niceonnty. Sec. 2. This act shall be in force from and after its ratification. Rutified the 7th day of April, 1869.

(No. 111.) An act to give Clay County the Benefit of her own Bonds.

Sec. 1. The General Assembly North Carolina, do enact, That all the lands in Clay County that are now in the hands or that may bereinafter come into the hands of Jacob Siler, Agent of the State for the collection of said bonds, shall be applied to works of internal improvement in Olay county. the majority of the County Commission-

ers may direct. Sec. 3. The Agent is hereby authorized and required to pay said bonds to the Commissioners of said County. Sec. 4. All laws and clauses of laws

coming in conflict with the provisions of this act are hereby repealed. Sec. 5. This act shall be in force from and after its ratification.

Ratified the 5th day of Apil, 1869. (No. 112.)

An act to authorize the commissionrs of Union County to levy a special tax. WHEREAS, The County of Union owes as interest on its bonds the sum of sixteen thousand dollars, a portion of which debt is due to creditors living in other States and is now in suit in the District Court of the United States; and whereas, the further sum of four thousand dollars or apwards will be due from and payable by said county for interest during the current year; and whereas, it is believed that the ordinary tax which the County commissioners will be authorized to levy for the ensuing fiscal year will be consumed in the repairs of roads, bridges, and of the County buildings : therefore, for the special purpose of enabling the commiss oners of Union County to pay such in terest dae, and to become due during the

. Section 1. The General Assembly of North Carolina do enact, That the C naty commissioners of Union county are an thorized to levy and collect for the next fiscal year such a tax as the county commissioners deem neccessary, not exceedingitwo dollars per hundred upon all moneys, credits, investments in bonds, stocks, joint stock companies or otherwis and all other real and personal property in said county in addition to the taxes anthorized by Section VII, Article V; of the Constitution.

Sec. 2. The special tax authorized by the preceeding section shall be levied and cted in the same manner as the ordi pary county taxes, and all laws applicable to such special tax.

. Sec. 3. The act shall take effect from and after its ratification. Ratified the 7th day of April' A. D.

(No. 113.) An Act to Authorize the Commissioner of the County of Roberson to levy

(Passed April 3d; 1869.) Section 1. The General Assembly o North Carolina do enact. That the compissioners of Robeson County are authorized and empowered to levy and collect for the fiscal year, a special tax of not more than twenty cents upon the one hundred dollars valuation of all all moneys, credits, investments in trade, joint stock companies or otherwise, and all of the real and personal property in the said County, in addittion to the taxes authorized by section 7, Article V of the Constitution, for the purpose of of paying the County indebtness, and the residue (if any there be, for the erection and con-struction of a House of Correction for eald County.

Sec. 2. The tax authorized by the pre ceding section shall be laid and collected in the same manner as the ordinary County taxes, and all laws, applicable thereto shall be applicable to such spec

Sec. 3. This act shall take effect from and after its ratification. Ratified the 7th day of April, A. D

(No. 114.) An Act to empower the County Commissioners 'of Wake County to levy a epecial tax.

Section 1. The General Assembly of North Carolina do enact. That the Connbe, and are hereby empowered to levy a and County.

Sec. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of April, A. D.

(No. 115.) An act to raise additional revenue in the Section 1. The General Assembly of North Carolina do enact, That the Commissioners of Greene county are hereby authorized to levy a tax of not more than ten mills on the dollar of real and personal property in said county for the purpose of paying the County debt; which nation as company. to be raised by the State Constitution. Sec. 2. The proceeds of said tax shall

be used for the purpose of paying the County indebtedness, and the interest thereon, and for no other purpose Sec. 8. This act shall take effect from and after its ratification. Ratified the 7th day of April, A. D. 1869.

(No. 116.) An act to allow the Commissioners of Al-

(Passed April 3d, 1869.) Section 1. The General Assembly of Noth Carolina do enact. That the county ommissionersof Alexander county be un! they are hereby authorized to levy a spec-

exander County to levy, a special tax.

ial tax for the purpose of repairing the public buildings of the County.

Sec. 2 That said commissioners shall have power to levy said taxes at the same are provided by law to be levied, and in the same proportion on all subjects taxes are required by law to be collected and secounted for : Provided, That the special tax herein anthorized to be levied shall not exceed in the aggregate three thous-

and dollars. Sec. 8. That this act shall take effect from and atter its ratification. Ratified the 7th day of April, A. D.

(No. 117.)

An act to allow the Commissionrs of the Town of Rutherfordton to levy taxes and for other purposes. (Passed March 26th, 1869.) Section 1. The General Assembly of

ton shall have full power authority to Railroad Company, which shall have a Sec. 3. By whom appearing may be Sec. 16. Where a Sheriff full to return, levy and collect a sufficient amount of corporate existence ninety nine years; and made. ment, will be neccessary to make the necsary repairs upon the public streets and idewalks of said town, and to make all nch changes and amendments to said treets, as in their judgement will omote the interests of said Town. Sec. 2. That this act shall be in rom and after its ratification. Ratified the-day of Murch, A.

[No. 118.) missioners for Wilson Caunty to levy a Section 1. The General Assembly of North Carolina do enact, The Commiss ioners for the County of Wilson are here-

by authorized to levy a tax, to be colected under the sames rules, regulations and penalties as are other taxes, not to exceed six thousand dollars, for the specof the County. Sec. 2. This act shall be in force from

and after its ratification. Ratified the 7th day of April, A. D.

