

Resolution relating to certain scrip issued by the Raleigh and Gaston Rail Road Company, and endorsed by the State.

Resolved, That the Senate concurring, that the Public Treasurer be, and he is hereby authorized and required to take up the unappropriated scrip for thirteen thousand dollars, endorsed by the State for the Raleigh and Gaston Rail Road, and destroy the same before the committee of Finance.

Resolution disposing of the Compendium of the Sixth Census.

Resolved, That the Superintendent of Public Buildings be, and he is hereby instructed, to deposit fifty copies of the Compendium of the Sixth Census, now in his possession, in the State Library, for the use of the same; and that each member of the present General Assembly shall be entitled to and receive one copy of said Compendium.

[Ratified 18th of January, 1847.]

A resolution addressed to the Governor of this State.

Resolved, That the Governor of this State be requested to transmit to the Governor of the Commonwealth of Virginia, a copy of an act, passed at the present session of the General Assembly, entitled "an act to provide for the apprehension of run-away slaves in the great Dismal Swamp, and for other purposes," with a request that he bring the subject thereof to the attention of the Legislature of said Commonwealth, and ask their co-operation in the subject matter of said act.

Resolution in relation to the accounts of the purchasers of the Cherokee Lands.

Resolved, That the Comptroller of public accounts be required, from the returns made by the agent for the collection of the Cherokee bonds, to the Treasury Department, to make the necessary and proper entries, on the accounts of the purchasers of Cherokee lands, on the books of his office; so that the said accounts shall show all payments made thereon, whether of principal or interest; and that the said Comptroller be required to continue to make similar entries on said accounts from the returns made by the said agent to the Comptroller's office, from time to time, so that the books and accounts of the said office shall at all times show the actual condition of the accounts of the purchasers of Cherokee Lands.

Resolved further, That the Comptroller shall be allowed for bringing up the aforesaid accounts, for the period when the Cherokee agent is directed to make a duplicate of his returns to the Comptroller's office, the sum of three hundred dollars, to be paid by the Public Treasurer, whenever the said accounts on the Comptroller's books are brought up to the period aforesaid.

Resolution relating to the State Capitol.

Whereas, some doubts have been expressed whether the roof of the Capitol is at present sufficiently secure against fire; and whereas it is deemed of great importance that a matter so deeply affecting the interest and pride of the State, receive the prompt action of this General Assembly: Be it therefore,

Resolved, That the Governor, Treasurer and Comptroller be required to ascertain with as little delay as possible, whether the safety of the building can be rendered more secure from fire by elevating the chimneys or by any other means; and if, in their opinion, any means are necessary to render the building more secure, they are hereby authorized and directed to have the same attended to with as little delay as possible; and that the Treasurer pay every expense [incurred] thereby, and be allowed the same in the settlement of his public accounts.

Be it further resolved, That the keeper of the capitol, have all beds removed from the rooms thereof, except the one used by himself; and hereafter it shall not be lawful for any public officer, Clerk or other person to keep any bed in said rooms, or occupy them as sleeping apartments; and hereafter it shall be the imperative duty of the keeper to take charge of the keys, and not allow them to be used unless it be by the heads of the different State departments.

Resolution relating to the roof of the State Capitol.

Resolved, That the Superintendent of Public Buildings be directed forthwith to adopt some means by which the plastering of the Commons Hall, immediately under the Flag Staff, may be protected from rains; and if necessary to effect this, to remove the Flag Staff.

A resolution directing the president and directors of the Literary Fund to lend two thousand dollars to the president and trustees of Floral College.

Resolved, That the President and Directors of the Literary Fund be, and they are hereby instructed, to lend two thousand dollars of the Literary Fund, to the President and Trustees of Floral College, on their giving good and satisfactory personal security for the same, and upon the payment of the interest semi-annually.

Resolution relative to the duty of door keepers.

Resolved, That the door keepers be directed to procure from the rooms of the members of this Legislature all the ink-stands and sand boxes furnished them by the door keepers at the commencement of the Session, and deposit them with the Secretary of State.

Resolution relative to the mode of printing the Journals of the General Assembly.

