

North



State.

VOL. IV.]

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[NO. 21

The Old North State

PUBLISHED WEEKLY BY
LEWIS HAINES,
Editor and Proprietor.

RATES OF SUBSCRIPTION.
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Rates of Advertising.
One Square, first insertion, \$1.00
Second insertion, 50
Third insertion, 30
For each additional insertion, 25
Twelve lines of brevier—11 inches length—
the column—or less—constitute a square.
Special notices will be charged 50 per cent
higher than the above rates.

Court and Justice Orders will be published at the same rates with other advertisements.

Obituary notices, over six lines, charged as advertisements.

To persons wishing to advertise for a longer time than two months the most liberal terms will be given.

Important Law.

AN ACT to be entitled "An Act concerning Townships."

Section 1. General Assembly of North Carolina do enact, That the Districts reported by the Commissioners of the following Counties of the State to the present session of the General Assembly, are hereby approved, and said Districts, in obedience to Article seven, sections three and four of the Constitution, to wit: Craven, Granville, Halifax, New Hanover, Chatham, Cumberland, Davidson, Duplin, Edgecombe, Franklin, Guilford, Hertford, Johnston, Mecklenburg, Rowan, Warren, Wayne, Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Catawba, Clay, Cleveland, Columbus, Currituck, Davis, Forsyth, Gaston, Greene, Harnett, Henderson, Haywood, Hertford, Hyde, Jones, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Montgomery, Mitchell, Moore, Nash, Onslow, Pasquotank, Perquimans, Person, Richmond, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Tyrrell, Union, Watauga, Wilkes, W. Va., Y. I., and Yancey and Cassell, shall have separate powers and shall be known as Townships by the boundaries and by the same respectively designated in said reports; but the said districts may be altered or divided, or new Townships may be erected by the County Commissioners in the manner specified in sub-division fifteen, section eight of an act of the General Assembly, entitled "An Act concerning the government of Counties," and ratifid the fourteenth day of August, Anno Domini, eighteen hundred and sixty-eight.

Sec. 2. All acts or proceedings by or against a Township, in its corporate capacity, shall be in the name of the Board of Trustees of the Township.

Sec. 3. The Board of Trustees of each Township shall consist of a Clerk and two Justices of the Peace, except as otherwise provided in this act in respect to Justices of the Peace in those Townships in which Cities and Towns are situated.

Sec. 4. In every Township in which any City or Town is situated, or which may consist of a City or Town, the number of Justices of the Peace to be elected shall be two more than the number of Wards in such City or Town, or in case such City or Town is not divided into Wards, the one additional Justice for each five hundred inhabitants, or if there be less than five hundred inhabitants, one additional Justice; for the purpose of obtaining the number of inhabitants in any such City or Town, the corporate authorities shall have power to take a census thereof.

Sec. 5. The first election for Townships Boards of Trustees shall be held on the first Thursday in August, eighteen hundred and sixty-nine.

Sec. 6. Such election shall be held in all respects under the rules and regulations now prescribed by law, at such place in each Township as the county Commissioners may designate, and return thereof shall be made to the Board of Commissioners of each county, who shall declare the result of said election, and within five days thereof shall notify the persons receiving the majority of votes in each Township of their election.

Sec. 7. The persons who are elected at such election shall appear, within five days after service of notice, before county Commissioners and qualify by taking and subscribing the oath of office, which oath shall be filed with the Clerk of the Board of Commissioners.

Sec. 8. The Board of Commissioners authorized to decide in all cases of contested election, subject to appeal to the superior Court of the county.

Sec. 9. The persons chosen at the first election under this act, continue in their office till the first Thursday in August, eighteen hundred and seventy-one, and their successors shall have qualified, then the regular election for said officers shall be held every two years thereafter.

Sec. 10. At the time and in the manner authorized by the act for the election of Township Boards of Trustees, there shall be held and election for one Justice of the Peace in each Township, who shall hold and security in such reasonable sum as the Board of Trustees may deem sufficient, to be not less than five

hundred dollars, nor more than two thousand dollars, and take the oath of office as now prescribe by law.

