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ACTS

OF THE

SECOND CALLED SESSION, 1861

AND OF THE

FIRST REGULAR ANNUAL SESSION

OF THE

GENERAL ASSEMBLY OF ALABAMA,

HELD IN THE

CITY OF MONTGOMERY,

COMMENCING ON THE

28TH DAY OF OCTOBER AND SECOND MONDAY IN NOVEMBER, 1861.

ANDREW B. MOORE, Governor until December 2, 1861.

JOHN GILL SHORTER, Governor.

WM. H. CRENSHAW, Speaker of the House of Representatives.

ROBERT M. PATTON, President of the Senate.

MONTGOMERY, ALA.:

MONTGOMERY ADVERTISER BOOK AND JOB OFFICE.

1862.



T. E.
Gov.
75

LAWS OF ALABAMA.

No. 1.] AN ACT

For the relief of Tax-Payers and Collectors.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An Act to extend the time for the payment of taxes into the State Treasury, and for other purposes," approved February 8th, 1861, be so amended as to give until May 1st, 1862, for collecting and paying over the taxes for the year 1861.

Extension of time for making collections.

SEC. 2. *Be it further enacted,* That the tax collectors of this State may take in payment of taxes treasury notes of this State or of the Confederate States, and any current bank notes of the State of Alabama. *Provided,* If in the opinion of the Governor, any of the banks of this State shall become unsafe, he may by proclamation and by notice to the tax collectors, prohibit the reception of the bills of any such bank. *Provided further,* That the written assent of the securities of the several tax collectors to the extension provided for by this act shall be obtained by the several tax collectors and filed with the comptroller of public accounts and approved by the comptroller, before the said extension shall take effect.

Kind of funds receivable for taxes.

Written assent of securities.

Approved, Dec. 10, 1861.

No. 2.] AN ACT

To raise Revenue from Crops Loaned, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Taxes on crops
loaned.

convened, That the same rate of tax as is levied and collected by law on moneys loaned, shall be levied and collected on crops or the proceeds thereof loaned or kept at interest.

On moneys hoar-
ded.

SEC. 2. *Be it further enacted*, That the tax hereafter assessed and collected on money hoarded shall be five per cent. on the amount hoarded instead of the tax directed to be assessed and collected by existing laws. And that under the term "money hoarded," shall be embraced as well money hoarded as all money deposited out of the State, money lent out of the State at a less rate of interest than five per cent. per annum, and all money on hand. *Provided*, The provisions of this section shall not apply to money kept on hand exclusively to purchase family supplies not to exceed the amount necessary for one year, but shall apply only to money purposely withheld from circulation or not employed in business.

Proviso.

Certain loans ex-
empt.

SEC. 3. *And be it further enacted*, That no tax shall be assessed on loans of either produce or money to the Confederate States or to this State.

Approved, Dec: 10, 1861.

No. 3.]

AN ACT

To provide a Fund for the Aid of Indigent Families of Volunteers absent in the Army.

Special tax of 25
per cent. to be
collected.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a special tax of twenty-five per cent. on the amount which is now, or may hereafter be imposed on all the taxable property in this State as a general tax, to be collected by the several tax collectors in this State, at the same time, and under the same rules and regulations, and subject to the same liabilities and restrictions now imposed by law in the collection of the annual taxes of the State, to be designated as "a fund for the aid of indigent families of absent volunteers," and such tax shall be collected for the present year by the several tax collectors upon the last assessment made in the several counties, at the same time they may collect the state and county taxes for the present year,

and shall continue to be imposed and collected annually during the continuance of the existing war, between the Confederate States and the United States, or until altered or repealed by the General Assembly, and the said special tax shall be paid into the treasury of the State as other State taxes.

SEC. 2. *And be it further enacted,* That it shall be the duty of the judge of probate of each county in this State, within one month after the passage of this act, or as soon thereafter as practicable, to call together the court of county commissioners for his county, on a day to be appointed by him, and at such special term of the court so called, it shall be the duty of the court, to select and appoint one discreet and trustworthy agent, in each election precinct in such county, whose duty it shall be to enquire and ascertain the number and name of each resident of such precinct, who may be absent therefrom as a volunteer in the army, when such volunteer left, and in what company and regiment, to enquire and ascertain if such volunteer left a wife, child or children, or father or mother, or minor brothers or sisters, dependent upon him for support, and the number, sex and ages of those composing the family left by such volunteer, dependent upon him as aforesaid, and their condition and situation as to means of support, and whether such family, or any member thereof, actually needs aid and assistance from the public in the way of food and clothing, and of what nature and to what extent, and for what length of time, and such agent shall, within twenty days after his appointment, report in writing the result of his enquiries to the judge of probate of his county, showing the name of each absent volunteer from his precinct, the number, sex and ages of any family left by him, needing the aid of the public, what means of support they had, what they actually need in the way of food and clothing, or either, and how long they will probably require such aid.