Resolved, That the Secretary of State be, and he is hereby authorized and directed to cause the Journals of the Legislature to be printed in a more convenient form; and further, that the year and days shall hereafter be printed horizontally, and he shall add a full and suitable index to the same.

Resolution relating to the Inlets on the coast of North Carolina.

Resolved, That our Senators and Representatives in Congress be requested to call the attention of the General Government to the condition of the Inlets on our coast, and especially to those that have been recently opened.

Resolved further, That our Senators and Representatives be requested to use their exertion in procuring from the general government, an appropriation for improving and rendering permanent said Inlets, or any one of them that may be thought best.

Resolved further, That the Governor of this State be requested to forward, as early as convenient, copies of the foregoing resolutions to each of our Senators and Representatives in Congress.

[Ratified 16th of January, 1847.]

Resolution in relation to the bonds given for rent of Cherokee lands, surrendered to the State.

Resolved, That the obligors, their heirs, Executors and Administrators, in the bonds, heretofore given to the State, for rents of Cherokee lands surrendered to the State, under the act passed at the last session of the General Assembly, be, and they are hereby absolved and discharged from the payment of one half of the monies mentioned in said bonds: **Provided**, that this resolution shall in no wise affect the covenants contained in said bonds relative to the preservation and subsequent surrender of said lands, as therein stipulated.

Resolution in relation to the Adjutant General's Office.

Be it resolved, by the General Assembly of the State of North Carolina, that the Room in the Eastern projection of the Capitol, and on the second floor, commonly known as "Committee Room No. 5," be, and the same is hereby appropriated and set apart as an office for the Adjutant General of this State, and shall be hereafter known as "the Adjutant General's Office."

[Ratified 14th day of January, 1847.]

Resolution providing for the equipping and paying expenses of the volunteers to Wilmington and Charlotte.

Whereas, by the action of the Executive and the subsequent sanction of Congress, this Republic is involved in a foreign War, and our State is called on for volunteers; Whereas it is the duty of this State to give all the aid she conveniently can to the operations of the General Government, to bring this war to a speedy and honorable termination; and whereas it is desirable to secure the immediate comfort and support of the soldiers who may volunteer in this State:

Resolved, That the sum of ten thousand dollars be, and is hereby appropriated, out of any monies in the State treasury, for the purpose of equipping and paying the expense, to Wilmington and Charlotte, of the Regiment of volunteers required of this State, by the President of the United States, and that the amount be placed at the disposal of the Governor, to be placed by him at different points of the State most convenient for the purposes herein specified.

[Ratified on the 12th day of January, 1847.]

A resolution for an appropriation for Volunteers.

Resolved by the General Assembly of the State of North Carolina, That as war now exists between the United States and the Republic of Mexico, it is the duty of every patriotic citizen to use his best efforts to bring it to an honorable and speedy termination.

Be it further resolved, That the Governor of the State be, and he is hereby authorized and directed, if in his opinion it shall be necessary, to draw upon the Treasury for a sum not exceeding ten thousand dollars (\$10,000) in addition to what has already been appropriated by this Legislature, for the use of the volunteer regiment now required of this State, or any other which may be required by the President of the United States, for the prosecution of said war.

[Ratified 18th of January, 1847.]

Resolution in relation to the payment of the State tax by the "Cape Fear Bank."

Resolved, That in the opinion of this General Assembly, the tax of twenty five cents, per share, on each share of stock in the Bank of Cape Fear, held by individuals, as imposed by the renewed Charter of said Bank, was designed to be collected from and paid by the individual stockholders, and that the State, as a stockholder, was to suffer no diminution of dividends of profits by reason of said tax.

Resolved further, That the practice of said Bank, to pay this tax out of the whole profits of the Institution, instead of the dividends of profits declared to individuals, has deprived the Literary Fund and the State, of a portion of the profits to which they are entitled as stockholders therein, and that the Attorney General be, and he is hereby directed to institute such proceedings in the proper court of Wake county, as may be necessary to establish and secure the proper mode of levying the said tax for the future.

[Ratified 18th of January, 1847.]

Resolution respecting sale of Swamp Lands.