Sec. 11. The Board of Trustees shall have power to purchase and to hold for the use of the Townships, such real estates as they may deem necessary, not to exceed one acre, and to erect thereon a Township house, which shall be as near central in location as may be; and for the purpose of buying such property and erecting such building, they are authorized, if they deem it expedient, to lay and collect a tax upon all the property in the Township, with the approval of a majority of the qualified voters of the Township, to be given at an election to be held for that purpose, under the direction of such Trustees.

Sec. 12. The Board shall have power to appoint its own meeting, and to adjourn from time to time.

Sec. 13. A majority of the Trustees shall constitute a quorum.

Sec. 14. The Board of Trustees shall have authority, within their respective Townships, to lay out, alter, repair, or discontinue highways; to establish and settle ferries; to build and keep up bridges, subject to sub-division eleven, section eight of the before recited act concerning the government of counties; to lay off or discontinue cartways; to appoint overseers of highways; to allow and contract for the building of toll bridges, and to license the erection of gates across highways. This authority shall be exercised under the rules, regulations, restrictions and penalties, in all respects, prescribed and imposed in chapter one hundred and one of the Revised Code, upon the Justices of the late county Courts. The Clerk of the Board shall perform the duties therein enjoined upon the Clerk of the late county Court; and the Township Constable shall perform the duties imposed in said chapter on the Sheriff.

Sec. 15. In all cases of the exercise of authority under the preceding section, there may be an appeal by either party from the decision of the Township Board of Trustees to the Board of Commissioners of the county, whose decision in the case shall be final; and on every appeal, the Clerk of the Board of Trustees shall transmit to the Commissioners all the papers in the case, and the parties shall be allowed to be heard before the Commissioners de novo.

Sec. 16. The Township Board of Trustees shall assess the taxable property of their Townships, and make return to the county Commissioners for revision, as may be prescribed by law.

Sec. 17. The Board of Commissioners of each Township shall make out a written report of the condition of the roads bridges in their respective Townships, to the County Commissioners, at least ten days before regular terms of the Superior Courts of the County.

Sec. 18. The Board of Trustees shall audit all suits against the Townships, as directed in section ten of the act concerning the government of counties; and shall cause semi-annual publications of all accounts, so audited, to be posted at the Township house, or other place of meeting, if there be no Township house, and three other public places in the Townships.

Sec. 19. The Board of Trustees shall have power to lay and collect all taxes which may be required to defray the necessary expenses of the Township Constable shall collect all taxes so laid and assessed.

Sec. 20. The Clerk of the Board of Trustees shall record all the proceedings of the Board in a book to be provided for that purpose, and keep all its papers and hold them open to the examination of all persons, except on the

Sec. 21. All moneys under the provisions of this act, shall be paid, or received, at the Court House and other public places in his county.

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bring suit on said obligation, and to use all reasonable diligence to save harmless such security or endorser; Provided, Nothing herein contained shall apply to official bonds, or bonds given by any person acting in a fiduciary capacity.

Sec. 2. Should the payee or holder of any such note, bond, bill, or other written obligation, refuse or fail, within thirty days from the service of said notice, to bring suit in the appropriate Court in an effort to save harmless such security or endorser, such failure to sue or negligence shall operate as a discharge of such security or endorser from all liability whatever on any such note, bond, bill, or other written obligation; Provided, That this notice shall not have the effect to discharge from liability any co-security who does not join in such notice, or who has not given a separate notice as required by this act; Provided further, That this act shall not apply to holders of such note, bill, bond, or obligation, who hold the same as collateral security.

Sec. 3. Any person who writes or signs a note, bond, bill, or other written obligation, shall be deemed to have authorized the holder thereof to sue on the same, and to use all reasonable diligence to save harmless such security or endorser.

Sec. 4. That in all such cases as is provided in this act, the writ shall be a competent writ, as to the fact of abandonment, or neglect to provide adequate support, by such husband for his wife, and child or children.

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port of himself and family, but is found sauntering about, endeavoring to maintain himself by gaming or other unwholesome means, or is a common frequenter of drinking houses, or is a known common drunkard, shall be presumptive evidence that such abandonment and neglect is wilful.