Probate Judge to
appoint a day
for Coms. Court
to assemble.

Duty of Commis-
sioners Court.

Duty of Precinct
Agents.

Duty of Probate
Judge.

SEC. 3. *And be it further enacted,* That it shall be the duty of the judge of probate of each county as aforesaid, upon receiving the report of the several precinct agents in his county as provided for in this act, forthwith to call a special term of the court of county commissioners for his county, and it shall be the duty of the court at the special term so called, carefully to examine the report of the precinct agent; and to ascer-

List of indigent families.

tain from such reports, and such other sources of information as may be accessible to the court, what number of families of absent volunteers belonging to their respective counties, may be in indigent circumstances and unable to support themselves, and what amount it would require to furnish adequate aid in the way of provisions and clothing to such indigent families during each year of the absence of such volunteers, and cause the names of such families to be entered upon the records of the court, with a carefully prepared estimate of the amount necessary to render each of said families adequate aid in the way of provision and clothing during each year, and such estimate in detail, shall also be entered of record, and such court shall furnish the comptroller of public accounts with a duly certified copy of such record, within twenty days after making the same, showing the numbers of, and names of families of absent volunteers requiring aid in his county, and the amount thereof.

Return to be made to Comptroller.

Duty of Comptroller.

SEC. 4. *And be it further enacted*, That it shall be the duty of the comptroller of public accounts, upon receiving the transcripts of record from the several counties in this State, showing the number and names of indigent families of absent volunteers in each of said counties, and the estimated amount necessary to render them adequate aid during each year, to apportion the amount of the special tax collected under the authority of this act, or so much thereof as may be necessary, among all the counties of this State, according to the list of the names of indigent families of absent volunteers, and the estimate showing the amount required by each, prepared and certified to his office by the court aforesaid, and the amount of such fund coming to each county, shall be paid over to the judge of probate of such county, and laid out and expended under the direction and control of the court of county commissioners of such county, and the court shall cause to be kept an account showing in detail for whose account the money was expended, for what particular article, and the price paid for each article, and of whom purchased, and shall return to the comptroller of public accounts, showing the disbursement of said fund.

Court of County Commissioners to keep accounts.

Taxes may be paid in provisions at a fair price.

SEC. 5. *And be it further enacted*, That in collecting the special tax imposed by this act, it shall and may be lawful for the comptroller to authorize the court of county commissioners of any county in this State to

cause any part of the same, not exceeding the amount shown by the estimate returned to his office as necessary to be expended in such county, to receive in payment provisions or material for clothing, such as may be needed by such indigent families in such county; *Provided*, the same be offered by tax-payers at a fair market price, and provided such court may authorize orders to be given on tax-payers in favor of such indigent families, and the payment of such orders shall be a valid payment on account of the taxes due from the party paying the same.

SEC. 6. *And be it further enacted*, That the precinct agents provided for in the second section of this act, shall make their investigation into the condition of indigent families of absent volunteers, and report the result of such investigation to the judge of probate of each county from time to time, as volunteers may engage in the public service from such county, and report the same as in this act provided, and the courts of county commissioners shall record the names and make the estimate as herein provided, and return the same to the comptroller, who shall include such estimate in the apportionment of funds herein provided.

Agents to report
to the Probate
Judges.

SEC. 7. *Be it further enacted*, That those who have been engaged in service and regularly discharged on account of wounds or sickness, and are unable in consequence of such wounds or sickness to support their families, and the widows and orphans of volunteers as may have fallen in battle, shall have all the benefits of this act.

Applies to sick
or wounded sol-
diers.

SEC. 8. *Be it further enacted*, That the probate judges of the several counties, and their securities in office, shall be liable on their official bond for any misappropriation of the fund entrusted to them under this act.

Probate Judges
officially liable.

SEC. 9. *Be it further enacted*, That one hundred and fifty copies of this act be printed, and sent by mail forthwith to the probate judge of each county.

SEC. 10. *And be it further enacted*, That all volunteers from this State in the army of the Confederate States, or in the actual military service of this State, shall be exempt from the payment of any poll tax so long as they remain in actual service as such volunteers.