Resolved, That the president and directors of the Literary Fund be directed to make sale, either privately or at public auction, of such portions of the reclaimed Swamp Lands, belonging to said Fund, and upon such terms, as they may deem compatible with the public interest.

[Ratified 16th of January, 1847.]

Resolution to borrow Money.

Resolved, That the Public Treasurer be, and he is hereby authorized to borrow, from the fund set apart for Internal Improvement, the Literary Fund, or from either of the Banks in this State, such sum or sums of money, from time to time, at six per cent. interest, as may be necessary to meet the proper charges authorized by law against the State, until the next meeting of the General Assembly, **provided**, that the amount so borrowed shall not exceed one hundred thousand dollars; and **provided further**, that the sum or sums so borrowed, under the authority of this resolution, shall be paid by the Public Treasurer, as soon as the Treasurer shall be in a condition to enable him to do the same.

Resolution relating to the publication of documents illustrative of the history of the State.

Resolved, That His Excellency the Governor be, and he is hereby authorized and empowered, to collect, arrange and publish a new edition of the Pamphlet, containing the documents pertaining to the declaration of independence in Mecklenburg, in May 1775; also the Journals of the various Provincial Congresses, and committees of safety from 1774 to 1776, inclusive, together with the Journal of the Board of War, alluded to in the advertisement appended thereto; also the class of documents relating to the period which preceded the organization of the State Government, under the Constitution from 1774 to December 1776, consisting of, first, a Provincial Convention or Congress, at Newbern, on the 5th of August, 1774; second, a similar Convention, at the same place 3rd of April, 1775; third, a Congress at Hillsborough, 20th August 1775; fourth, a Provincial Council at Johnston Court House, 18th October, 1775; fifth, a Provincial Council at Johnston Court House, 19th December, 1775; sixth, a Provincial Council at Newbern 28th February, 1776; seventh, a Council of Safety at Wilmington, 5th of June, 1776; eighth, the Journal of the Congress or Convention at Halifax, 12th of November, 1776; and such other documents as may be illustrative of the early history of North Carolina, and which have not been published, at the discretion of the Governor.

Resolved further, That His Excellency the Governor be, and he is hereby authorized and empowered, to draw on the Treasury for a sum, not exceeding six hundred dollars, of any unappropriated money that may be in the Treasury, at the time, for the payment of said publication.

[Ratified 18th January, 1847.]

Resolution making an appropriation to purchase a Regimental Flag for the volunteers to serve during the Mexican War.

Resolved, That His Excellency the Governor be requested to procure and purchase a suitable Regimental Flag, to be presented in the name of the State of North Carolina, to the Volunteer Regiment called out to serve during the war with Mexico; and that the sum of three hundred dollars be, and the same is hereby appropriated, out of any money in the Treasury, for the same.

Resolution in relation to the Public Arsenal in the city of Raleigh.

Resolved, That the Board of Public Buildings of this State be directed to have the door of the Public Arsenal in the city of Raleigh, enlarged, so as to admit into the said Arsenal the two brass-twelve pounders, now in the possession of the Ringgold Artillery of said city; and that said Board of Public Works be authorized to draw on the Treasurer for money to pay for the same.

[Ratified 18th of January, 1847.]

An Act to provide for a re-assessment of the lands of this State, and a more accurate enlistment of the taxable polls.

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 several county courts in this State, at the respective terms when they appoint justices of the peace to take in the list of taxable property for the year one thousand eight hundred and forty-seven, and at the same term every eight years thereafter, to appoint two respectable freeholders, men of skill and probity, to be associated with each justice, who, together with such justice, shall be styled the Board of Valuation: It shall be the duty of the Board of Valuation to ascertain, either upon a view of the premises or otherwise, as accurately as may be practicable, the cash valuation of the lands, with the improvements thereon, within the tax or captain's district to which they respectively belong, and to return the same to their respective county courts in the manner herein prescribed: **provided**, that the Board of Valuation, in which [?] any fishery is established, shall take the same into consideration in valuing the improvements upon lands, in their several districts; and provided said justice and freeholders may, if they deem it necessary, call upon any person to testify as to the value of any tract of land which may be listed, and they are authorized, in such case, to administer an oath to any person so called upon: No person giving in his lands for taxation, shall hereafter be required to state the value thereof upon oath; and if any individual shall deem himself injured, by too high a valuation being placed upon his land by the board aforesaid, it shall be competent for the ensuing county court to reduce the same, upon motion and satisfactory proof of such allegation; the individuals comprising the said Board of Valuation, shall annex to their respective returns the following affidavit, signed by them and certified by some justice of the peace: "We solemnly swear, that the foregoing valuations of land, with the improvements thereon, made by us, are, in our judgement and belief, the actual value thereof in cash; and that in making the same, we have endeavored to do equal justice to the public and to the individuals concerned; so help us God." And the said justice of the peace and freeholders shall each be entitled to receive one dollar per day, for each day they may be necessarily engaged in making said valuation and returns, to be paid out of the taxes levied for county purposes.