(No. 119.) An act to authorize the Commissioners of Washington and Ratherford counties to levy a special tax.

Pa-sed Apil, 3d, 1869 Sec. 1. The General Assembly North Carclina doenact, That the county Commissioners of Washington and Rutherford counties be and are hereby authorized to levy and collect for county purposes, during the present fiscal year, a special tax on the real and personal property in said counties, not to exceed the sum of tour thousand dollars. Sec. 2. The tax authorized by this act shall be levied and accounted for in the same manner as other taxes.

Sec. 3. This act shall be in force from ts ratifica ion. Ratified the 7th day of April, 1869.

(No. 120.) An act authorizing the Commissioners of Iredell County to levy a special tax. (Passed April 3d, 1869.)

Section 1. The General Assembly Nort Carolina do enact, That the Comnissioners of Iredel County are hereby anthorised to levy and collect she sum o five thousand dollars in the same manner as other taxes are levied and collected for the purp se of building a jail for said

Sec. 2. That this act shall be in force fsom and after its ratification. Ratified the 7th day of April, A. D.

(No. 121.) An act authorizing the County Commissioners of Stanly County to levy a syecial tax. (Passed At ril 3.1,1869.)

Section 1 The General Assembly of evy a special tax-of two thousand dollars, to pay off the indebtness of said County. S c. 2. That this act shall be in force from an after its ratification. Ratified the 7th day of April, A. D.

(No. 122) An act to authorize the County Coma special tax. (Passed April 8d, 1869.)

Section 1. The General Assembly North Carolina do enact. That the Coun ty Commissioners of Randolph County are hereby authorized to levy a special taxes are, to support the poor and pay the indebtedness of said County ; Provi Sec. 2, This act shall be in force from

and after its ratification. Ratified the 7th day of April A. D

[No. 98.]

An act supplemental to an act to amend the Charter of the Wilmington, Charlotte and Rutherford Railroad Company, Ratified on the twenty-ninth day of

Sec. 1. The General Assembly of North Carolina do enact. That an act passed by the General Assembly, and ratified on the wenty-ninth day of January, eighteen hundred and sixty-nine, emitted an act to amend the charter of the Wilsington, Charlotte and Rutherford Railroad, and to secure the State a representation in said company, be amended as hereafter provi-

Sec. 2. That in all meetings of the stockholders, the election of the six directors to be elected by the stockholders, shall be chosen by the stockholders other than the State, in the manner now provided by the charter and by-laws of the company. Sec. 3. That immediately upon the re-

organization provided for in the second section of said act, the Treasurer of the State shall delivery over to the President, ty commissioness of the County of Wake of the Company, the remainder of the bonds provided tor, which shall be neces special tax, not to exceed five thousand sary to pay the residue of the subscription of the support of the poor and tion of the State, except the amount of other necessary expenses, the same to be seven hundred and twenty the usand dollar collected at the same time and in the same of bonds mentioned in the seventh section manner as the regular taxes of the State of said act, and thereupon a certificate of stock shall be issued to the Sta e for eighty thousand shares of the capital stock of the company.

Sec. 4. That in case the State shall, at any time hereafter, dispose of the whole or any part of her stock, the right to appoint by the Governor shall cease entirely upon the sale of the whole stock, and for very eleven thousand tour hundred and twenty-eight shares so sold, the right to appoint one director shall be lost on the part of the State, and the right of appointment thus lost, shall not succeed to the purchaser or purchasers, but in this respect, he or they shall be in the same sit-

nation as other private stockholders of the Sec. 5. That this ac' shall be submitt ed together with the act to which it is supplemental, to the stockholders, and be passed upon by them as if a part of the said act, and shall take effect from and after its rat fication. Ratified the 5th day of April, A. D.

[No.-99.]

An Act to Provide a salary for the Govrnor and Treasury of State. Section 1. The General Assembly of North Carolina do enact, Tint the salary of the Governor of the State shall be five thousand dollars per annum, and the salary of the Treasurer shall be three tousand dollars per annum, commencing with the term of office, payable quarterly.

Sec. 2. That any sums received heretoore under special act shall be accounted or in payment of salaries. Sec. 8. That this act shall be in force rom its ratification.

Rat fied the 3rd day of April, A. D. 869

(No. 100.)

An act to amend An act entitled An Act to incorporate the Pla-ter Banks and Balt Works Railroad Company, Ratified the thirtieth day of May, eighteen hundred and shaty-four

Section I. The General Assembly of North Carolina do enact. That for the pur-North Carolina do enact, That for the pur-pose of froming a connection with the Wes-lected, for the space of two whole terms to close enstedly, in the jail of the county, tic, Tennessee and Ohio Railroad at Statesway of Mount Airy, in Surry, county, North person shall not have a habeas corpus in to such writ and comply with any order Carolina, a company is herey authorized vacation time for his enlargement.

taxes moon all subjects of taxation within by that name may sue and be sued, plead he limits of said town, as, in their judg- and be impleaded, may have and use a common seal, and shall be capable in law and equity of purchasing, holding, having and conveying estate, both real and personal, and mixed; and of acquiring the same by gift or will, so far as may be necessary in writing, signed by the applicant: for the purpose hereinafter contemplated and no further; and said company may enjoy all other rights and immunities which other like corporate bodies may lawfully exercise, and may makes all necessary by-laws and regulations for it government, not inconsistent with the Con-An Act to authorize the Board of Com- etitution and laws of the State of North Carolina and of the United States of Amer-