Volunteers ex-
empt from poll
tax.

SEC. 11. *Be it further enacted*, That the commission-

Com'rs Courts
may apply sur-
plus of County
funds.

ers' courts of the several counties of this State shall have the right, if they think proper, to apply any surplus moneys now or hereafter in the county treasuries, to the benefit and relief of the indigent families of volunteers; and should the commissioners' courts make such disbursements of such funds, a copy of such order shall be a sufficient guarantee to the county treasurers for disbursing such fund as the said courts may order.

Approved, November 11, 1861.

No. 4.]

AN ACT

In relation to Tax Assessors and Tax Collectors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That no tax collector or tax assessor in this State shall be disqualified for holding the office of tax collector or tax assessor under the Government of the Confederate States.

Approved, Nov. 29, 1861.

No. 5.]

AN ACT

In relation to the War Tax authorized by Congress to be assessed and levied upon certain property in this State.

War tax assumed
by the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That payment of the amount of the war tax of fifty cents upon each one hundred dollars in value of certain property of the citizens of this State, authorized to be assessed and levied upon such property in the year 1861, and payable in 1862, by the act of the Congress of the Confederate States, entitled "An Act to authorize the issue of treasury notes, and to provide a war tax for their redemption," approved the 19th of August, 1861, when assessed and ascertained according to the terms of said act, be and the same is hereby as-

sumed by the State of Alabama upon the terms and conditions specified in the 24th section of said act.

SEC. 2. *And be it further enacted*, That when the amount of said tax shall be ascertained in such mode as has been, or may be prescribed by Congress, and the deduction of ten per cent. therefrom shall be made as provided in said 24th section, it shall be the duty of the Governor to cause the amount found due of said tax, to be paid into the treasury of the Confederate States as provided in said 24th section of said act.

To be paid out of State treasury.

SEC. 3. *And be it further enacted*, That in order to obtain the amount of money necessary to pay the amount found due on said tax, it shall and may be lawful for the Governor to borrow the same from the several chartered Banks of this State, now in operation, in proportion to the respective capital of each, or from any other source, upon bonds of the State Treasury at 8 per cent. interest per annum.

Governor to borrow the money from chartered banks.

Approved, November 27, 1861.

No. 6.]

AN ACT

Making appropriations for the fiscal year ending on the 30th day of September, 1862.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money be, and the same are hereby, appropriated to be paid to the following persons in the payment of claims against the State for the fiscal year ending on the 30th day of September, one thousand eight hundred and sixty-two.

Appropriations for 1861-62.

To the Governor of the State, four thousand dollars.

To the Secretary of State, sixteen hundred dollars.

To the Comptroller of Public Accounts, two thousand dollars.

To the State Treasurer, eighteen hundred dollars.

To the Superintendent of Education, two thousand dollars.

To the Commissioner of Public Lands, twenty-five hundred dollars.

To the Supreme Court Reporter, twelve hundred dollars.

To pay salary of clerk in Controller's office, one thousand dollars.

To the Judges of the Supreme Court, each, four thousand dollars.

To the Judges of the Circuit Courts, each, two thousand dollars.

To the Chancellors, each, two thousand dollars.

To the Attorney General, four hundred and twenty-five dollars.

To the Solicitors of the Judicial Circuits, each, two hundred and fifty dollars.

To the Adjutants and Inspector Generals, four dollars per day for each day they shall be engaged in the actual duties of their offices, not to exceed two hundred dollars each.

To the Quartermaster General, three hundred dollars.

To the State Armorer, one hundred and fifty dollars.

To the keeper of the State House, one hundred and fifty dollars.

To the Private Secretaries of the Governor, each, seven hundred and fifty dollars.

To the Marshal of the Supreme Court and State Librarian, one thousand dollars, to be paid quarterly, as other salaries.

To the Principal Secretary of the Senate, and the Principal Clerk of the House, each, seven dollars per day for each day of the extra, and present regular session.

To the Assistant Secretary of the Senate, and the Assistant and Engrossing Clerks of the House, each, six dollars per day for each day of the extra, and present regular session.

To the Clerk of the State Treasurer's office, seven hundred and fifty dollars.

For the pay of such additional Clerks as may be employed by the Senate and House, six dollars per day, each, for the number of days so employed.

To the Draughtsman in the Public Land office, twelve hundred dollars.

To the Door-Keepers of the Senate and House, five dollars per day each.