Sec. 2. Be it further enacted, That for the intervening seven years between the respective periods of assessment, or valuation of lands, as provided for in the foregoing section, the county courts shall appoint one justice of the peace in each district, to take in the list of lands and town lots, as now provided by law, the valuation of which shall not be below that affixed by the Board of Valuation; and where tracts of land or town lots may have been subdivided, after the valuation affixed thereto by the said Board, the justice of the peace taking in the list, shall affix the valuation of each subdivision, so that the aggregate value shall not fall below the valuation of the whole tract, made by said board; and the said justice shall have the power, in as full a manner to require the testimony of any person, as to the value of such subdivision, as is granted to the Board of Valuation in the first section of this act: **Provided however**, that it may be lawful for widows or aged and infirm persons, or persons absent from the county during the period provided by law for enlisting taxables, who may be unable from such cause to attend the place appointed by such justice for taking in the list of taxables, to render a list of their taxable property on oath before any other justice of the peace for said county; which list so rendered and certified by the justice administering the oath, shall be taken by the justice appointed to take in the list of taxables, in the same way as if said list had been rendered to him.

Sec. 3. Be it further enacted, That the owners of all lands in this State (if such owners be residents thereof, and if not, then the agent or attorney of such owners) shall furnish, on oath, to the Board of Valuation, whenever called on for that purpose, and it is hereby made the duty of said board to require it when any person owns more than one contiguous body or tract of land in the same district, a list setting forth the separate contiguous bodies or tracts of land so owned as aforesaid, by any person, together with the number of acres, and the name of the water course or nearest water course or other remarkable place where said lands may be situated, which list shall include all entries of land entered in the name of any such person, or other person for him, not patented or granted, as well as those which are; and on failure of any person to give in such list, he shall forfeit and pay a double tax as now required by law.

Sec. 4. Be it further enacted, That the justice of the peace

and freeholders required to be appointed by the first section of this act, in ascertaining the value of all lands and improvements, shall be gold or silver mines, or lands supposed to contain gold or silver, or other mineral, take into consideration the increased value of all such lands arising from the circumstance of their containing such gold or silver or other mineral as aforesaid; and they shall make due return thereof to the county court, in the same manner, as is prescribed for the return of lands and improvements in the first section of this act.

Sec. 5. Be it further enacted, That if any justice of the peace in this State, who may be appointed by the county court to take in the list of the taxable polls or other taxable property, shall take the same without administering the oath or affirmation as required by the 40th section of an act, entitled "An Act to provide for the collection and management of a revenue for this State," Revised Statutes, chapter 102, he shall, in addition to the forfeiture therein incurred, be deemed guilty of a misdemeanor, and indictable therefor as in other cases.

Sec. 6. Be it further enacted, That in all cases the owner or owners of taxable slaves of this State, and not the hirer, shall enlist them for taxation, whether they be in the possession of the owner on the first day of April or not: **Provided**, that in all cases where the owner or owners of any such slaves reside out of the State, and the slaves are hired to persons within the State, the hirer or other person having them in possession at the time the list is taken, shall give them in and pay the tax; and on failure thereof, the said hirer or other person having any such slave in possession, shall forfeit and pay a double tax on all such slaves, to be collected and account of for as other taxes.

