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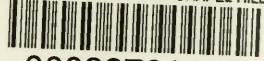
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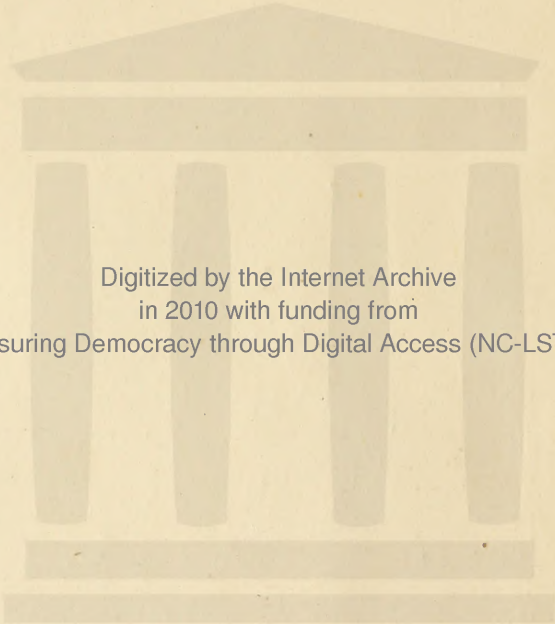
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PROCEEDINGS

OF THE

RALEIGH AND GASTON RAIL ROAD COMPANY,

AT

A MEETING,

HELD AT HENDERSON, ON TUESDAY, THE 14<sup>TH</sup>, AND WEDNESDAY,  
THE 15<sup>TH</sup>, JANUARY, 1852:

WITH

THE ACT OF INCORPORATION,

AND THE

BY-LAWS OF THE COMPANY.

RALEIGH:

PRINTED AT THE N. C. INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND.

1852.

PROCEEDINGS

MILBURN AND GASTON RAIL ROAD COMPANY

A MEETING

THIS DAY OF JANUARY

BY ORDER OF THE COMPANY

W. L. BROWN

1882

# PROCEEDINGS

OF THE

RALEIGH AND GASTON RAIL ROAD COMPANY,

AT

A MEETING,

HELD AT HENDERSON, ON TUESDAY, THE 14TH, AND WEDNESDAY,  
THE 15TH, JANUARY, 1852:

WITH

THE ACT OF INCORPORATION,

AND THE

BY-LAWS OF THE COMPANY.



RALEIGH:

PRINTED AT THE N. C. INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND.

1852.

PROCEEDINGS

THE BOARD OF DIRECTORS

A. J. [Name]

REPORT OF THE BOARD

FOR THE YEAR 1900

PRINTED

BY THE [Name] AT THE [Name] OFFICE



## PROCEEDINGS.

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At a meeting of the Stockholders of the Raleigh and Gaston Rail Road Company, held at Henderson on the 13th January, 1852, on motion of George W. Mordecai, John D. Hawkins, Esq. was called to the chair, and on motion of N. T. Green, R. W. Hyman was appointed secretary.

On motion of Geo. W. Mordecai,

*Resolved*, That a committee of three be appointed by the Chair, to ascertain the amount of stock represented either in person or by proxy.

Whereupon, the Chair appointed Jno. H. Bullock, S. S. Royster and A. E. Henderson to constitute said committee, and on motion W. W. Vass was added to the committee.

The Hon. Weldon N. Edwards presented his credentials from the Governor, as the representative of the Board of Internal Improvement, and desired that his attendance as such should be recorded.

Jno. S. Eaton presented the appointment of Jno. S. Eaton Jno. G. King and W. W. Vass as Directors on the part of the State, appointed by the Governor as *ex officio* President of said Board.

On motion of Weldon N. Edwards, delegates from the city of Norfolk and the town of Clarksville, and the President of the Sea-Board and Roanoke Rail Road Company were invited to take seats in the meeting.

On motion of Weldon N. Edwards, the Reports of the President and Directors, and Superintendent of the Company were directed to be read.

Whereupon, on motion of Josiah Crudup, the same were referred to a committee of three. The Chair appointed Josiah

Crudup, W. J. Hawkins, and A. C. Perry to constitute said committee.

On motion of Geo. W. Mordecai, the accounts of the Treasurer were referred to the same committee.

John H. Bullock, chairman of the committee appointed to ascertain the amount of stock represented, reported that there were 927 shares entitled to 515 votes represented in person, and 2104 shares entitled to 1511 votes represented by proxy, amounting in all to 3031 shares, entitled to 2026 votes, which being a majority of the stock, the meeting was declared to be duly organized.

On motion of Weldon N. Edwards the report of the committee on Bye-Laws and Regulations was read and ordered to be laid on the table.

The President of the Roanoke and Sea-Board Rail Road Company, suggested that the subject of the connection between the Raleigh and Gaston Rail Road and the Sea-Board and Roanoke Rail Road be referred to a committee of three to confer with the delegates from Norfolk.

Whereupon the Chair appointed Thomas B. Venable, Thos. Miller, and George W. Mordecai on said committee.

On motion of George W. Mordecai, the meeting then adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, 14.—The Stockholders met pursuant to adjournment, John D. Hawkins, Esq., in the chair.

On motion of George W. Mordecai, the following resolutions were unanimously adopted:

*Resolved*, That the Stockholders of the Raleigh and Gaston Rail Road Company, have been highly gratified to learn, that there is a prospect of the speedy construction of the Roanoke Valley Rail Road; that they feel a deep interest in that work, and will afford all the facilities in their power, to expedite it.

*Resolved*, That it is the opinion of this meeting, that a connection with the Raleigh and Gaston Rail Road, at Ridgeway, or at any point within five or six miles south of that place, will be a substantial compliance with the requisitions of the charter of that company, authorizing them to connect with this road in the vicinity of Ridgeway.