To the Messengers of the House, one dollar per day, each.

To the Secretary of the Senate and Principal Clerk of the House, each, for completing the journals of their respective Houses, arranging and filing away papers in

proper order for the next session of the General Assembly, one hundred and fifty dollars.

To the Secretary of State, for copying the journals of both Houses at the extra and present session, reading proof sheets and superintending the printing of the same, for placing marginal notes, and preparing indexes to the laws and journals, and the distribution of the same, four hundred dollars.

For contingent expenses for the office of Superintendent of Education, nine hundred dollars.

To pay the funeral expenses of Jas. C. Spencer, three hundred and thirty-three dollars.

SEC. 2. *Be it further enacted*, That the sum of five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purchase of stationery for the General Assembly, Executive and State offices and Judges of the Supreme Court, and the Comptroller shall draw his warrant therefor, on the presentation of an original voucher, with the certificate of the Secretary of State that the same is correct.

SEC. 3. *Be it further enacted*, That the sum of eight hundred dollars is hereby appropriated to pay for the distribution of the laws and journals of the extra and present sessions of the General Assembly; and the Comptroller of Public Accounts shall draw his warrant on the Treasurer in favor of the several agents engaged in the distribution, upon their producing the certificate of the Secretary of State that the sums charged are according to contract, and that the services have been performed.

SEC. 4. *And be it further enacted*, That the Comptroller of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer for the several sums of money herein appropriated at the times payable by law, on the production of proper vouchers and receipts therefor.

SEC. 5. *And be it further enacted*, That the sum of fifty dollars is hereby appropriated to H. P. Watson, Marshal of the day, for expenses incurred for the Inauguration of Governor Shorter, and that the Comptroller be authorized and required to draw his warrant on the Treasurer therefor.

SEC. 6. *Be it further enacted*, That the sum of fifty thousand dollars be, and the same is hereby set apart as a contingent fund, to meet extraordinary expenses

and contingencies, to be drawn on the warrant of the Governor.

Approved, December 10, 1861.

No. 7.]

AN ACT

To supply any deficiency in the Treasury, which may be caused by an Excess of Appropriations at the present or late Extra Session of the General Assembly.

To provide for deficit, governor may issue bonds or treasury notes or borrow the money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in order to supply any excess of appropriations made at the late extra or present regular session of the General Assembly, over and above the amount which now is or may be in the treasury, when such appropriations have to be paid, it shall and may be lawful for the Governor, as in his discretion he may deem best, either to sell eight per cent. State bonds, having not more than ten years to run with the interest payable annually or semi-annually for such funds or currency as may in his judgment answer the purposes of the State, or to raise the amount by loan at a rate of interest not to exceed eight per cent. per annum, payable annually or semi-annually, or to issue treasury notes of this State having not more than three years to run, as in his judgment may best promote the interest of this State; or to supply such excess by resorting to all or any of the means provided in this section.

Faith and credit of the State pledged.

SEC. 2. *Be it further enacted,* That for the ultimate payment of any State bonds issued under the authority of this act, and for the payment of any loan effected by the Governor, as herein authorized; and for the payment of any treasury notes issued for the purpose herein authorized, the faith and credit of the State is hereby pledged.

Governor may extend any debt of the State for borrowed money

SEC. 3. *Be it further enacted,* That the Governor is hereby authorized to extend any debts owing by the State for borrowed money, by the consent of, and for such time as the parties to whom the same is due may agree, at a rate of interest not exceeding the rate at which the money was originally borrowed, to be paid annually or semi-annually, and to issue the bonds of

the State for the amount thus extended, with coupons for the interest.

SEC. 4. *Be it further enacted*, That all bonds, treasury notes, coupons and loans made under this act, shall be payable at the State Treasury, and that the coupons after maturity, and the treasury notes issued under this act, shall be receivable in payment of taxes and all other public dues.

Coupons and treasury notes receivable for public dues.

SEC. 5. *Be it further enacted*, That if any person or persons shall forge or falsely alter any note issued by virtue of this act, or shall alter or attempt to pass any forged or altered note purporting to be a note issued in pursuance of this act, knowing such note to be forged or altered, such person or persons shall suffer the pains and penalties now affixed by law for forgery in the first degree.

Penalty for forging or altering.

SEC. 6. *Be it further enacted*, That any treasury note issued under authority of this act, after being signed, numbered and registered as required by the act, shall, before being put into circulation, be delivered to the State Treasurer and charged in his office as so much cash and so accounted for.