Sec. 2. That said company shall have power and authority to construct a rail road from the town of Statesville, in the direction of Eagle Mills in Iredell county. to cross Bigi Hunting Creek, between Patterson's Ford and the fork of the creek. then by or near Jonesville in Yalkin county, then by or near the town of Dobson in the county of Surry, the most practicable ronte to the Virginia line by way of Mount

Sec. 3. That the capital stock of said company shall not exceed three millions of dollars, divided into shares of one hundred dollars each, and the company raise the same by sub-criptions of individual- in lands or money, counties, towns and corporations, of any every description whatever, equal in amount to a sun sufficient to complete and equip the road herein authorized to be built Sec. 4. That A C. Carlton and S. A.

Sharp, of the town of Statesville; Robert S. Colvert, Perry Tomblin and C arles R. Jones, of Olin; John Dalton and Thomas N. Cooper and William J. Colvert of Engle Mills; Anderson G. Cowles. omas Patterson and John Hampton, of Hamptonville; Dr. D. G. Parkes and Wiham Myers, of New Castle, Wilkes couny; W. H. Rives, Dr. B. B. Benhan and L. W. Bryan, of Jonesville; R. R. Gwynn. N. Ford, and F. A. Harris, of Elkin; John L. Smith, James H. Park and E. L. Vaugin, of Gap Civil; Thomas Brower and William M. Banner, of Mount Airy; Ice Snow and L. J. Norman, of Dodson, in the county of Surry; Lee Burress and Jackson Williams, Rockford; Joseph Douson and John M. Nicholson, at Yndkinville; James Kelly and James Johnson, of Mocksville: Henry Turner and Dr. Sames Adams, of Cool Spring; and John A. Young and Robert Oates, of the town of Charlotte, and such other persons as the above named persons may appoint, are hereby appointed commissioners to receive sub-criptions to ! It shall be sufficient: the capital stock of said company in each of these said towns and counties, any three of whom may have power to act, first giving ten days' notice in one of the newspapers of this State, of the time of opening the books for that purpose, and any five of said commissioners may, at any time after said books have been kept open for twenty flays, have power to call together the subscripers to the capital stocks North Carolina do enact, That the Board | izing the said company, and the commisy, be, and they are hereby authorized to company, from time to time, receive further subscriptions to the capital stock as

they may deem proper. Sec. 5. That whenever the sum of one hundred, thousand dollars shall have been subscribed by responsible persons, corporations, towns or counties to the capital stock of said company and the sum of ave dollars per share s'all have been paid in the said general Commi sioners, the submissioners of Randolph county to levy scribers, their successors, executors, or administrators or assigns shall be, and a company under the name and style of two thousand five hundred dollars. the Phater Banks and Salt Works Railroad Company, and the said general Commissioners shall forthwith call tog ther the tax, to be collected as State and county | sockholders of said Company by giving shall serve tor one year and until others ber according to the rules and regulations no application be made for such writ. contained in the charter of the Western North Carolina Railroad Company.

Sec. 6. That for the purpose of raising the capital stock, organizing said company and constructing said Railroad, this cor poration is hereby invested with all the franchises, rigts, powers and privileges, and made subject to the duties and liabil ities that the Western North Carolina Railroad Company are invested with, and subject to by their charter.

Sec. 7. That said company may hold annual meetings of its stockholders and oftener it deemed necessary : Provided, That in all such meetings of the stockholders, a majority of all the stock subscribed shall be represented by proxy or in person, and each share thus represented shall be entitled to one vote on all questions; and said company shall have power to call for and entorce the payment of all stock in like manner as the Western North Carolina railroad company enforces the collection of theirs under their charter; and shall have power to con lemn land for the use of the company if neccessary to the same, and in the same manner and under the same rules, regulations and restrictions as the said Western North Carolina Railroad Company was authorized to do by the said act of incorporation, and the gange of this Road shall be as the guige of the

North Carolina rai road. Sec. 8. That said Company shall power o borrow money for the completion of said road and issue bonds for the same, bearing | Sec. 12. Notice to parties inferested. interest not exceeding seven per cent per annum, and secure the payment or said bonds by procuring personal endorsers or executi g mortages up n their road of other property; and that company may have the exclusive right of transporting persons and freight upon said road at nch rates and charges as the Board of Directors may fix.

Sec. 9. That this act shall be in force from ad after its retification. Ratified the 5th day April. A. D. 1869

(No. 102.) Proceedings in Habeas Corpus. CHAPTER I

The General Assembly of North Carolina do enact as follows: Section 1. In what case the application

Every person imprisoned or restrained of his liberty within this State, for any Sec. 14. Production of the body. criminal or supposed criminal matter, or on any pretence whatsoever, except in the cases specified in the next section, may prosecute a write of habeas corpus, according to the provisions of this chapter, to inquire into the cause of such imprisonment or restraint, and if illegal to be delivered therefrom.

Sec. 2. When the application may be de-Application to prosecute the writ shall

e denied in the follow cases: 1. When persons are committed or detained by virtue of process issued by vir- party, named or de cribed there, and by tue of process issued by a Court of the making a full and explicit return thereto. United States, or a Judge thereof, in cases within the time required, and no sufficient where such Courts or Judges have exclu- excuse be shown, for such refusal or negsive invisition under the laws of the lect, it shall be the duty of the court or United States, or shall have acquired ex- Judge, before whom the writ shall have clusive jurisdiction by the commence- been made returnable, upon due proof of

ment or decree of a competent tribuyal of | in this State, and commanding him forthcivil or criminal jurisdiction, or by virtue | with to apprehend such person or officer. of an execution, issued upon such final or- and bring him immediately before such der, judgment or decree.

