## watil a mosting shall be formed

SEC. S. Tas subscribers, at melr general meeting her President and Directors, or say of them, may at any time hir a majority of the votes given at any general meeting. This President, with may two or more of the Directors, or in the event of the siekness, absence, or disability of meat of the board, until the next should meeting.

ny shall be, and they are hereby invested with all the proceedings thereupon to the court of said county. rights and powers necessary for the construction, repair and maintaining of a rail road, to be located as aforesaid, with as many sets of tracks as they, or a majority of on the land proposed to be condemned, and after viewing them, may deem necessary; and may cause to be made, the same, and hearing such proper evidence as either parand also to make and construct, all works whatsacver, which may be neces ary and expedient, in order to the judgment, the damages which the proprietor of the land proper completion of the said sail road.

HRe. 10, The said President and Directors shall have power to make contracts with any person or persons on prietor of the land as being the owner of the whole fee behalf of the company, for making the said rail road, simple interest therein; they shall take into consideration and performing all other works respecting the same, the quality and quantity of the land to be condemned, the which they shall judge necessary and proper, and to re-additional feneing that will be required thereby, and all quire from the subscribers, from time to time, such ad- the inconvenience that will result to the proprietor from vances of money on their respective shares, as the wants the condemnation thereof, and shall combine therewith a of the company may demand, until the whole of their just regard for the advantages which the owner of the subscriptions shall be advanced; to call, on any emergen- fland will derive from opening the rail road through the ey, a general meeting of the subservices, giving one same. month's notice thereof in one of the newspapers printed SEC. 16. When the said freeholders shall have agreed in the city of Raleigh; to appoint a Treasurer, Clerk and upon the amount of damages, they shall forthwith make such other officers as they may require, and to transact a written report of their proceedings, under their hands will the builness of the company during the intervals be- and seals, in substance as follows: We, tween the general meetings of the stockhedders.

required of him by the President and Directors, or by a damages that will be sustained by ---- the proprietor of majority of them, within one month after the same shall certain lands in the said county, which the President and have been advertised in one of the newspapers published Directors of the Raleigh and Columbia Rail Road Comin the city of Raleigh, it shall and may be lawful for the pany propose to condemn for their use, do hereby certi-President and Directors, or a majority of them, to sell at fy, that we met together on the land aforesaid, on the public anotion, and to convey to the purchaser, the share day of ----, the day appointed therefor by the said oror shares of such stockholder, so failing or refusing, gir- der, (or the day to which we were regularly adjourned ing one month's previous notice of the time and place of from the day appointed for our meeting by the same orsale, in manner aforesaid; and after retaining the sum |der;) and that, having been first duly sworn, (or solemnly due, and all charges of the sale, out of the proceeds affirmed, as the case may be) and having visited the premthereof, to pay the surplus over to the former owner or to ises, we proceeded to estimate the quantity and quality of his legal representative; and if the said sale shall not the land aforesaid, the quantity of additional fencing produce the sum required to be advanced, with the inci- which would probably be occasioned by its condemnation, dental charges attending the sale, then the President and and all other inconveniences which would probably result Directors may recover the halance of the original proprictor or his assignee, or the executor or administrator of either of them, by suit in any court of record having jurisdiction thereof, or by warrant before a justice of the prace of the county of which he is a resident; and any purchaser of the stock of the company, under the sale fluence of these considerations, we have estimated and do by the President and Directors, shall be subject to the same rules and regulations as the original proprietor.