Josiah Crudup, on the part of the committee to examine the reports of the President and Directors, Superintendent, and Treasurer, made a report, which, on motion of Weldon N. Edwards, was ordered to be laid on the table :

### REPORT.

The Committee to whom was referred the Reports of the President and Directors, the General Superintendent and Treasurer of the Raleigh and Gaston Rail Road Company, having had the same under consideration, respectfully report :

1st. That the Report of the President and Directors is sufficiently full, explicit and satisfactory, and we therefore recommend its adoption,

2d. That the Report of the General Superintendent is not, in the humble opinion of your Committee, sufficiently full and particular to give this meeting a clear and distinct account of all the expenditures in relation to the re-construction and operation of the road. As we understand his Report, it does not include the subordinate officers in his employ, with their respective salaries. We, therefore, recommend that he be respectfully requested to furnish a detailed statement of all the subordinate officers in his employ, with their respective salaries.

3d. As to the Report of the Treasurer we can only say, that not having his Books and Vouchers before us, we had no means of ascertaining its correctness, but we entertain no doubt of that fact ; and, therefore, make no recommendation in regard to it.

JOSIAH CRUDUP, *Chairman.*

On motion of Weldon N. Edwards, the report on by-laws and regulations was taken up, and adopted, with sundry amendments.

T. B. Venable, from the committee to whom was referred the subject of the connection between the Roanoke and Sea-Board Rail Road and the Raleigh and Gaston Rail Road, made the following report, which was unanimously adopted :

## REPORT

## OF THE COMMITTEE ON THE CONNECTION BETWEEN THE RALEIGH AND GASTON RAIL ROAD AND THE SEA-BOARD AND ROANOKE RAIL ROAD.

The Committee to whom was referred the subject of the connection between the Raleigh and Gaston rail road and the Sea-Board and Roanoke rail road, submit the following report :

That the 49th section of the act of incorporation of the North Carolina Rail Road Company, passed during the sessions of 1848-'49, provides " that whenever the Roanoke Rail Road Company or the Sea-Board and Roanoke Rail Road Company, with or without the aid of individuals, shall subscribe to the Raleigh and Gaston Rail Road Company, one half the sum necessary to construct a rail road from some point on the Raleigh and Gaston rail road near the Littleton Depot, or any point between that Depot and Roanoke river and the town of Weldon, or any other point in the neighborhood thereof, so as to connect with the Wilmington and Raleigh rail road and the Sea-Board and Roanoke rail road, and shall expend the said sum in forming the said connection, then the said Raleigh and Gaston rail road shall be extended to the said town of Weldon or neighborhood thereof, and the Public Treasurer is authorised and directed to subscribe for an equal sum for and in behalf of the State." Your committee further report, that they have had a conference with the President of the Sea-Board and Roanoke Rail Road Company, and the representatives of Norfolk, and are informed by them, that they are prepared to subscribe on the part of the Sea-board and Roanoke Rail Road Company and the City of Norfolk, the amount of fifty thousand dollars, (the same being one half the estimated cost of the construction of said road) in compliance with the act of Assembly. By the terms of the aforesaid act, the expending of the sums of money for the construction of the said road is given to the Sea-Board and Roanoke Rail Road Company; but, as it is to be a part of the Raleigh and Gaston rail road, with the concurrence of the representatives of the Sea-Board and Roanoke Rail Road Company, your committee would recommend that the Directors of the Raleigh and Gaston Rail Road Company be authorized to appoint one of their own body or some other experienced person, who, together with a rep.e-

representative of the Sea-Board and Roanoke Rail Road Company, and another for the City of Norfolk shall constitute an Executive Committee, to whom shall be entrusted the construction of the road and the receiving and paying out the moneys subscribed for that purpose, and that they be required to report to the Directors of the Raleigh and Gaston Rail Road Company.

In view of the many advantages arising from the necessary increase of business on this road, and certainty of profit arising from this connection, your committee would recommend the favorable consideration of the proposition of the President of the Sea-Board and Roanoke Company, and the representatives of Norfolk; and that their subscription be received. This connection, made upon such favorable terms, in the opinion of the committee, is of vital importance to our road. It not only opens a new market on the Sea-Board for the produce of the up-country lying immediately on the Raleigh and Gaston road, but secures to this road the transportation of freight and passengers from the Roanoke Valley road, the building of which depends upon making this connection—and should it be located near the terminus of this road, also throws us in fair competition for the trade of the Roanoke river.

The committee would therefore recommend the adoption of the following resolutions:

*Resolved*, That the subscription of the Sea-Board and Roanoke Rail Road Company, and the representatives of Norfolk of fifty thousand dollars, for the construction of the road connecting the Raleigh and Gaston rail road and the Sea-Board and Roanoke rail road, be received.

*Resolved*, That should the said sum of fifty thousand dollars not be sufficient for the payment of one half the necessary cost of construction of said road, that the Sea-Board and Roanoke Rail Road Company or any person or persons with them, are hereby authorized to increase their stock subscriptions to the necessary amount, according to the provisions of the act; the said sum not to exceed seventy-five thousand dollars.

*Resolved*, That the Directors of the Raleigh and Gaston Rail Road Company, be, and are hereby authorized to appoint one of their body, or any other competent person, who, together with a representative of the Sea-Board and Roanoke Company and one from Norfolk shall constitute an Executive Committee, whose duty it shall be to construct said road, and receive and pay out the moneys subscribed for this purpose; and that the said committee shall report to the Directors of the Raleigh and Gaston rail road.

Respectfully submitted,

T. B. VENABLE, *Chairman*.

Whereupon, Dr. William Collins, President of the Sea-Board and Roanoke Rail Road Company, appeared and subscribed on behalf of the said Company, to the stock of the Raleigh and Gaston Rail Road Company, the sum of fifty thousand dollars, which subscription was accepted by the stockholders.

The Stockholders then proceeded to the election of four Directors, on the part of the individual stockholders. The Chair appointed Dr. W. W. Green, and Robert A. Hamilton, to conduct the election.