THE PARTY OF THE P

Application for the west casy he rest ntended or by any person in his betiese Sec. 4. Mode of Making the application. Application for the writ shall be made

1. To any one of the Judges of the Supreme Court. 2. To any one of the Superior Cour Judges, either at term time or in vac-Sec. 5. What application must contain.

The application must state in substance. 1. That the party, in whose behalf the writ is applied for, is imprisoned or restrained of his liberty, the place where. and the officer or person by whom, he is imprisoned or restrained, naming both

parties, if their names are known, or describing them if they are not known. 2 The cause or pretence of such imprisonment or restraint, according to the knowledge or belief of the applicant. 8. If the imprisonment is by virtue of

thereof shall be annexed, or it shall be made to appear that a copy thereof has been demanded and refused, or that for some sufficient reason a demand for such copy could not be made. 4. If the imprisonment or restraint be alreged to be illegal, the application must state in what the alleged illegality con-

onment or restraint has not been already adjudged, upon a prior writ of habens corpus, to the knowledge or belief of the applicant. 5. The facts set forth in the complaint must be verified by the oath of the applicant, or by that of some other credible witness, which oath may be administered by any person authorized by law to take

sists; and that the legality of the impris-

Sec. 6. When the writ must be granted. Any court or judge empowered to grant the writ, to whom such application may be presented, shall grant the writ with out delay, unless it appears from the application itself, or from the documents annexed, that the person applying, or for whose benefit it is intended, is, by the provisions of this chapter, prohibited from prosecuting the writ.

Sec. 7. Detect of a form. No writ of habeas corpus shall be disobeyed on account of any defect of form. Sec. 8. When the writ sufficient,

1. If the person having the custody of the party imprisoned or restrained. designated either by his name of office, i he have any, or by his own name, or i both such names be unknown or uncertain, he may be described by an asumed appellation, and any one who may be served with the writ, shall be deemed the person to whom it is directed, although; t may be directed to him by a wrong of said company for the purpose of organ- name, or description, or to another per-

produced, be designated by name, or if his name be uncertain and aunkown, he may be described by an assumed appellation, or in any other way, so as to designate the person intended.

Sec. 9. Penalty for refusal to grant the

It any judge, anthorized by the provis ions of this chapter to grant writs of habeas corpus, shall refuse to grant such writ when legally opplied for, every such they are hereby declared incorporated into judge shall forteit to the party aggrieved Sec. 10. Writ may issue without applica-

Whenever the Supreme or Superior public notice of the place of meeting for Court, or any Judge of either, shall have thi ty days, who shall proceed to organize evidence from any judicial proceeding beded, That said special tax shall not exceed the Company and elect eight Directors fore such court or judge, that any person the sum of five thousand dollars. Out of the number of stockholders, who within this State; is illegally imprisoned or restrained of his liberty, it shall be the are elected, and said Directors shall elect duty of said court or judge to issue a writ a President from among their own num-

> Sec. 11. The return, and what to con-The person or officer on whom the writ is served, must make a return thereto in writing, and excep where such person shall be a sworn public officer, and shall make his return in his official capacity, it must be verified by his oath. The return must state plainly and unequivo-

> 1. Whether he has or has not, the party in his custody or under his power of restraint. 2. If he has the party in his cu-tody or power, or under his restraint, the au-

thority and the cause of such imprison ment or restraint, setting forth the same 3. It the party be detained by virtue of any writ, warrant, or other written authority, a copy thereof shall be annexed to the return; and the original shall be

produced and exhibited on the return of the writ to the court or judge, before whom the same is returnable. 4. If the person or officer upon who such writ is served, shall have the party in his power or custody, or under his restraint, at any time prior or subsequent to the date of the writ, but has transferred such enstody or restraint to another, the restraint shall state particularly, to whom

at what time, for what cause and by what authority, such transfer took place. When it ap ears from the return to the writ, that the party named herein is in custody on any process, or by reason of any claim of right, under which any other person has an interest in continuing his inprisonment or restraint, no order shall be made for his discharge, until it shall appear that the person so interested, or his attorney, if he have one, shall have had eight days' notice of the time and

place at which such writ is returnable. Sec. 13. Notice to District Solicitor. When it appears from the return that such party is detained upon any criminal accusation, the Court or Judge may, if he thinks proper, make no order for the discharge of such party until sufficient notice of the time and place at which the writ shall have been returned, or shall be made returnable, be given to the District Solicitor of the county in which the per-

son prosecuting the writ is detained.

If the writ require it, the officer or ner son to whom the same has been served, shall also produce the body of the party in his enstody or power, according to the command of the writ, except in case of the sickness of such party, as hereinafter provided.

Sec. 15. Attachment on failure to obey If the person or officer, on whom the writ of kabeas corpus shall have been duly served, shall refuse or neglect to obey

ment of suits in such Courts, the service thereof, forthwith to issue an 2. When persons are committed or destrained by vertue of the final order, judg-directed to the sheriff of any county withtern North Carolina Railrod and the Atlan- after his imprisonment of the Superior where such court or Judge may be, with-Court of the county in which he may be out being allowed the liberties thereof. North Carolina do enact, That the Town to be incorporated under the name and style of the Plaster Banks and Salt Works is shown in the application.