SEC. 12. Be it further enacted, That if the capital stock of the company hereby incorporated, shall be found iasufficient for the purpose of this act, it shall and may be lawful for the President and Directors of the said company, or a majority of them, from time to time to increase the said capital stock to an amount not exceeding two millions of dollars, by the addition of as many shares as they may deem necessary-first giving to the individual stockholders for the time being, or their legal representatives, the option of taking such additional shares, in ortion to the amount of stock respectively held by them-and opening books in the city of Raleigh and such ay, and that they would certify truly their proceedings for the purpose of laying out, constructing, enlarging, alterother places as the President and Directors may think thereon to the court of the said county. Given under ing or repairing any of their said works, shall, by themselves proper for any balance of the capital stock created, which may not be taken by the stockholders for the time being, or in their behalf; and the subscribers for such gether with the certificate of the justice of the peace, as to any other property thereon, the Raleigh and Columbia additional shares of the capital stock in the said company aforesaid, shall be forthwith returned by the said free- Rail Road Company shall pay to the person so injured donare hereby declared to be theneefbrward incorporated into the said company, with all the privileges and advan- can be shown against the report, it shall be confirmed by in any proper action therefor; or if said injury be done by tages, and subject to all the liabilities of the original the court and entered upon record: but if the said report any person or persons who may have contracted with the stockholders. SEC. 13. Be it further enacted, That the President and Directors, or a majority of them, shall have power from any other cause, they should fail to make a report to borrow money for the objects of this act, to issue cer- within a reasonable time after their appointment, the tificates or other evidences of suck loans, and to make the court may, in its discretion, as often as may be necessary, same convertible into the stock of the company, at the supersede them or any of them, appoint others in their pleasure of the holder: Provided, that the capital shall stead, and direct another view and report to be made in tors so to constanct the said rail road across such established not thereby be increased to an amount exceeding two mil- the manner above prescribed. tions of dollars, and to pledge the property of the com- SEC. 18. On the confirmation of any such report, and of persons or property along the same; or when it shall be pany for the payment of the same with its interest: Pro- on payment or tender to the proprietor of the land, of the vided, that no certificate of loan, convertible into stock, damages so assessed, or the payment of said damages inor creating any lien or mortgage on the property of the to court, when for good cause shown, the court shall have company, shall be issued by the President and Directors, so ordered, the land received and assessed as aforesaid, unless the expediency of making a lean on such terms, and if issuing such certificates, shall have first been determin- Company, and they shall be adjudged to hold the same in ed on at a general meeting of the stockholders, by two- fee simple, in the same manner as if the proprietor had thirds of the votes which could legally be given in favor | sold and conveyed it to them. of the same. Sgc. 14. Be it further enacted, That the said Presi-dent and Directors, their officers, agents and servants, shall have full power and authority to enter upon all shall have been instituted, the President and Directors, it lands and tenements through which they may desire to they think that the interest of the company requires it, conduct their rail road, and to lay out the same accord- may, by themselves, their officers, agents and servants. ing to their pleasure, so that the dwelling-house, yard, enter upon the lands laid out by them, as aforesaid, and garden or cartilage of no person be invaded without his consent; and that they shall have power to enter in and said company. If, when they so take possession, proceedlay out such contiguous lands as they may desire to occu- ings to ascertain the damages as aforesaid, he pending, it ny, as sites for depots, tall-houses, ware-houses, engines, sheds, work-shaps, water stations, and other buildings, for the necessary accommodation of their officers, agents and servants, their horses, mules, and other cattle, and for the protection of property entrusted to their care: the land, for the amount thereof, and either compel its Provided, that the land so laid out on the line of the rail payment into court, or award process of execution for its road, shall not exceed (except at deep cuts and fillings) eighty feet in width, and that the adjoining land for the sites of buildings (unless the President and Directors can and no injunction shall be awarded by any court or judge. agree with the owner or owners for the purchase of the to stay the proceedings of the company in the prosecution same) shall not exceed one and a half acres in any one of their work, unless it be manifest that their officers, parcel. If the President and Directors cannot agree agents or servants, are transcending the authority given with the owner or owners of the lands, so entered on and them by this act, and that the interposition of the court laid out by them, as to the terms of purchase, it shall be is necessary to prevent injury that cannot be adequately lawful for them to apply to the Court of Pleas and Quarter Sessions of the county in which such land, or the greater part of it, may lie-and upon such application, he court shall appoint five disinterested and impartial purchased by them, or condemned and paid for according fresholders, to assess the damages to the owner from the to the provisions of this act, and shall fail for forty days condemnation of the land for the purpose aforesaid; no such to institute proceedings for its condemnation as aforesaid, ointment, however, shall be made unless ten days' or shall not prosecute with due diligence the proceedings soever for the term of lifteen years; and thereafter the Legis-tions notice of the application shall have been given commenced for that purpose, it shall be lawful for the lature may impose a tax not exceeding twenty-five cents per

be an infant or non compos mentis, if such owner or guar- and Directors, or any of them, ten day's previous notice,

SEC. 15. It shall be the duty of the said freeholders in parsuance of the order appointing them, to assemble for, as to them shall seem right. ty may offer, they shall ascertain, according to their best

will sustain by the condemnation thereof for the company. In performing this duty, they shall consider the pro-