To be delivered to State treasurer.

SEC. 7. *Be it further enacted*, That the treasury notes issued under authority of this act, shall at the pleasure of the holder be fundable in eight per cent. coupon bonds of the State, payable semi-annually in sums of five hundred and one thousand dollars; and that bonds for any treasury notes, submitted to the Comptroller in sums as herein specified, shall be issued therefor, and in lieu thereof, and all bonds so issued, and treasury notes so returned, shall be properly registered, cancelled and accounted for on the books of the Comptroller.

Treasury notes fundable in 8 per cent. coupon bonds.

Approved, December 10, 1861.

No. 8.]

AN ACT

To suspend the operation of Sections 40 and 41 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That sections No. 40 and 41 of the Code be

suspended, so far as it applies to the present called session of the General Assembly.

Approved, November 9, 1861.

No. 9.]

AN ACT

To amend Section 646 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 646 of the Code of Alabama be, and the same is hereby amended, by inserting after the words "Circuit Judge," where they occur in said section, the words, "or Judge of Probate."

Approved, December 3, 1861.

No. 10.]

AN ACT

To amend Section 672 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever upon any final settlement in any Probate Court of this State by any executor, administrator or guardian, a decree shall be rendered by the court against an executor, administrator or guardian for the payment of money, the party against whom the decree is rendered, may, either before or after the issuance of execution on such decree, pay the amount thereof to the Probate Judge rendering the same, in satisfaction thereof; and the Probate Judge receiving the same shall be liable on his official bond for the amount so received, to any person or persons entitled to the same; and if the money so received be not paid to the person or persons entitled thereto, on demand, such person or persons may sue in his or their own name on the official bond of such Probate Judge, and recover judgment against all or any of the makers thereof, for the amount so received, with ten per centum damages thereon, and eight per centum interest from the time of the demand.

Privilege of an executor, administrator or guardian.

Liability of Probate Judge.

Party may sue and recover.

SEC. 2. *Be it further enacted*, That any Judge of Probate who converts to his own use, or permits any other person to use any moneys paid into his office by virtue of the provisions of this act, shall be liable to indictment, and on conviction shall forfeit his office, and be punished as if he had feloniously stolen such money.

Felony against
Probate Judge.

Approved, December 7, 1861.

No. 11.]

AN ACT

To amend Section 980 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 980 of the Code of said State be, and the same is hereby amended, by adding after the "word "thereto," in the fifth line of said section, the words "or from some other medical board in this State, or from the Medical College of Alabama."

Approved, November 11, 1861.

No. 12.]

AN ACT

To amend section 1023 of the Code in relation to Runaway Slaves.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be the duty of justices of the peace, before whom runaway slaves are brought, instead of committing them to jail, to order and direct such slaves to be delivered to their owner, overseer, or agent, in all cases where the justice is satisfied that the name of the true owner is made known, and where the resident of such owner, his overseer or agent, is nearer than the county jail: *Provided*, That the owner, his overseer, or agent, shall on delivery of the slave pay the fee, now allowed by law for arresting, and the compensation hereinafter provided to the taker up, or such other person as may have the custody of the slave, and in case of the refusal or failure of the owner, his overseer,

Justices of Peace
to order runaway
slaves to be de-
livered up.

Provideo.

or agent, to pay such fees and compensation promptly on delivery, then it shall be the duty of the person having charge of the slave, and the justice shall so instruct him, to carry the slave back to the office of the justice, who shall forthwith commit him to the county jail.

Duty of Justice of Peace in case of committal.

SEC. 2. *And be it further enacted,* That where runaway slaves are committed to jail, it shall be the duty of the justice in such cases to endorse on the back of his warrant to the sheriff, the cost and charges for apprehending and bringing to jail, and to certify the same to the owner, when delivery is made to him, but in no case to exceed the amount allowed by law.

Compensation to person bringing runaway to jail or delivering to owner.

SEC. 3. *And be it further enacted,* That for bringing a runaway slave to jail, the persons performing such service shall be entitled to the sum of ten cents a mile in coming to, and returning from the jail, estimating the distance by the nearest route, and ferriages, and to the same compensation when the slave is carried to his master, or overseer, and the justice for his service shall be allowed the sum of seventy-five cents.

Fee of Justice of Peace.

Penalty for false endorsement.

SEC. 4. *And be it further enacted,* That any justice, who allows and endorses on the warrant or certificate to the owner, larger or other fees and compensation, than is now allowed by law, and by the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than double the aggregate amount endorsed, or certified, to be recovered before any magistrate for the use of the owner.