Carolina, a company is herey authorized to be incorporated under the name and style of the Plaster Banks and Salt Works is shown in the application.

Carolina, a company is herey authorized to be incorporated under the name and in relation to the party, for whose relief that may be made by such court of sunger that may be made by such co

ore the writ, agreeably to the command creof, the attachment against him may s directed to the Coroner or to any othperson to be designated therein, who tall have full power to execute the same.

and such sheriff, upor being brought up. nay be compressed to the jail of any coanv other they his own. sec. 17. Precept to bring up party de-

The court or Judge, by whom any at achinent may be issued, may also at the same time, or afterwards, direct a precept to any sheriff, Coroner, or other person to be designated therein, commanding him to pring forthwith, before such court or Judge, the party, wherever to be found, for whose benefit the writ of habeas corpus shall have been granted. Sec. 18. Power of the County.

In the execution of any attachment, precept or writ, under sections fifteen. sixteen and seventeen, the sheriff, coroner, or other person to whom it may be direct ed, may call to his aid the power of the county, as in other cases.

any warrant or other process, a copy Sec. 19. Proceedings on the return of the

The court or Judge before whom the party is brought on a writ of habeas corous, shall, immediately after the return thereof, examine into the facts contained in such return, and into the cause of the confinement or restraint of such party, whether the same shall have been upon commitment for any criminal or supposed er min I matter or not, and it issue be taken upon the material facts in the return or other facts are alleged to show that the imprisonment or detention is illegal, or that the party imprisoned is entiled to his discharge, the court or Judge shall proceed, in a summary way, to hear the allegations and proofs on both sides, and to do what to justice shall appertain in delivering, bailing or remanding such

Sec. 20. Party to be discharged, when, If no legal cause be shown for such imprisonment or restraint, or for the coninuance thereof, the Court or Judge shall discharge the party fr in the custody or restraint under which he is held. But if it appear on the return to the writ, that the party is in custody by virtue of civil process from any court legally constituted, or i-sued by any officer in the course of judicial proceedings before him, authorized by law, such party can be discharged only in one of the following cases:

1. Where the jurisdiction of such Court or officer has been exceeded, either as to matter, place, sum or person. 2. Where, though the original imprisonment was lawful, yet by some act, omission or event which has taken place aterwards, the party has become entitled o be discharged.

3. Where the process is defective in ome matter of substance required by law, rendering such process void. 4. Where the process, though in proper torm, has been issued in a case not allow-

5. Where the person, having the custody of the party under such process, is not the person empowered by law to de 6. Whre the process is not authorized

by any judgment, order or decree by any Court, nor by any provision of law. Sec. 21. Party to be remanded, when. It shall be the duty of the Court or

1. By virtue of process issued by Court or Judge of the United States, in a or confiden, so orought before it, either case where such Court or Judge has ex to the husband or to the wife, for such

clusive inrisdiction. stud upon such judgment or decree. 3. For any attempt specially and plaincharged in the commitment by some Court, officer, or body, having authority o commit for the contempt so charged. 4. That the time during which such party may be illegally detained has 10

Sec. 22. Party to be bailed or remanded.

If it appears that the party has been legal'y committed for any crim nal offence or if it appear by the testimony offered with the return of the writ, or upon the hearing thereof, that the party is guilty of such an offence, although the commitment be irregular, the Court or Judge shall proceed to let such party to bail, if the case be bailable and good bail offered : if not, the Court or Judge shall forthwith remand such party to the castody, or place him under the restraint from which he was taken: Provided, The person or officer, under whose custody or restraint he was, he legally entitled thereto : if not so entitled, the Court or Judge shall commit such party to the custody of the officer or person le ally entitled thereto.

Sec. 23. Proceedings in cases of sickness of the party. Whenever, from the sickness or infirmiy of the person directed to be produced by a writ of habeas corpus, such person cannot, without danger, be brought before the Court or Judge, where the writ is made returnable, the party in wlose enstody he is, may state that fact in his return to the writ; and if the Court or Judge shall be satisfied of the truth of the allegation, and the allegation, and the return be otherwise sufficient, the Court or Judge shall proceed to decide on such return, and to dispose of the matter in the same manner as it the body had been pro-

Sec. 24. Penalty for disobedience to or. der discharge. Disobedience to a judgmen . o der fer the discharge of a prisoner or person restrained of Lis liberty, pursuant to the provisions of this chapter, may be enforced by the court or Judge, by attachment, in the same manner and with the same effect as for a neglect to make return to a writ of habeas corpus; a d the person found milty of such disobedience, shall forfeit to the party aggrieved two thousand five hundred dollars, besides any special dam ges which such party may have sustained.

Sec. 25. Officer not liable for obedience. No efficer or other person, shall be linble to any civil action for obeying such judgment or order of discharge.