Dr. W. W. Green from the Committee reported that the following persons were elected, namely—George W. Mordecai, Thomas Miller, N. T. Green, and Thomas White; which report was adopted.

On motion of Weldon N. Edwards,

*Resolved*, That the President be directed to have published in pamphlet form the proceedings of this meeting, together with the Charter and By-Laws of the Company, and that a copy be sent to each stockholder.

On motion of George W. Mordecai,

*Resolved*, That at all general meetings of the stockholders, the stockholders shall travel free on the road, to and from the place of meeting.

On motion of George W. Mordecai, the thanks of the meeting were tendered to the President and Secretary of this meeting.

On motion the meeting then adjourned.

JOHN D. HAWKINS, *Ch'mn.*

R. W. HYMAN, *Secretary.*

## PRESIDENT'S REPORT.

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TO THE STOCKHOLDERS OF THE RALEIGH AND GASTON RAIL  
ROAD COMPANY :

The President and Directors of the said Company, respectfully report—

That immediately after the meeting of your body, held in Warrenton, on the 15th day of September last, the Board of Directors organized, by the appointment of George W. Mordecai, as President, and William W. Vass as Treasurer. The former accepted the office until the present meeting of the Stockholders, with the understanding that he would devote as much of his time to it, as he could, consistently, with the discharge of his other duties, and that he would receive no compensation for his services, but would only charge his necessary travelling expenses.

The Treasurer executed his bond with ample security in the sum of \$25,000, which is conditioned for the faithful discharge of his duties.

Believing that H. D. Bird, Esq., of Petersburg, possessed, in a high degree, all the qualifications required for a general superintendent, and that his appointment would give general satisfaction to the Stockholders, and being aware that he had facilities for expediting the work, which no other person possessed, the Board of Directors appointed him general Superintendent, with a salary of \$2,000 per annum; and he forthwith entered upon the discharge of his duties. He succeeded in procuring for the Seaboard and Roanoke Rail Road Company, 500 tons of T iron, the kind used in the construction of that road, the whole of which has been laid; and he also procured 350 tons, imported for the Southside Rail Road Company of the U or Bridge pattern, which is now being laid; the whole distance now re-laid being seven miles. For a particular detail of the operations upon the road, they refer to the report of the Superintendent, marked A, accompanying this report.

Believing it to be a matter of great importance to the State, as well as to the interests of the two roads, that a junction should be formed between this road and the North Carolina rail road; the Directors instructed the President to present a memorial to the President and Directors of the latter Company, on the subject of the location of their road and depot, through, and in the city of Raleigh. This has been done and a copy of the memorial, marked B, with the reply of the President and Directors of the North Carolina Rail Road Company is herewith submitted.

The Directors also conceived it to be a matter of great importance to this road, that a connection should be formed between this and the Seaboard and Roanoke rail road; and instructed their President to open a correspondence with the President of the latter road and the Mayor of Norfolk, urging the importance of forming this connection, and of speedily availing themselves of the provisions of the act of 1848-9, upon that subject. A copy of the letters addressed to these gentlemen, is also submitted. No action has yet been taken by them upon this subject, but it is confidently hoped that some steps will be speedily taken to accomplish this most desirable work.

Owing to the dilapidated condition of the road, upon the approach of winter, the Directors believing it to be impracticable to continue the daily mail trains, and to transport freight to any extent, determined to reduce the mail and passenger train to a tri-weekly, as soon as arrangements could be made with the Post Office department to that effect; and through the agency of the Post Master at Raleigh, they succeeded in making that arrangement; and the passenger trains have been running tri-weekly since the 15th Dec. last, and will probably continue to do so, until the month of April. This, has in some measure, reduced the receipts upon the road, from that source. For the receipts and disbursements, reference is made to the Treasurer's report.

A memorial has been forwarded to Hon. G. E. Badger, one of our Senators, and to Hon. A. W. Venable, one of our representatives in Congress, praying for a remission or an extension of time for payment of the duties upon the iron contracted for, and part of which is daily expected—the one to the Senate has been presented but no action has yet been taken on it—from the other we have no information.



One new engine of superior construction, by Norris & Brothers, of Philadelphia, has been purchased and is now upon the road, and several new burden cars. These, with some slight additions and repairs to the shops and depot in Raleigh, constitute all the outlays upon the road, except for the re-laying of the track, and those connected necessarily with the transportation of persons and produce.

We have advices from the iron manufacturers, which leave no doubt that the greater part, if not the whole of our iron, will be received by the month of May. This, while it of course expedites the completion of the work, will necessarily require heavy and frequent calls upon the stockholders, unless they shall provide other means of raising the sums required. The report of the Treasurer will shew the amount paid on account of instalments. Some steps are necessary to be adopted to enforce the payment of the instalments as called for; a list of delinquent subscribers, will be furnished by the Treasurer.

The Board would recommend the adoption of a more rigid discipline upon the road, than has heretofore existed; and that a system of regulations be established and *adhered* to, for the government of subordinate officers and agents. All which is respectfully submitted,

GEORGE W. MORDECAI, *President.*

Raleigh, 10th Jan, 1852.

## SUPERINTENDENT'S REPORT.

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PETERSBURG, January 10, 1852.

TO THE PRESIDENT AND DIRECTORS OF THE RALEIGH AND GASTON RAIL ROAD COMPANY :

GENTLEMEN :—On the 23d day of September last, you did me the honor to appoint me Superintendent of your Rail road, with instructions to commence forthwith, the reconstruction of the track, and to carry on, at the same time, the transportation of freight and passengers on the old track, as well as it could be done in its dilapidated condition.

On the 1st of October, the road was transferred to us by the State authorities, and on making an examination into its condition, I found it even worse than I expected. Owing to the imperative nature of the act, which required the officers of the road to expend on it, no more than the revenue ; they had been compelled to run it so close, that when they handed it over to us, there were scarcely any materials on hand, to keep the road in repair, or even keep the cars running. The few engines in use, were on their last legs, the cars were nearly all worn out, and indeed in their bad condition, and the still worse state of the track, it was really wonderful that they were able to run at all.