Approved, December 7, 1861.

Nov. 13.]

AN ACT

To amend Section 1580 of the Code of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1580, of the Code of Alabama, be amended by striking out the words "United States," and inserting the "Confederate States."

Approved, December 4, 1861.

No. 14.]

AN ACT

To amend Section 2025 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 2025 of the Code of this State be, and the same is hereby amended, by adding to said section the following words :

And where there are several minors owning an individual estate, in common, the probate court, on the petition of the guardian of such minors, and on being satisfied that it would be for their interest, may authorize the guardian to keep the estate together for their joint benefit, until the estate shall be divided, or until such other time as the court shall direct; and the guardian shall keep his accounts, and make his returns accordingly.

Provisions extended.

Approved, December 4, 1861.

No. 15.]

AN ACT

To amend Section 2033 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 2033 of the Code of said State be, and the same is hereby amended, in the following respects: first, by adding after the word "Congress," in the top line of said section, on page 389, the following words: "of the Confederate States"; and secondly, by adding after the word "contrary," in the 8th line of said section, from the top of said page, these words: "and the judge of probate shall be satisfied, upon satisfactory proof being made, that it will be for the interest of the minor."

Approved, December 7, 1861.

No. 16.]

AN ACT

To amend Section 2235 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 2235 of the Code be, and the same is hereby amended, by striking from it the words following, to-wit: "but a contract upon which it is necessary to assign a special breach cannot be united in the same complaint with a contract on which no such breach is necessary."

Approved, December 7, 1861.

No. 17.]

AN ACT

To repeal Section 2447 of the Code, so far as it applies to Blount and Marshall, and other counties therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of section 2447 of the Code requiring property when levied on by the sheriff to be advertised in a newspaper, be, and the same is hereby repealed, so far as it applies to the counties of Blount, Marshall, St. Clair, DeKalb, Jackson, Morgan, Coosa, Limestone, Shelby, Henry.

Sheriff sales not to be advertised in newspaper in certain counties.

How to be advertised.

Proviso.

SEC. 2. *Be it further enacted,* That the sheriffs of said counties shall hereafter publish their sales by written advertisement, one at the courthouse door, and at three other public places in said counties: *Provided,* That if either the plaintiff or defendant resides out of the county in which such sale shall take place, it shall be the duty of the sheriff to give five days notice of the time and place of sale to such non-resident plaintiff or defendant by mail.

Approved, November 24, 1861.

No. 18.]

AN ACT

To amend Sections 2645 and 2649 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That subdivision 2, of section 2645 of the Code of Alabama be, and the same is hereby amended, by adding after the word "insolvent" in the third line of said subdivision 2, the words "or dead."

"Or dead" after
"insolvent" in
third line.

SEC. 2. *And be it further enacted,* That section 2649 of said Code be, and the same is hereby amended, by adding to that section the following words: "and in favor of sureties, and co-sureties, against the executors or administrators of the principal or of a surety."

Provisions ex-
tended.

Approved, December 6, 1861.

No. 19.]

AN ACT

To amend Section 3576 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3576 of the Code of Alabama be, and the same is hereby amended, by striking out the word "two" in the second line from the top on page 632 of said Code, and inserting the word "one" in the place thereof, and by striking out the letter "s" in the word "days" in said line.

Approved, December 9, 1861.

No. 20.]

AN ACT

To amend Section 3908 of the Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the lessee of the penitentiary, at least twenty days before the 1st day of December in each year, to furnish the inspectors of the penitentiary with a tabular statement such as is now

Duty of lessee.

required of the inspectors in section 3903 of the Code of Alabama, in their annual report to the Governor.

Penalty for failure.

SEC. 2. *Be it further enacted*, That in case of a refusal or failure on the part of said lessee to furnish such tabular statements as aforesaid, he shall be deemed guilty of a misbehavior in office, and shall on conviction thereof be fined in a sum not less than fifty dollars, to be recovered in any court having competent jurisdiction thereof.

Approved, December 7, 1861.

No. 21.]

AN ACT

To suspend the revision of the Code and the Acts relating thereto.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act to provide for the preparation of a revised code, and the act altering and amending said act and also the revision of the Code, be, and the same are hereby severally suspended, until the termination of the present war.

Approved, December 9, 1861.

No. 22.]

AN ACT

To authorize the suspension of specie payments by the banks in Alabama, until twelve months after ratification of peace.