Sec. 26. Penalty for committing for same upon any habeas corpus shall be again by law for bringing such prisoner, nor imprisoned or detained for the same unless he shall also give bond, with sufficourt wherein he shall be bound by re- conditioned that such applicant will pay cognizance to appear, or of any other the charges of carrying oack such prisoncourt baving juris liction in the case un- er. der the penalty of two bundred dollars to Sec. 42. Duty of officers. the party agrieved thereby. And every officer, or other person, who shall knowingly offend against the provision of this whom it is served, whether such writ be section, shall be also deemed guilty of a directed to him or not, upon payment or

the same, by producing the body of the Sec. 27. Penalty for neglecting to obey the delivery or tender of the bond herein the writ, or for refusing copy of pro-

If any person, to whom a habeas cornus directed, shall neglect or refuse to make due return thereto, or to bring the body of the party detained, according to the command of the writ, without delay; or Sec. 43. Prisoners to be remanded. shall not, within six hours after demand made therefor, deliver a copy of the commitment or cause of detainer, such per- was taken, son shall, upon conviction by indictment, | Sec. 44. Repeal. be fined one thousand dollars, or imprisoned, not exceeding twelve mouths; and Code, the fif y-third chapter of the Ac s court or Judge, and on being so brought, if such person be an officer, shall moreover, be removed from office. Sec. 28. False return.

> a writ of habeas corpus, shall be deemed guilty of a misdemeanor. Sec. 29. Penalty for concealing party.

Every person making a false return to

tled to a writ of habeas corpus, or for whose relief such writ shall have been issued, with intent to elude the service of such writ or to avoid the effect thereof, transfer the party to the custody, or put him under the power or control of another; or shall conceal or change the place of is confinement, snall be deemed guilty of a misdemeanor.

sec 30. Aiders and abettors. sec. 31. Writs returnable, when, Writs of habeas corpus may be made returnable at a cert in time, or forth with, as the case may require. If the writ be

returnable at a certain time, such return shall be made, and the party shall be produced at the time and place specified therein; if it be returnable, forthwith, and the place be within twenty miles of the place of service, the return shall be made and the party produced within twenty-four hours, and the same time shall be allowed for every additional twenty miles. Sec. 32. By whom served, and manner of

service. The writ of habeas corpus may be served by any qualified elector of this State, here; o authorized by the court or Judge allowing the same. It may be served by delivering the writ, or a copy thereof, to the person to whom it is directed; or, it such person cannot be found, by leaving it, or a copy, at the jail, or other place in which the party, for whose relief is is confined, with some under officer, or other person of proper age; or, it none such can be tound, or if the person attempting to serve the writ be remsed admittance, by affixing a copy thereof in some conspicuous place on the outside, either of he dwelling house of the party to whom the writ is directed, or of the place where the party is confined for whose relief it is

Sec. 33. Persons committed for capital offences, when to be tried or discharg-

When any person, who has been committed for treason or telony, plainly and pecially expressed in the warrant of comnitment, upon his prayer in open Court to be brought to his trial, shall not be indicted some time in the next term of the Superior Court ensuing such commitment, the Judge of the Court, upon notice in open Court, on the last day of the term, stall; set at liberty such prisoner u, on bail, unless it appear on oath that the witnesses for the State could not be produced at the same term; and if such pri-oner, apon his prayer as atoresaid shall not be indicted and tried at the scood term of the Court, he shall be discharged from his imprisonment.

Sec. 34. Subpœnas for witnesses: Any party to proceeding on a writ of labeas corpus, may procure the attendance of witnesses at the hearing, by subnona, to be issued by the Clerk of any Superior Court, under the same rules, regulations and penalties, prescribed by .w in other cases.

The cost on a writ of linbeas corpus. may be awarded at the distretion of the Court or Jung, who shall hear the same; and he may direct what officer shall tax uch costs ; and execution may issue thereof as in other cases. Sec. 36. Costody and disposition of in-

fant in certain cases. When a Coutest shall arise on a writ of habeas corpus between any husband and wife, who are living in a state of separa-Judge forthwith to remand the party, it ton, without being discovered, in re pect it appear that he is detained in custody, o. the custody of their children, the Court or Ju ge, on the return of such writ, may any award the charge or custody of the child ! time, under such regulations and restric-2. By virtue of the final judgment or tions, and with such provisions and direclecree of any competent Court of civil or tions as will, in the opinion of such Court rimical jurisdiction, or of any execution or Judge, best promote the interest and welfare of the children. At any time after the making of any such orders, the Court or Judge may, on good cause snown, annual, vary or modely the same.

(Acis 1858-59, chapter 55.) Sec. 37. Habeas corpus au testifican lum. Every C, urt of Record shall have powr, upon the application of any party to my suit or proceeding, civil or criminal, rending in such Court, to issue a writ or nabeas corpus, for the purpose of bring ing before the said Court any pris ner who may be detai ed in any jail or prison within the State, for any cause, except such prisoner be under sentence for a telony, o ne examined as a witness in such suit or proceeding, in behalt of the party mak-

ing the application. Sec. 38 Justices of the Peace and Judges

of Probate Such writ of habeas corpus may be issued by any Justice of the Peace or Judge of Propate application as provided in the last section to bring any person contined in the jail or prison of the same county where su h Justice or Judge of Probate may re i e, to be examined as a witness before such Justice or Judge of Probate. And in cases where the testimony of any prisoner is needed in a proceeding before a Justice of the Peace, or a Judge of Probate, and such person be confined in a county in which such Justice or Judge of Probate does not reside, application for a babeas corpus to lestiny may be made to the District in which the county is located.