And here I must bear testimony to the ability and zeal with which the road had been managed, under the circumstances, for it only had been kept up by the most unceasing exertions of all the officers from the President down. The task of attending to such a road was disheartening enough ; but, when we add to this the constant complaints of the public, which they had not the means to satisfy, there are few men who would not have given it up in despair.

On examining the old track I found it so dilapidated, that it would have cost nearly as much to put it in any kind of repair, as

it would to rebuild it on the old plan, and I was obliged to content myself with ordering timber and spikes, sufficient to keep it up as it had been done. Materials were purchased to repair the engines and cars, and some few new cars were ordered; but the state of the track was such, that no machinery could stand it long, and I considered it would be a waste of money to put on any more repairs than were absolutely necessary to keep the road going, as it had been.

The main thing necessary was to rebuild the track as fast as possible. The contract for the iron rails having been entered into at the meeting of the stockholders, I proceeded to make contracts for sills along the whole line, to be delivered in time for the iron; and not wishing to lose any time in waiting for that, I purchased from the Seaboard and Roanoke Rail Road Company, T rails, sufficient for six and a half miles; and also from them and the Petersburg Rail Road Company, sills sufficient to lay them. A force of workmen was organized to do the work, and we commenced laying rails about the 1st of November. At the same time I ordered from Norris & Brothers, a locomotive engine, and from Mr. Wells, of Petersburg, a number of flat cars, all of which were wanted to haul materials on the new track, as fast as it was laid. The engine has been received and is now most usefully employed in doing the work for which it was ordered; and when the road is done it will be ready to take its place in doing the regular transportation, for which it is well adapted.

Up to the 1st of January, we had laid the rails procured from the Seaboard Company, and then commenced on a cargo of iron which we had the good fortune to procure from the Southside Rail Road Company. By the date of the annual meeting, we shall have laid nearly eight miles of road. I expected to have had three or four miles more than this, but the inclemency of the season has prevented it.

The six and a half miles we laid up to the 1st inst., cost \$31,924, including iron and all charges. Of this \$2,178 was for the labor of laying it. This is greater in proportion than the rest of the road will cost, for we had to employ white labor nearly all together, and that at a high price, as it had to be assembled in a hurry. This was done, as it was not only an object of the greatest importance to lay the road as fast as it could be done, but it was so near hir-

ing time, that we would soon be able to dispense with such an expensive force. We have succeeded in hiring negroes enough, at fair prices to do the labor, and are now engaged in organizing the force so as to work it to the most advantage.

A cargo of our iron has just arrived, and the contractor informs me that several more cargoes have been shipped, and we may look for them every day. We have an abundance of sills now delivering, and if the iron comes as fast as it is expected, we shall be able to continue laying rails every day; and as the spring advances we shall, of course, be able to lay them faster. With ordinary good weather, and no delay in receiving the materials contracted for, we expect to have the road completed by September next.

Respectfully submitted,

H. D. BIRD, *Superintendent.*

## ADDITION TO THE REPORT OF THE SUPER- INTENDENT.

### LIST OF AGENTS

EMPLOYED IN LAYING THE NEW TRACK, WITH THEIR COST TO THE COMPANY :

Mr. Burdick, General Overseer, has charge of all the parties of workmen, lays out the work, inspects the timber, &c.—pay, per month, \$100.

R. G. Poole, .....	\$60 per month,	}	Overseers.
John Stockman, .....	40 “		
R. A. Wrydal, .....	40 “		
W. Blow, .....	40 “		

Pool is an engineer and gives the levels and centre lines. As there is not enough of this work to employ him constantly, he has charge of a party of hands.

In addition to the above, there is one tracklayer, at \$2 00 per day,

4 ditto, at .....	1 50 “	}	“
6 ditto, at .....	1 25 “		

and, at present, 40 to 50 laborers. We shall soon have at work about 100 laborers, and shall have to employ one or two more overseers.

H. D. BIRD, *Superintendent.*

*Jan. 14, 1852.*

## STATEMENT

SHOWING THE COST OF LAYING THE SIX-AND-A-HALF MILES OF ROAD:

500 tons of rails, delivered at Garysburg, @ \$41 50, ..	\$20,750,
Freight to Gaston .....	1,500,
Chairs. ....	936,
Spikes, .....	975,
Sills, .....	4,455,
Distributing materials, punching iron, &c., .....	1,130,
Workmanship and labor in laying, .....	2,178.
	\$ 31,924.

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NOTE.—The Treasurer's exhibit of the receipts and disbursements for two months, is not inserted here, that the same may be embraced regularly, in his Annual Report to the General Meeting in November next.

## AN ACT

### TO INCORPORATE THE RALEIGH AND GASTON RAIL ROAD COMPANY.

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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 Duncan Cameron, Richard Smith, William Boylan, George W. Mordecai, E. P. Guion, C. L. Hinton, W. W. Holden and W. J. Clark, of Raleigh ; John D. Hawkins, William F. Hilliard, John D. Hawkins, Jr., Isaac H. Davis and James J. Thomas, of Franklin county ; Rhodes Herndon, R. B. Gilliam, R. Kingsbury, and T. B. Venable of Oxford ; John H. Eaton of Henderson ; G. D. Baskerville, H. L. Plummer, John Somerville, H. G. Goodloe, B. E. Cooke, Thomas Paschall, Samuel Phillips, Thomas E. Wilson, Wm. J. Hawkins, John D. Fain and Nat. T. Green, of Warren county ; Cad. Jones, Sr., Edmund Strudwick, Jno. W. Norwood, Osmund Long, Josiah Turner, Sr., and John U. Kirkland, of Orange county ; and such other persons as may associate with them, their heirs and assigns, shall be, and they are hereby incorporated into a company, by the name and style of the Raleigh and Gaston Railroad Company, separate and distinct, and wholly unconnected with the company lately existing by the same name—and by that name shall be capable in law of purchasing, holding, selling and conveying estates, real, personal and mixed, so far as shall be necessary for the proposes hereinafter mentioned, and no further ; and shall have perpetual succession, and by said corporate name may sue and be sued, may have and use a common seal ; and shall have and enjoy and exercise all the rights, powers and privileges, which other corporate bodies may law-

fully do, for the purposes mentioned in this act ; and may, from time to time, make all such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as shall be necessary for the well ordering, and conducting the affairs of the company, upon the following fundamental terms and conditions, nevertheless, viz :