Period of suspension legalized.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the suspension of specie payments by the chartered banks of the State of Alabama be, and the same is hereby legalized, until the period of one year after the close of the present war, and the conclusion of peace with the United States: *Provided*, it shall be the duty of said banks during the term of suspension hereby authorized, to receive at par the notes of the Confederate States, commonly called Treasury

Proviso.

notes, for all debts due them, payable at their own counter, and the said banks are authorized during said term in like manner to employ said Treasury notes in paying their deposits, and in redeeming their own notes or bills respectively.

SEC. 2. *And be it further enacted*, That it shall be lawful for said banks, on all notes hereafter purchased or discounted by them, to charge or retain interest at the rate of eight per cent. per annum, without regard to the length of time said notes may have to run.

Rate of interest.

SEC. 3. *And be it further enacted*, That the proviso in the seventh section of an act, approved the second day of February, eighteen hundred and sixty-one, entitled "an act to legalize the suspension of specie payments by certain banks of Alabama," be, and the same is hereby repealed, so far as to entitle the banks to receive interest after the passage of this act on the bonds of this State taken by them under the authority of the said act of the 2d of February, 1861.

Proviso of certain act partially repealed.

SEC. 4. *And be it further enacted*, That it shall not be lawful for any bank of this State, while in a state of suspension, to charge exchange upon the renewal of any note or bill discounted by such bank, no matter at what point or place in this State such note or bill may be payable, and any bank which may discount any bill or note, no matter whether payable at its counter or elsewhere in this State, shall receive its own bills in payment thereof.

Not to charge exchange upon renewal of paper

SEC. 5. *And be it further enacted*, That it shall not be lawful for any bank of this State to charge more than one-half of one per cent. premium for any exchange payable at any point or place within this State.

To receive its own notes in the payment of debts.

Premium for exchange limited.

SEC. 6. *And be it further enacted*, That the bills of the banks of this State whose suspension of specie payments is hereby legalized, shall be received in payment of taxes and other public dues in this State, unless otherwise directed by the proclamation of the Governor.

Bills of suspended banks receivable for public dues.

SEC. 7. *And be it further enacted*, That the Treasury notes issued by or under the authority of the government of the Confederate States, shall be received in payment for taxes and all other public dues in this State: *Provided*, That the said banks shall not be entitled to the benefit of this act, except on the condition that they shall loan to the State of Alabama the amount

Confederate States treasury notes receivable for public dues

Proviso.

of money requisite to pay the war tax, which shall be ascertained against said State in proportion to their respective capitals.

Approved, Dec. 9, 1861.

No. 23.]

AN ACT

To authorize the several Banks therein named to suspend Specie Payments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Bank of Selma and the Bank of Montgomery may and are hereby authorized to suspend the payment of specie on their bills until the first day of June, 1862, and they shall not be liable for the defaults, forfeitures and penalties declared in sections 1393 and 1394 of the Code, and the Governor may, in his discretion, extend the time of the suspension of said payments, and the penalties and forfeitures in said sections contained, to the first day of the fourth week of the next session of the General Assembly; *Provided,* That the benefit of the provisions of this act shall not be enjoyed by any bank until its stockholders shall file with the Comptroller of the State a statement in writing to be signed by each of them in person, or by his or her authorized agent, of the number of shares or amount of stock owned by said stockholders; nor until the bank shall purchase, or shall have purchased at par from the State of Alabama or the Governor, an amount of bonds of the State, issued since the first day of January, 1861, not less than fifty thousand dollars; which purchase, if not already made or completed, must be made or completed within thirty days from the approval of this act, in order to come within the provisions of this act.

SEC. 2. *Be it further enacted,* That each member or stockholder in any free bank or banking association, now organized under the free banking law of this State, shall be liable for any default or legal liability of any such bank, to an amount double the amount of his or her stock held therein, and such list of stockholders filed as required by the first section of this act, as well

Period of suspension legalized.

Certain penalties, &c., suspended for limited time.

Proviso.

Must purchase State bonds.

Liability of each stockholder.

as the statement required by and made in accordance with section 1410 of the Code, shall be received as evidence in any court of this State, as evidence of the amount of stock owned in any such bank by the stockholders named in said list or statement.

SEC. 3. *Be it further enacted*, That the holders of the bills or issues of the said Bank of Selma, and the said Bank of Montgomery, shall have all the rights and be entitled to all the remedies against said banks and their stockholders, that the holders of the bills or issues of the chartered banks of the State have against said chartered banks, and their stockholders; and any stockholder in any of said free banks transferring his or her stock therein shall, notwithstanding said transfer, be held liable in manner and form according to the provisions of the second section of this act, for any and all defaults and legal liabilities of said banks occurring before the expiration of twelve months after the date of said transfer.