Sec. 39. Application, and what to con-The application for the writ shall be nade by the party to the suit or proceedby in which the writ is required, or by his agent or attorney. It must be verified by the applicant, and shall state:

1. The utle and nature of the spit or proceeding in regard to which the testinony of such prisoner is desired : 2. That the testimony of such prisoner is material and necessary to each party on the trial or hearing of such suit or proceeding, as he is advised by connsel and verily believes. Sec. 40. Service of writ and by whom.

The writ of habeas corpus to testify shall be served by the same person, and in like manner and all respects, and entorced by the court or officer issuing the same as prescribed in this act for the ser vice and enforcement of the writ of haben corpus cum causa. Sec. 41. Fees and bond on service. The service of the writ shall not be

complete, however, unless the applicant for the same shall tender to the person in whose cutody the prisoner may be, if such per on be a Sheriff, Coroner, Constable, No person who has been set at large or Marshal, the fees and expenses allowed cause, by ary person whatsoever, other than by the legal order or process of the Constable or Marshal, as the case may be

It shall be the duty of the officer to whom the writ was delivered, or upon tender of the charges allowed by law, and

the party, on whose application the same shall have been issued, the sum of five hundred dollars. After having testified, the prisoner shall be remarded to the prison from which he The fifty-fifth chapter of the Revised

prescribed, to obey and return such writ

according to the exigency thereof. u,on

pain, on refusal or neglect, to forfeit to

provisions of this act are hereby repeal Sec. 45. Ratification, effect of This act shall have effect from the date of its ratification. Ratified the 6th day of April, A. D

READ WHAT THE

Highest Insurance Authorities

SAY OF THE

"A company that makes such endorsements, gives the strongest pledge that it will fulfil its trust faithfully, and keep its reserves sufficient."—Hox. ELIZUR WRIGHT

"The Brooklyn Life has placed itself in the vanguard of insurance reform, and is the first company that has done full and complete justice to the insured."-INSURANCE TIMES, Jans

adoption, as a merited tribute to the excellent Company (Brooklyn Life) which has so gallantly raised the standard of reform in Life Insurance, that we find in the whole list of existing Companies, few competitors which deserve so much credit in respect of economy of management, or care, skill and iudgment int he selection of risks."-Ins. Spec., January, 1869

The BROOKLYN LIFE, alone of all off er Life Insurance Companies, guarantees a defi ante surrender-value in cash, and every policy is ne i by that Company bears a certificate sta

before paid by a Life Insurance Company.

Dividends are paid in cash, or applied to the permanent increase of the policy, or left with the Company to accumulate at interest, in either way, at the option of the policy-holder

CHRISTIAN W. BOUCK, President; D. P. FACKLER, Ac

WM. M. COLE, Sec.; DANIEL AYERS, M.D., L.L.D., Direc

J. R. GRIFFITH. MEDICAL EXAMINERS .- J. H. GILKEY, for McDowell ; JOHN M. CRATON, for Ruth.

Town Ordinances.

The Commissioners of the Town of Rutherfor i

1. That all persons living within the incorn

rate limits of said town, liable by Law to work

of the Mayor not to excee | twenty live dollars

amas, except in cases of actual necessity or be

boundries; commencing, at Millers old Tan

Yard, and then with the branch to where it

croses Mair, street, then straight line cast to

Glagborn Creek, then with said Creek to op-

posite the Male Academy, then a straight line

to the begining. Shall pay a flue of ene dol

4. That any person or persons, who shall en

gage in d iv or, a ing or roning horse through

the streets, s to endanger life or property shall

be fined at the discretion of the Mayor not be

5. That any person or persons who shall al-

6. That any per on or persons who shill ob

9. That al' p rsons residing within the limits

of said town oe and they are hereby required to retu n to the Mayor, on or before the 15th

day of June, a full and complete list of all sub

jects of taxation under the ordinances, and

upon failure to list the same shall be liable to

10. That in default of the payment of any five

nances, the person or persons so dehulting

may be imprisoned not more than thirty days

they may be released at any time upon pay-

11. That any person or persons who shall go-

ail spirituous Liquors within said incorpora-

tion, except those who lobtain a regular legace.

12. That these ordinances shall go into ef-

13. That all ersons having claims due them

from the Town of Rutherfordton, be and they

are hereby required, to present the same dul

authenticated, before the Commissioners of

ect, ten days from day of publication

at the discretion of the Mayor. Provided that

due for the v olation of any of the Town that

pay a coable tax.

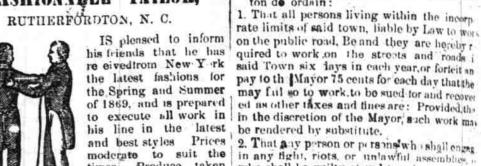
ment of the fine and costs.

lar for bich such offence.

exceed five dollars

permission of the Mayor within the following

3. That if any person shall d scharge and fire



in exchange for work. make use of unbecoming language or shall SHOP in Eaves' buil- curse or swear to the annoyance of the curses dingover Jones & Bryan's Stole. He can fit anything in human shape,

mch. 18tf. SOMETHING NEW.

NICKEL WATCHES

SUPERIOR GRADE AND AT REASONA BLE PRICES, IN Gold, Silver & Patent, Filled Gold

Cases. Movements made by BOREL &COURVOI-IER of Newchatel, Switzerland, in Lever. Straightlines, and Equilibrium Escapements

struct say public st net or side walk by placing thereon any wood, timber or other this gland allowing the same to remain more than-twen 1860, and we can guarantee them as perfect ty-four hours, shall pay a fine of one dollar for and reliable timers. each day such obstruction shall remain. The Messrs, Borel & Courvoisier have taken 7. That any grocer Bark-eper or other person the Grand Prize at the late Paris Exposition engaged in the sale of spirituous liques, shall

sell or give away, any spiritous or malt digions on the Sabbath day shall pay a fine of one dol lar for each such offence.