- freeholders, appointed by an order of the Court of Pleas and SEC. 11. If any stockholder shall fail to pay the sum Quarter Sessions, for the purpose of ascertaining the

> therefrom to the proprictor of said land, and that we combined with these considerations, as far as we could, a just regard to the advantages which would be derived by the proprietor of the said land from the opening of the aforesaid rail road through the same; that under the inhereby assess the damages aforesaid at the sum of

Given under our hands and seals, this - day of the foot of the report so made, the Magistrate before whom the said freeholders were sworn, shall make a certificate in substance as follows:- "---- county, sct. I, -, a justice of the peace of said county, do herby certify that the above named freeholders, before they exceuted their duties, as above certified, were solemnly sworn (or affirmed) before me, that they would impartially and justly, to the best of their ability, ascertain the damages which would be sustained by the above named report to be made, as often as may be necessary. -----, by the condemnation of the aforementioned land for

dian can be found, within the county; or if he cannot be to apply to the court of the county in which the land, or fore directed, and the proprietors of stock at every an- so found, then such appointment shall not be made, unless the greater part thereof, shall lie; and upon such applican ial meeting thereafter, shall elect a President and five Directors, who shall coating in office, unless sconer re-moved, until the next annual meeting after their election. ted as convenient as may be to the court house of the the next annual meeting after their election. and until their successors shall be elected; but the said county, and shall have been posted at the door of the point a day for their meeting, to perform the duties assigned court house, on the first day, at least, at the next prece- them, and shall dismiss at the cost of the company any probe removel, and the vacancy thereby occasioned be filled ding term of said court. A day for the meeting of the ceeding then depending in their behalf for the condemnation said freeholders to perform the duty assigned them, shall of the said land. The freeholders so appointed, any three or be designated in the order appointing them; and any one or more of whom may act, shall proceed in the performance of more of them attending on that day, may adjourn from their duties, in all respects in the same manner as if they had the President, any three or more of the Directors, who time to time, until their business shall be finished. Of been appointed by the President and Directors of the comelta'l appoint one of their own body President, pro tem. the five freeholders so appointed, any three or more of pany; and the court shall in like manner confirm and disafshall constitute a board for the transaction of business. them may act, after having been duly sworn or solemnly firm their report, supercede them or any of them, and ap-In case of vacancy in the office of President, or any Dis affirmed before some justice of the prace, that they will point others in their stead, or direct another view and report 2 rector, happening from death, resignation, removal, or impartially and justly, to the best of their ability, ascer- to be made, as often as may be necessary; and when any disability, such vacancy may be supplied by the appoint- tain the damages that will be sustained by the proprietor such report, ascertaining the damages, shall be confirmed, of the land. from the condemnation thereof for the use the court shall render judgment in favor of the proprietor for SEC. 9. The President and Directors of said compa- of the company-and that they will truly certify their the damages so assessed and double costs, and shall thereupon either compel the company to pay into court the damages and costs so adjudged, or award process of execution there-

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SEC. 22. When the judgment rendered for the damages assessed and costs shall be satisfied by the payment of the money into court, or otherwise, the title of the land for which such damages are assessed shall be vested in the company, in the same manner as if the proprietor had sold and conveyed it to them. Be it further enacted, That the written consent of any owner or proprietor of any lands through which the said road is to be constructed, showing his or their agreement to the same, shall be valid and effectual to give the same power and authority over all land required for the construction of the road, as if the same had been conveyed by deed of bargain and sale, or condemned upon petition, sa aforesaid.

SEO. 23. The said President and Directors, for the purpose of condimicting their rail road aforesaid, and the works necessarily connected therewith, or of repairing the same af for they shall have been made, or of enlarging or otherwise aftering the same, shall be at liberty, by themselves, their officers, agents or servants, at any time, to enter upon any adjacent lands, and to cut, quarry, dig, take and carry away therefrom, any wood, stone, gravel or earth, which they may deem necessary: Provided, however, that they shall not without the consent of the owner, cut down any fruit tree. or any tree preserved in any lot or field, for shade or for ornament, nor take any timber, gravel, stone or earth, constituting any part of any fonce or building. For all wood, stone, gravel or earth, taken under authority of this act, for all incidental injuries done to the inclosure, crops, wood or ground in taking and carrying away the same, the said President and Directors shall make to the owner a fair and reasonable compensation, to be ascertained, if the parties cannot agree, by any three impartial and disinterested freeholders, who, being appointed for that purpose by any justice of the peace there. to required by the owner, shall be sworn by him, and shall then ascertain the compensation upon their own view, of the wood, gravel, earth or stone taken, and for the injury done as aforesaid, in taking them: Provided, however, that it shall be the duty of the owner or owners to show to the justice of the peace to whom the application is made, that ten days' previous notice of making the same, has been given to the President or one of the principal agents of the rail road compuny; and no award which may be given under any appointment, without such notice, shall be obligatory or binding on the company: Provided, however, that either party, not satisfied with the award which may be given as above, may appeal to the Court of Pleas and Quarter Sessions of the county in which the land may be situated, who may, as in the case of the assessment of lands, confirm or disaffirm the report of the freeholders, supercede them or any of them, and appoint others in their stead, or direct another view and