SEC. 2. That the capital stock of the said company shall be eight hundred thousand dollars, the money part of which shall be used for the purpose of rebuilding the road, now the property of the State, and known as the Raleigh and Gaston Rail Road, with a T iron rail, or iron of other form equally good, weighing not less than fifty pounds to the lineal yard, and other suitable materials, and to properly stock and equip the same with necessary engines and cars to do the transportation thereon ; that the present Rail Road, known as the Raleigh and Gaston Rail Road, with all its machine shops, implements, warehouses, depots, water stations, engines and cars, and every other description of property appertaining to the same, shall form a part of the capital stock of the said company, to the amount of four hundred thousand dollars, which amount shall be owned by the State of North Carolina in the said company ; that solvent individuals shall subscribe for the remaining four hundred thousand dollars of the capital stock of the said company, and after having so subscribed and paid the sum of four hundred thousand dollars, towards the reconstruction of said road and in refitting the same for public use, then the said subscribers and their successors shall be entitled to receive and hold one half of the interest in the Raleigh and Gaston Rail Road Company, as is by this act incorporated.

SEC. 3. *Be it enacted*, That it shall be lawful for the persons mentioned in the first section of this act, or any three of them, to open books, under their own management, or the direction of such other persons as they may select, and at such times and places as they may think proper, for the purpose of receiving subscriptions to the capital stock of the said company, to the

amount of four hundred thousand dollars, in shares of one hundred dollars each.—The times and places for receiving subscriptions shall be advertised in one or more newspapers in the State, and the books shall be kept open for ninety days. At the expiration of that time, all the books of subscriptions shall be returned to the individuals first named at Raleigh; and if it shall appear that four hundred thousand dollars shall have been subscribed to the capital stock of said company, by solvent subscribers, then the books shall be closed; and if more than four hundred thousand dollars shall have been subscribed, the same shall be reduced to that sum in fair and equal proportions to the number of shares subscribed for by each stockholder. Preference shall be given to the stockholders and obligors of the late Raleigh and Gaston Rail Road Company during the first ninety days in which books are to be kept open, to subscribe all or any part of the said capital stock of the said company; and if, upon the return of the said books, the said sum of four hundred thousand dollars shall not have been subscribed, then said books shall be re-opened for ninety days, at such time and places, and under the direction of such commissioners as any three of the persons named in the first section of this act shall designate; and if the capital stock aforesaid shall not have been subscribed at the expiration of the said ninety days, it shall be lawful to re-open said books, and keep them open until the first of October next.

SEC. 4. *Be it further enacted*, That as an inducement to the stockholders, and all such persons as may have become bound to indemnify the State against loss by reason of the loans made to the Raleigh and Gaston Rail Road Company, and guaranteed by the State, according to the provisions of the several acts of Assembly passed in the years 1838 and 1840, to subscribe for stock in the company hereby incorporated, that whenever the sum of four hundred thousand dollars shall have been thus subscribed and shall have been paid and expended by said company in putting the Raleigh and Gaston Rail Road in full and



complete order, then the said stockholders and obligors shall be forever discharged from their liability to the State, by reason of the loans and guaranties aforesaid; and the Governor is hereby authorized to cause the suits now pending in Wake Superior Court against said persons to be suspended until such time as he may be fully satisfied that the sum of four hundred thousand dollars has been subscribed and paid to said Company; whereupon the said suits are to be dismissed at the cost of defendants; *provided*, that the work be commenced within one year and completed within three years from and after the ratification of this act.

SEC. 5. *Be it further enacted*, That it shall be lawful for the executor or administrator of any deceased person, who became bound in their life time to indemnify the State of North Carolina against loss by reason of loans made to the Raleigh and Gaston Railroad Company, and guarantied by the State according to the provisions of the several acts of Assembly, passed in 1838 and 1840, to subscribe for any amount of stock in the company hereby incorporated, not exceeding the amount of said deceased person's liability to the State; and such subscriptions shall bind the estate of the testator or intestate, and the heirs, devisees, legatees or next of kin, as the case may be, shall not charge the personal representative aforesaid as for a *devastavit* or otherwise; and in case the said heirs, devisees, legatees, or next of kin, shall attempt so to do, then no part of the provisions of this act for releasing the sureties to the State as aforesaid, shall enure to the benefit, relief or discharge of the testator or intestate or his property and estate, whose heir, devisee, legatee, or next of kin shall object to the subscription for stock by such executor or administrator; but the said testator or intestate and his property and estate shall remain liable as now they are or may be, in all respects, as if this act had not been passed.

SEC. 6. *Be it further enacted*, That where the property and estate of any infant under twenty one years of age, shall be liable to the demands of the State on account of the loan and guaranty in the preceding sections mentioned, it shall be lawful

for the guardian of such infant to subscribe in behalf of his ward, for stock in the company hereby incorporated, to an amount not exceeding the sum for which the property and estate of such ward is or would be liable to the State as aforesaid; and in case the said ward should attempt to make his guardian liable to account to him or her for any thing more than the stock so subscribed and paid by his guardian, then no part of the provisions of this act for releasing the sureties to the State as aforesaid, shall enure to the benefit, discharge or relief of the said infant's property and estate; but the same shall remain bound as it now is or may be, in all respects, as if this act had not passed.