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ing him a copy thereof, and of the oath of A. B. annexed, (or by leaving a copy thereof, and the oath of A. B., at the usual place of residence of the defendant, C. D., with an adult found there,) or (the said C. D. not being to be found in any county, and having no usual or last place of residence therein,) or (no adult person being to be found at his usual or last place of residence,) by posting a copy of the summons, and of the oath of A. B., annexed, on a conspicuous part of the premises claimed.

N. M., Constable.
The day of 1869.

[No. 5]
RECORD TO BE ENTERED BY JUSTICE ON HIS DOCKET.

In case the defendant fails to appear, or if the defendant admits the allegations of the plaintiff:

A. B., plaintiff, } Summary proceedings
C. D., defendant, } in ejectment.

It appearing that the summons, with a copy of the oath of the plaintiff, was duly served on defendant, and whereas the defendant fails to appear, (or admits the allegations of the plaintiff,) I adjudge that the defendant be removed from, and the plaintiff put in possession of, the premises described in the oath of the plaintiff. I also adjudge that the plaintiff recover of defendant \$100.00, for rent, from the day of 1869, to the day of 1869, and \$100.00 for damages for occupation of the premises from the day of 1869, to this day, and \$100.00 for his costs; the day of 1869.

If the defendant admits part of the allegations of plaintiff, but not all, the judgment must be varied accordingly; for example: follow the foregoing to the * and then proceed:

[No. 6]
And whereas, the defendant appears and admits the first and second allegations of the plaintiff, and denies the residue; and whereas, both parties waived a trial by jury, I heard evidence upon the matter in issue, and find, (here state the findings on the matters in issue separately.) Satisfying the findings as for the plaintiff the record would proceed:

I therefore adjudge that the defendant (and so on from *).

[No. 7]
If either party shall demand a jury the record will proceed from * as follows: And whereas, the plaintiff, (or defendant as the case may be,) demanded to wit: (here give the names of the jurors summoned) from whom the following jury was duly empanelled, to wit: (here state the names of the six jurors empanelled,) who find (here state the verdict of jury; if they find all the issues for the plaintiff, say so; if any particular issue say so; also, state the sums assessed by them for rent and for occupation to the trial.) Therefore, I adjudge, &c., as in form No. 5, from*.

If either party appeals the Justice will enter on his docket as follows, altering the entry according to the facts.

[No. 8]
RECORD WHEN AN APPEAL IS PRAYED:
From the foregoing judgment the (plaintiff or defendant as the case may be) prayed an appeal to the next Superior Court of law for said county, which is allowed.

[No. 9]
BOND TO BE GIVEN BY DEFENDANT TO SURETY EXECUTION.
We, C. D., E. F. and G. H. are bound to A. B. in \$100.00 dollars. Witness our hands and seals, this day of 1869. Whereupon, on the day of 1869, before Justice of the Peace, A. B. recovered a judgment against C. D., in a summary proceeding in ejectment, for \$100.00 dollars, with interest from the day of 1869, till paid, and \$100.00 for costs, and C. D. obtained an appeal to the Superior Court of 1869. Now, if C. D. shall prosecute his appeal with effect, or shall perform the final judgment such appeal, the above shall be void.

Witnessed and approved by }
J. K., J. P. } (Seal)
C. D., Defendant. } (Seal)

JUSTIFICATION OF SURETIES.
We, E. F. and G. H., severally avow that we are respectively worth half the penalty of the above bond, clear of our debts and homestead exemptions.

(Signed) E. F. }
G. H. } (Seal)

Subscribed and sworn to before me, this day of 1869.

[No. 10]
EXECUTION ON A JUDGEMENT FOR THE PLAINTIFF.
A. B., plaintiff, } Beaufort County.
C. D., defendant, }

The State of North Carolina to any lawful officer of said County, greeting: You are hereby commanded to remove C. D. from, and put A. B. in the possession of a certain piece of land, (here describe it as in the oath of the plaintiff.) You shall also make out of the goods and chattels, lands and tenements, of said defendant, \$100.00 dollars, with interest from the day of 1869, to the day of 1869, to the day of payment, which the plaintiff lately recovered of the defendant as rent and

damages, and the further sum of \$100