Sec. 7. Be it further enacted, That in case any county court shall fail or neglect, from any cause, to appoint justices of the peace and freeholders to form the Board of Valuation as herein provided, or of justices to take the list of taxables as now provided by law, it shall be lawful upon the said omission being ascertained, for any three justices of the peace, in any such county, to meet at the office of the clerk of the county court, at any time before the first day of July and make the appointments of justices and freeholders as herein provided, or of justices to take the list of taxables as now provided by law; which appointments shall be recorded by the clerk, who shall also issue to such justices and freeholders so appointed, the necessary and usual notices, which notices shall be served by the sheriff in the same manner as now required by law; which appointments, so made, shall be as good and valid as if made by the county court.

Sec. 8. Be it further enacted, That it shall be the duty of the clerks of the county courts in this State, when issuing notices to justices of the peace of their appointments to take the list of taxables, to copy into the body of the said notice, the fifth section of this act, at large; and the said clerk shall also advertise the same at the court house door of his county, at and during the residue of the term of the court, when such appointments are made; and in failure to perform the duties herein required, the said clerk shall forfeit and pay the sum of ten dollars, for each and every offence, to be recovered on motion to the county court, and satisfactory proof thereof, by the county attorney, first giving the said clerk ten days previous notice; which forfeiture, when recovered, shall be paid by the county attorney into the Public Treasury, within thirty days from the receipt of the same.

Sec. 9. Be it further enacted, That it shall be the duty of the clerks of the several county courts, at the time notices are issued to the several justices of the peace, informing them of their appointments to take in the list of taxables in their respective districts, to accompany every such notice or order with a fair copy of the returns made by the Board of Valuation, in such particular districts, of the last preceding assessment of lands and town lots, within such districts, which copy the justice of the peace, taking the list of taxables, shall return with his return of taxables to the clerk's office, and which copy may be again issued from year to year, during the seven years between the respective periods of valuation, as provided in the first section of this act; and for this service, the county courts may make such allowance to the clerks as they shall deem just and proper.

Sec. 10. Be it further enacted, That the county courts of this State shall have no power to release or exempt any person from the payment of a double tax incurred as now provided by law, for failing to give in a list of his or her taxable property, except in cases where it may appear to the court, upon satisfactory proof, that such failure occurred by reason of the sickness of the party at the time such list was taken, or where it may appear that the omission of the name of any person on the tax duplicate, was caused by an error of the justice taking in the list, in transcribing the original for the purpose of making his return to the clerk of the county court, or other sufficient cause, to be judged of by the county court.

Sec. 11. 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.

[Ratified 18th of January, 1847.]

An Act to lay off a public road from Hopson's Shop, in the county of Yancey, to the foot of the Iron Mountain.

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 William Dixon, Charles Baker and Major William Haswell, be, and the same are hereby appointed commissioners to lay off and establish a road from Hopson's Shop, in the county of Yancey, the nearest and best way, to the foot of the Iron Mountain, in said county, where the Tennessee road crosses the same.

Sec. 2. Be it further enacted, That the commissioner for laying off said road shall have power (or a majority of them) to fill any vacancy that may occur in their body either from death or refusal to act, and that an agreement of any two shall be binding on the third as to location.

Sec. 3. Be it further enacted, That the commissioners appointed under this act, are to lay off said road and so locate it that its elevation shall not exceed one foot in twelve, having due regard to the interest of improvements, and report the same to the first superior court that shall happen in said county after the survey, which survey may be completed before the fall term which shall happen in the year 1847.

Sec. 4. Be it further enacted, That upon the report of the commissioners aforesaid, and the confirmation thereof, the said court shall have power, and are hereby authorized to appoint living persons, within three miles of said road, and that all hands to work in the opening of the same.

Sec. 5. Be it further enacted, That should any damage be sustained in laying off said road as now prescribed, the same shall be assessed in the same manner that is now prescribed by law in such cases.

Sec. 6. Be it further enacted, That the commissioners appointed under this act shall be entitled to receive, for their services in laying off said road, two dollars for each and every day they may necessarily be employed in laying off said road, to be adjudged of by the court, and allowed as other county claims.

[Ratified the 12th January, 1847.]