SEC. 7. *Be it further enacted*, That in case of a domestic invasion or insurrection, the said company shall transport the troops and munitions of war of the State of North-Carolina free of charge.

SEC. 8. *Be it enacted*, That the said rail road, and all engines, cars, and vehicles, and all the works of said company, together with all profits which shall accrue from the same, shall be vested in the said company, one half thereof to the use and benefit of the State, and the other half to the use and benefit of the individual stockholders; and the same shall be deemed and held to be personal estate, and shall be exempt from any public charge or tax whatsoever for the term of fifteen years; and thereafter the Legislature may impose a tax not exceeding twenty-five cents per annum on each share of the capital stock held by individuals, whenever the annual profits shall exceed eight per cent.

SEC. 9. *Be it enacted*, That the said company shall give no undue preference to the property of one person over that of another, but as far as practicable, shall transport each in the order of time in which it shall be delivered or offered for transportation, the tolls thereon being first paid or tendered.—And it shall be lawful for them to charge for the transportation of persons, goods, produce and merchandise, and for the mail,

any sum not exceeding the following rates: On persons, not exceeding six cents per mile for each person, unless the distance which any person may be transported should be less than ten miles, in which case an extra charge of fifty cents may be made for taking up and putting down such person; for the transportation of produce, goods, wares, merchandize and other articles, not exceeding an average of eight cents per ton per mile; and for the transportation of the mail, such sum as may be agreed upon between the Company and the Post Office Department of the United States.

SEC. 10. *Be it enacted*, That in all general meetings of the said company, each stockholder shall be entitled to give one vote for each share not exceeding ten shares, and one vote for every three shares above ten shares; and it shall be lawful for the Board of Internal Improvement to appoint some suitable person to represent the interest of the State in all such meetings, who shall have a right to vote on all questions coming before them, except in the election of the directors to be appointed by the individual stockholders.

SEC. 11. *Be it further enacted*, That an annual meeting of the subscribers to the stock of the said company shall be held at such time and place, in each year, as the stockholders, at their first general, or at any subsequent meeting, may appoint; to constitute which, or any general meeting called by the President and Directors, according to the provisions of this act, the presence of proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary, either in person or by proxy properly authorised; and if a sufficient number do not attend on that day, or any day appointed for a general meeting called by the directors aforesaid, the proprietors who do attend may adjourn from time to time until such general meeting shall be had.

SEC. 12. *Be it further enacted*, That the President and Directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the stockholders.

SEC. 13. *Be it further enacted*, That the President and Directors shall cause to be printed certificates of the shares of the stock in the said company, and shall deliver one such certificate, signed by the President and countersigned by the Treasurer, to each person for the number of shares subscribed by him, which certificate shall be transferable by him, subject, however, to all payments due or to become due thereon; and such assignee, having first caused the transfer or assignment to be entered in a book of the Company, to be kept for the purpose, shall thenceforth become a member of the company aforesaid, and shall be liable to pay all sums due or to become due upon the stock assigned him; *Provided however*, that such assignment shall in no wise exempt the assignor or his representative from their liability to the said company for the payment of all such sums, if the assignee or his representative shall be unable or fail to pay the same.

SEC. 14. *Be it further enacted*, That when the General Assembly may be of opinion that the Charter hereby granted shall have been violated, it may be lawful by joint resolution of the two Houses, to direct the Attorney General, with such assistant counsel as the Governor or Legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the judges of the Supreme Court, calling upon the said corporation to show cause why their charter shall not be forfeited, subject to the same proceedings as are now prescribed by law in case of other corporations.—Their books shall at all times be open to the inspection of a committee of the General Assembly appointed for that purpose; and the President of said company shall biennially make a report to the Legislature, on or before the third week of their session, of their receipts and expenditures, and of such other of their proceedings as he shall deem proper.

SEC. 15. *Be it further enacted*, That any Railroad which may hereafter be constructed by the State, or by any company incorporated by the Legislature, shall be at liberty to cross the road hereby allowed to be constructed, upon a level or other-

wise, as may be advantageous, provided the free passage of the Raleigh and Gaston Railroad is not thereby obstructed.

SEC. 16. *Be it further enacted*, That whenever the rail road shall be so crossed or approached by any other rail road incorporated by this State, the said Raleigh and Gaston Railroad Company may erect a depot at or near the point of intersection, where they may receive and deliver passengers and freight, and take therefor the same rates of compensation, and be subject to the same regulations as at other depots—and should they fail or refuse to erect such depots, the State or Company owning such intersecting road, may erect one, and the company hereby incorporated shall receive and deliver passengers and freight at such depots, under the same regulations as aforesaid unless the same shall be rendered impracticable by the situation of the Railroad at that place.

SEC. 17. *Be it further enacted*, That the profits of the said Company shall be divided annually or semi-annually, at the pleasure of the said Company, one half thereof to the State of North Carolina, to be paid to the Public Treasurer of the State, and the other half among the individual Stockholders.

SEC. 18. *Be it further enacted*, That it shall be lawful for the said President and Directors to sell the iron on the Raleigh and Gaston rail road, and apply the proceeds thereof to the reconstruction of said road.

SEC. 19. *Be it further enacted*, That if by the first day of October next a company shall not be organized according to the terms of the foregoing act, it shall be the duty of the Governor, and he is hereby required so to do, to cause all operations on said Raleigh and Gaston rail road to cease, and to discharge all the persons employed, except so many as in the opinion of the Governor may be necessary to take care of the public property, and to advertise said road and the appurtenances for sale in two papers in the town of Raleigh, one in Petersburg, Richmond, Philadelphia, New York and Boston. The said sale to be upon the following terms and con

ditions, viz : any company of individuals, who will contract with good and sufficient security to put said road in good order with a T iron rail, or iron of other form equally good, weighing not less than fifty pounds to the lineal yard, and to properly stock and equip the same with the necessary engines and cars to do the transportation thereon, shall be incorporated as a body corporate, with all the rights and privileges thereunto belonging, under the style and designation of the Gaston and Raleigh Rail Road Company; and the Governor is herein authorized and required to sell said company hereby created the Raleigh and Gaston Railroad, with all the appurtenances, for the sum of five hundred thousand dollars, with interest from the day of sale, payable in ten annual instalments of fifty thousand dollars each, together with the whole accruing interest; the first instalment of fifty thousand dollars with all the interest to be paid at the expiration of the first year from the day of sale, and the remainder at the end of each succeeding year, until the whole debt and interest are paid: The Governor is herein directed to take a mortgage on said road and appurtenances, for the security of said debt of five hundred thousand dollars; and in making his advertisement, inviting proposals from purchasers, to give such description of the road as may give strangers desiring the investment an accurate idea of the character of the work and the capacities of the country through which it runs.