8 That any : erson who shall ride or hitcheny norse, or other animal upon any sidewalk said Town shall pay for each offe ice one dol-



200,000 Furnished the U. S. Government. Army, Navy, Belt, Police and Pocket Re volvers: Rapesting and Vest Pocket Pistols shall pay a fine of twenty five dollars for care and RIFLE CANES, using Metalic Cartridge.offence, one half recovered to go to the infor-

hingle Mis, What and Corn Mills (reular Saws, Belting, &c. Send for descriptive Circular and Price List. WOOD & MANN SHEAM ENG. CO., feb 20-6m. (GPR&CO.)

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THE LANDS OF THE BIBLE, A new and intensety interesting series. Also, tirumented and transports real Views, in great variety. We are also exclusive Agents in America for "FERRIGES GLASS VIEWS," of which we have a spleadile assortment. Agents for Frith's Series of 8 1-4 5 1-2 in. Photographic Views in Switzerland, the Ebine. England, Scotland, Wales, &c. STREEOSOOPES. - We manufacture very largely, and have a large

All we sell are made in our swn Partory, and our styles are different from those of any other maker. Huyers should not fail to see our stock before making their purchases. CHROMOS. These beautiful pictures, that cannot be distinguished from finest Oil Paratiage, at one tenth their cest, we import largely the Paris, Loudon, Sertin, Victum and Rome, and supply the trade at

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A GENTLEMAN who suffered for years from Nervous Debiller Premature Decay, and of the General Assembly of 1858-59, the forty-ixth chapter of the Acts of 1862-'63 all the effects of vouthful indiscre ion, will, and all other laws in conflict with the for the sake of suffering humanity, send free to all who need it, the receipt and directions for making the simple remedy by which he was cused. Sufferers wishing to profit by the ad vertiser's experience, can do so by addressing, in perfect confidence,

Every person who shall knowingly aid rated in the violation of the last section. Branch in the violation of the last section. BROOKLYN III

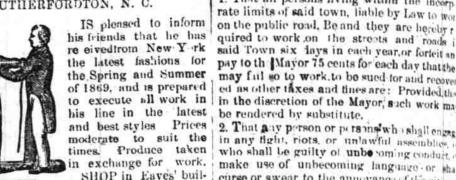
uary, 1869. "The BROOKLYN LIFE has made no half-way work of the

ting what its exact worth will be in dollars and cents at any time after the payment of two or more p emiums. The Brooklyn Life has paid, and now pays, to its Policy-holders larger dividends than eve

General Agent for Western North Carolina

ton de ordain :

R. M. ROBINSON, FASHIONABLE TAILOR,



From a giant to an ape.

low his or their hor-es, in les or other d ngerous animals to run at he ge through the street, (drovers excepted) shall be fined one dolar for each such offence Warranted perfect time keepers. These watches have been sold by us

for superior workmanship, and the greatest perfect on in time keeping. All orders should be addresse I to the underigned, only Agents in the United States Quinche & Krugler, Nos. 8 and 10 John street, N. Y.

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NICKEL WATCHES AND MOVEMEN TS



Breechloading and Revolving RIFLES. E. REMINGTON & SONS, ILTON, N. Y.



FROM 4 to 350 HORSE FOWER, including the eletirated Corliss Cut- said Town, to be audited and passed upon, beoff Engines. Sl de Valve fore such claim shall be paid. Stationary Engines, &c. Circular, Mulay and Gang Saw Mills, Sugar one Mills, Shatting, Pulleys, &c., Lath and

14 That the regular meeting of the Commission rs of the Town of Rutherfordton shall be on the first Thursday in each mouth 15. That for the purpose of raising sufficient revenue to delray the necessary expenses and and for making repairs in said Town, the following tax be levied, and collected on the subjects of taxation mentioned below, viz: Real and Pe sonal Property(subject tof xem?

tion of two hunared dollars of household w kitchen furniture,)-15 cents on the \$100. Lawyers\$3.00 Magic Lantern, Lecturers, or other exhibitions for pay, 5.00 Itinerant.

Retailers of Spiritous Liquors, ... 40.00 wagon and Carriage Shops, 2.50 Cabinet Shops 2.50 Printing Offices 5,00 Insurance Agents, Life or Fire. 250 Hotels 2.50
Boot and Shoe Shops 2.50
Harness and Sadle Shops 2.50

Every Dog, over 6 months old 25 Every ltinerant retail dealer in Carriages, Buggies, Wagons, Guns, Tobacco, or Tin Ware. not the growth or manufacture of Ruther ord County, 3.00 County Treasurer 2 90

nd declared this 27th day of May 1869. R. W. LOGAN, Major A. D'K. WALLACE, Town Clerk

Official.

16. That these ordinances are pub-

The Commissioners of the Town of Rather fordton do ordain. That any person, allowing his, or or goats to run at large on the stree

The following ordinance was passed

Commissioners of the Town of Rutherfords

than24 hours shall forfeit and po and every hog or goat so running a' fine of one do lar per head. This to go into effect from and after the [P.&co.]

at a meeting-June 3rd 1869.