SEC. 24. If the said President and Directors, in entering on the land of any person under the authority of this act.

transport, ter them, p dep \* ed to demand produce and e resources any current puppany, and the stock of the shares. Ssc. 33. Nek of the annually as they n 32 of th es may of th shali 10 e snid company, alter id hall divide the same among e snid company derm county Ū. ten 9 F = of the nett he by Pres expenses of t profits arising fic deducting the neo = Fail ake o their respe such ibe hereby divisaid 2 5 20 = iall be Tener 2 5 allowed gen vote for every vole. 07 IWO

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the use of the Kaleigh and Columbia Kall Road Compa my hand, this - day of ---."

SEC. 17. The report of the freeholders, so made, to-

shall be vested in the Raleigh and Columbia Rail Road

SEc. 19. While these proceedings are pending, for the purpose of ascertaining the damages to the proprie-tor for the condemnation of his land, and even before they which they desire to condemn and apply to the use of the recovery, as to them shall seem right.

SEC. 20. In the meantime, no order shall be made, compensated for in damages.

SEC. 21. If the President and Directors shall take possession of any land before the same shall have been to the owner of the land, or the guardian, if the owner proprietor of the land, upon giving to the said President annum per share on each share of the capital stock, when-

or their officers, do any wanton or wilful injury to such land or its appurtenances, or to the crops growing or gathered, or holders to the court of the county; and unless good cause ble the amount of damages which shall be assessed by a jury should be disaffirmed, or if the said freeholders, being company for the construction of any portion of the read, or unable to agree, should report their disagreement, or if, any of the works connected therewith, he or they shall be responsible to the party injured in the like amount.

SEC. 25. Whenever, in the construction of said rail road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the said President and Direc-tors so to construct the said rail road across such established roads or ways, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual a proper wa-gon way across said rail road, from one part of his land to the other: *Provided, however*, that in order to prevent the fre-quent crossing of established roads or ways, or in care if may be necessary to occupy the same, it may be lawful for may be necessary to occupy the same, it may be lawful for the said President and Directors to change the said roads to points where they may deem it expedient to do so; and that for entering upon or taking any land that may be necessary therefor, they shall be, and are hereby authorised to proceed under the provisions of this act, as in the case of land necessary for their rail road: Provided, further, that previous to the making of any such change, the said company shall make and prepare a road equally good with the portion of the road proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on the company to keep in repair the portion of any road which they may have changed, as aforesaid.

SEC. 26. The said President and Directors, or a majorty of them, shall have power to purchase with the funds of the company, and place on the rail road constructed under this act, all machines, wagons, vehicles, and carriages and terms of every discription whatsoever, which they may deems necessary or proper for the transportation of persons or property; or if they should deem it more expedient to do so, they may contract with any other rail road company or companies, or with any individual or individuals, for effecting the transportation on the same.

SEC. 27. All machines, wagons, vehicles and carriages, purchased as aforesaid with the funds of the company, or engaged in the business of transportation on said rail read; and all the works of said company constructed, or preperty acquired under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective stockhoklers of the company forever, in proportion to their respective shares; and the same shall be deemed personal estate, and shall be exempt from any public charge or tax what-

Connecticut Judges .-- One of the new Jack-ron Judges of Connecticut, in charging the Jucticut, in charging the Jury recently, said that "inarmuch as he know nothing about the lans, and he presumed they did not, they must decide as they please." No-wonder the Whigs have lost Connecticut.

"He (Whitney) is fit nother for heaven m earth."-Pet. Int.

The proper course, then, between the two,