SEC. 20. *Be it enacted*, That this Act shall be and continue in force for seventy five years from and after its ratification.

## OMITTED SECTIONS OF THE CHARTER.

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SEC. 4. *Be it enacted*, That whenever the said sum of four hundred thousand dollars shall have been subscribed by solvent individuals, public notice of that event shall be given by any three or more of the said commissioners, who shall have power to call a general meeting of the subscribers, at such convenient time and place as they shall name in said notice. To constitute any such meeting, a number of persons owning a majority of the shares of stock held by individuals in said company, shall be present either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on the day appointed, those who do attend, shall have power to adjourn from time to time, until a meeting shall be formed.

SEC. 5. *Be it enacted*, That the State of North Carolina shall be entitled to three directors in the said company, to be annually appointed by the Board of Internal Improvement; and, at the first meeting of said company, and annually thereafter, the said individual stockholders shall have power and authority to elect four directors, who, with the directors on the part of the State, shall have power to elect a President out of their own body, to manage all the affairs of the said company, and who shall continue in office until their successors shall have been elected. The President, with any three or more of the Directors, or in the absence of the President, any four of the Directors, who shall appoint one of their own body President *pro-tem.*, shall constitute a board for the transaction of business. In case of vacancy in the office of President or any Director, from death, resignation or otherwise, such vacancy shall be supplied by appointment of the board, until the next annual meeting.

SEC. 6. *Be it enacted*, That the said President and Directors shall have full power and authority to contract for all works which may be necessary and expedient, and to make contracts with any person or persons on behalf of the said company, for re-constructing the said road, and performing all other works which from time to time may be necessary for the proper completion and repairs of the said road, to require from the individual subscribers, from time to time, such advances of money on their respective shares as the wants of the company may demand, until the whole of their subscriptions shall be advanced, if the whole shall be found necessary; to call on any emergency a general meeting of the stockholders, giving one month's previous notice thereof, in one or more newspapers; to appoint a treasurer, clerk, and such other officers as they may require; and generally to transact all the necessary business of the company, during the intervals between the general meetings of the company.

SEC. 7. *Be it enacted*, That if any stockholder shall fail to pay the sum required of him by the President and Directors, within one month after the same shall have been advertised in one or more convenient newspapers, it shall and may be lawful for the said President and Directors to sell at public auction, and to convey to the purchaser the share or shares of such stockholder so failing, giving one month's previous notice of the time and place of sale in manner aforesaid; and, after retaining the sum due and charges of sale out of the proceeds thereof, to pay the surplus, if any, to the owner or his legal representative; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the said President and Directors may recover the balance of the original subscriber 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 any justice of the peace of the county of which he is a resident; and any purchaser of the stock of the company under such sale,



shall be subject to the same rules and regulations as the original proprietor, It shall, nevertheless, be lawful for the said President and Directors, if they deem it expedient, instead of selling the stock of delinquent subscribers, as contemplated by this section, to recover such sums as may be due the said company from delinquent subscribers, by suit in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county in which such delinquent stockholder is a resident.

## BY-LAWS AND REGULATIONS

OF THE RALEIGH AND GASTON RAIL ROAD COMPANY.

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### *Meetings of Stockholders.*

All general meetings of Stockholders shall be held in Raleigh, on the second Thursday in November in each and every year, unless otherwise specially ordered.

The Stockholders in general meeting shall elect four Directors on the part of the individual Stockholders, who shall continue in office until the next general meeting, and until their successors shall be appointed.

The President or any two Directors, or a number of Stockholders representing one third of the individual stock held in said Company, shall have power to call occasional meetings of the Stockholders, at such time and place as he or they may think proper, first giving twenty days notice thereof in two or more newspapers published in Raleigh, Petersburg and Norfolk.

### *President.*

The President shall be elected annually by the Board of Directors and from their body, and shall receive as compensation for his services the sum of two thousand dollars *per annum*, over and above his necessary travelling expenses, incurred on business of the Company in journeys out of the State, to commence from and after the completion of the Road.

The President shall have the general superintendence and control of all the officers of the Company, and shall prescribe their duties, unless otherwise provided by the rules and regulations of the Board of Directors: he shall carefully examine into the performance of their duties, and from time to time report to the Board of Directors all and every matter touching the interests of the Company, which shall come to his knowledge.

The President shall keep the seal of the Company, and, with the consent of a majority of the Directors, shall affix the same to all conveyances and other instruments to which the attestation of the seal may be necessary, and sign the same on behalf of the Corporation. During the absence of the President, he may appoint, in writing, any one of the Board of Directors, President *pro tem*.

*Treasurer and Secretary.*

The offices of Treasurer and Secretary shall be combined until the Board of Directors shall deem it necessary to separate them.

The Treasurer shall be appointed by the Board of Directors, and shall give bond in the sum of twenty-five thousand dollars, with security to be approved by the Board, and shall receive for his services the sum of one thousand dollars per annum,—

*Provided*, That no Director of the Company shall, during his continuance in said office, hold the office of Treasurer.

