such applicant shall be found to possess a competent knowledge of the branches usually taught in common schools, they shall give him or her a certificate to that effect; and on presentation of such certificate to the school committee for any of the districts of said county, it shall be competent for such school committee to employ such applicant if they deem it advisable. — But it shall not be lawful for any of said committee to appoint any teacher who shall not first produce to them such certificate of competency; and if they should employ any teacher without such certificate, it shall not be lawful to pay such teacher his or her wages or any part thereof out of the school fund belonging to said county.

Sec. 5. *Be it further enacted*, That all laws and clauses of laws coming in conflict with the provisions of this act, be, and the same are hereby repealed.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 18th January, 1847.]

Resolutions relative to the sons of North Carolina engaged in the capture of Montevideo.

Whereas the General Assembly of North Carolina have heard with pride and pleasure of the gallant conduct of her sons who were engaged in the memorable actions which took place on the 21st, the 22nd and 23rd of September last, at Montevideo, in Mexico, between the forces of the United States commanded by General Zachary Taylor and the Mexican army; and whereas it is proper that some expression should be made of the high sense which this Legislature entertains of the important services and good conduct of the sons of the State of North Carolina on the occasion referred to:

Be it therefore resolved, That the thanks of the General Assembly are due, and are hereby tendered to the gallant officers and soldiers, natives of North Carolina, who were engaged in the memorable capture of Montevideo, in Mexico, in the month of September last, for the bravery, skill, and courage displayed by them on that trying occasion.

Resolved further, That His Excellency the Governor be requested to make known to the officers and soldiers aforesaid the adoption by this General Assembly of the foregoing resolution, in such manner as he may deem most proper.

Resolved further, That this General Assembly have heard with unfeigned sorrow of the death of Lieutenant CHARLES HOSKINS, a native of this State, who was killed at the siege of Montevideo, in Mexico, while gallantly fighting for his country; and that this General Assembly hereby tender to the bereaved family of Lieutenant Hoskins its deepest sympathy and condolence, on this afflictive event.

Resolved further, That a copy of this resolution be transmitted by His Excellency the Governor to the family of the late Lieutenant HOSKINS.

[Ratified 2nd January, 1847.]

Resolution for enclosing the Public Square on which the State House is situated.

Whereas the Public Square, in the city of Raleigh, on which is erected the State House, is unenclosed and by reason thereof not only is the square much abused, and the shade trees growing thereon much injured, but the State House itself much exposed to defacement and injury of every sort; and whereas it is not only the duty, but ought to be the pride of every State to guard and carefully preserve the building in which her Legislature sits, and in which her records are kept:

1. *Be it therefore resolved, by the General Assembly of the State of North Carolina*, That the Public Square in the city of Raleigh, on which is erected the State House, be enclosed by a good and durable fence, to be made of stone and iron, according to the drawing or plan and specifications submitted by the special committee appointed by both houses of the General Assembly for that purpose: *Provided*, that the whole cost of said fence or enclosure shall not exceed the sum of twelve thousand dollars.

2. *Be it further resolved*, That the construction of said fence, be under the control and management of the board of public buildings; and that before the contractor or contractors are allowed to commence the said work, the said board shall require him or them to enter into bond, with good and sufficient security, in the sum of fifteen thousand dollars, payable to the State of North Carolina, conditioned that the said contractor or contractors shall execute the work in a reasonable time, and in a good, substantial and workmanship manner, and according to the plan and specifications submitted by the joint committee on the subject of enclosing the Capital Square.

3. *Be it further resolved*, That the board of public buildings shall make, as a part of the contract which may be entered into between them and the contractor or contractors, for building said fence, that the said contractor or contractors shall take, at a fair valuation, in part payment of the sum to be paid for building said fence, any old iron which the State has, or may have; and that said iron shall be at the disposal of the said board for such purpose.

4. *Be it further resolved*, That the sum of twelve thousand dollars be, and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the construction of said fence; and that the said sum be paid out to the board of public buildings by the Treasurer, in such sums as they may require, and that the Treasurer be allowed the same in the settlement of his accounts. And further, that the said board shall pay out to the contractor or contractors, such sums, and at such times, as they may deem proper.

5. *Be it further resolved*, That the said board shall advertise in two newspapers printed in the city of Raleigh, including a description of the plan, for three months; and let the same to the lowest bidder or bidders; provided he or they shall enter into bond, as is prescribed in resolution second, and that the contractors be allowed to use free of charge, any stone which they may choose to take from the Quarry belonging to the State, and any loose stone about the Public Square, which belongs to the State.

6. *Be it further resolved*, That the drawing or plan for building said fence, with the specifications, submitted by the joint committee, be deposited with the board of public buildings, under whose control the erection of said fence, according to said plan, has in the second resolution been placed.

[Ratified 18th January, 1847.]