It shall be the duty of the Treasurer and Secretary to keep a full and fair journal of the meetings and proceedings of the Board of Directors; to advertise and collect all assessments which may, from time to time, be made upon the Stockholders, and upon failure of any Stockholder to pay his assessment within the time prescribed, to report the name of such Stockholder to the President; to take charge of and safely keep all the money, books, and other valuable effects of the Company, and to disburse the same under the direction, and upon the requisition of the President, and to take proper vouchers for such disbursements, and to perform all such other duties as may be prescribed by the Board of Directors.

The Treasurer shall deposit all monies belonging to the Company in one of the Banks in Raleigh, and shall keep a regular and accurate account of receipts and disbursements made by him, and shall render to the President and Directors, an ac-

count of all his transactions once in three months, and as much oftener as they may require; and he shall at no time retain in his hands a sum exceeding one thousand dollars.

The Treasurer and Secretary shall likewise record, in a book to be kept for that purpose, all the proceedings of the Stockholders in their general or called meetings, and shall carefully preserve all books and papers connected with such meetings.

#### *Directors.*

The State of North Carolina shall be entitled to three Directors to be annually appointed by the Board of Internal Improvements, from among the Stockholders of the Company, who, with the Directors on the part of the Stockholders shall have power to elect a President out of their body.

The President, with any three or more Directors, or, in the absence of the President, any four Directors shall constitute a *quorum* for the transaction of business.

In case of vacancy in the office of President or any Director from death, resignation or otherwise, such vacancy shall be supplied by appointment of the Board until the next general meeting.

The President and Directors shall have full power and authority to contract for all work which may be necessary and expedient, and to make contracts with any person or persons, on behalf of the Company, for reconstructing the road and performing all other work which may from time to time be necessary for the proper completion and repairs of the same; to require from the individual Stockholders from time to time such advances of money on their respective shares as the wants of the Company may demand, and generally to transact all the necessary business of the Company during the intervals between the general meetings of the Stockholders.

If any Stockholder shall fail to pay the sum required of him by the President and Directors, within one month after the same shall have been advertised in one or more convenient

newspapers, it shall and may be lawful for the said President and Directors to sell at public auction, and to convey to the purchaser the share or shares of such Stockholder so failing, giving one month's previous notice of the time and place of such sale, as above directed; and after retaining the sum due and charges of sale out of the proceeds thereof, to pay the surplus, if any, to the owner or owners, or his or their legal representative; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the same, then the said President and Directors may recover the residue from the original subscriber 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 any justice of the peace of the county of which such delinquent Stockholder is resident; and any purchaser of the stock of the Company, under such sale, shall be subject to the same rules and regulations as the original proprietors; or the said President and Directors, if they deem it expedient, instead of selling the stock of delinquent subscribers, may, in the first instance, recover such sums as may be due from them, by suit as above provided.

The Board of Directors shall meet at least once in every three months at such places as they may think proper, and the President shall be at liberty to convene the Board as much oftener as, in his opinion, the interests of the Company may require.

The Directors shall receive as compensation for their services the sum of three dollars for every day they may be in attendance on the business of the Company, and for every day they may be travelling to and from the place of meeting.

The President and Directors shall have power to employ Engineers and such other officers and agents as they may think proper, and fix their compensation; and shall make a report of all such appointments to the regular general meetings of the Stockholders.

The Board of Directors shall have power to establish a common seal, with suitable devices, to ascertain and define the duties of the officers, clerks and servants of the Company, and direct them in the performance thereof, and to dismiss from the service of the Company any officer or agent, clerk or servant appointed by them, at pleasure.

#### *Proxies.*

All proxies shall be in writing, signed by the party, and none but a stockholder shall be a proxy, except in cases of corporations holding stock, directly or indirectly, who may appoint a delegate to represent them. *Provided*, that no President, Director, Treasurer or other officer of the company shall be permitted to act as proxy.

#### *Contracts.*

Contracts shall be made under such rules and regulations as the Board of Directors may prescribe, and when signed by the President, shall be binding on the company, either with or without the seal of Corporation.

#### *Loans.*

The President and Directors shall have full power and authority, from time to time, to make temporary loans in anticipation of instalments, or of the ordinary receipts of the Company, but no permanent loan shall be made by them, except with the sanction and by express direction of the stockholders in general meeting; and in making such loans, no personal or individual liabilities shall be incurred, except with the consent of the individual stockholder, given in writing, either in person or by proxy.

## CERTIFICATES OF STOCK.

The form of certificates of stock shall be as follows :—

## RALEIGH AND GASTON RAIL ROAD COMPANY.

No.	<i>This certifies That</i>	shares, entitled
to	shares of one hundred dollars each, of the capital stock	
of the Raleigh and Gaston Railroad Company, transferable only on the		
books of said Company by	or	Attorney, on the
surrender of this certificate.		

Witness the seal of the Raleigh and Gaston Rail Road Company, this  
day of                      A. D. 18                      .

SEAL.

*Secretary.**President.*

And the stock shall be transferable either in person or by  
Attorney, at the office and on the books of the Company to be  
kept for that purpose.

REPUBLICAN PARTY  
STATE OF OHIO

RESOLUTIONS OF THE  
STATE CONVENTION HELD AT COLUMBUS,  
OHIO, IN 1854

Resolved, That the  
National Convention  
be held at  
Columbus, Ohio,  
on the 17th day of  
July, 1854.

Resolved, That  
the delegates to  
be sent to the  
National Convention  
be chosen by  
the several  
county conventions.

Resolved, That  
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National Convention  
be chosen by  
the several  
county conventions.

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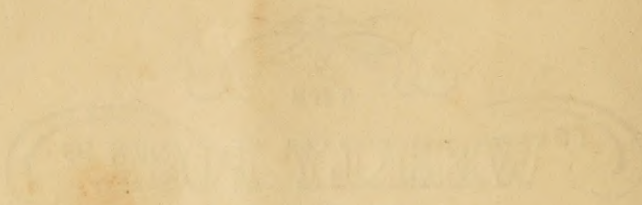
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