Rights of holders of bills of these free banks.

SEC. 4. *Be it further enacted*, That the Farmers' Bank of Alabama, a bank lately organized under the free banking law of this State, located in the city of Montgomery, be, and is hereby entitled to all the privileges and immunities conferred by law upon the Bank of Montgomery, or the Bank of Selma, provided said Farmers' Bank of Alabama, or its stockholders, shall first comply with the provisions contained in the proviso to the first section of this act; and all the provisions of this act are hereby extended and made applicable to the said Farmers' Bank of Alabama; *Provided, further*, That each of said free banks mentioned in the several sections of this act, shall from the time it may take or enjoy the benefit of the provisions of this act, pay an annual tax to the State on each hundred dollars of its stock equal to thrice the amount of the tax that may be levied on land, which shall be in lieu of all taxes levied on its stock by the State.

Provisions extended to the Farmers Bank.

Proviso.

State Tax.

SEC. 5. *Be it further enacted*, That during the suspension of specie payments authorized by this act, any bill holder holding the bills of any one of said banks to the amount of fifty dollars or more, may, if payment of the same in specie is refused at the counter of the bank by which said bills were issued, deposit said bills in said bank, and require the cashier to give him a certificate of the amount of bills so presented, and that payment

Cashier to give certificate to bill holder.

Damages.

of the same was refused, and the date of said presentment and refusal; and the said bank shall be liable to the holder of said certificate for the amount thereof, with interest at the rate of eight per centum per annum up to the time of resumption of specie payment, according to the provisions of this act, then said bank, on the presentation of the certificate, shall be liable to the holder of such certificate for the amount thereof, with twelve per centum interest per annum thereon from such presentation, until paid.

Penalty of Cashier for refusing.

SEC. 6. *Be it further enacted*, That if any cashier shall fail or refuse to give the certificate required by the provisions of the 5th section of this act, he shall forfeit and pay to the bill holder demanding such certificate, the sum of one thousand dollars.

Approved, November 30, 1861.

No. 24.]

AN ACT

To further suspend Specie Payments by the Free Banks.

Period of suspension extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the suspension of specie payments by the banks now organized and established under the free banking law of the State of Alabama, be authorized and legalized, until twelve months after peace shall be ratified between the United States and Confederate States of America; *Provided*, That the stockholders of any corporation which is, or may be a stockholder in said bank, shall, in consideration of the immunities of this act, sign an agreement to be personally liable in proportion to the amount they respectively own in said corporations, in the same way as if they were directly and personally stockholders in such bank; and that in case of the transfer of any stock in such corporation, which is a stockholder in such bank, the person so transferring shall be liable for all the acts and doings and responsibilities of such bank which arise for and during the term of twelve months after such transfer, to the same amount they would have been had such transfer not have been made; and that such agreement

Proviso.

Stockholders to sign agreement.

shall be filed with the Comptroller of this State, before such bank shall be entitled to the privileges of this act.

Approved, December 7, 1861.

No. 25.]

AN ACT

To prevent Corporations from becoming stockholders under the Free Banking law of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any corporation to be a stockholder in any bank hereafter to be established under the free banking law of this State; and the Comptroller shall not countersign any notes for any such free bank hereafter to be established applying therefor, where any corporation is a stockholder therein, directly or indirectly.

No corporation to be a stockholder.

Controller not to countersign notes.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Repealing clause

Approved, December 10, 1861.

No. 26.]

AN ACT

To encourage the Manufacture of Salt in the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of this State be, and he is hereby authorized to cause to be leased for a term, not exceeding ten years, any or all of the Salt Springs or Wells in this State, which belong to the State, at public or private letting, as to him shall be deemed most advisable; which spring or springs, or saline wells, shall be let, with such privileges of getting wood and other appliances necessary for the manufacture of Salt, on the part of the lessee, from the public lands of the State, as may be agreed upon between said lessee or

Governor to lease the salt springs.

Privilege of wood.

lessees and the Governor, for and on behalf of the State, or as the Governor may advertise to accompany and pertain to the lease, if such lease be made to the highest bidder at public auction.

Lessee to give bond.

SEC. 2. *Be it further enacted*, That the lessee shall give bond to the Governor, in the penalty of five thousand dollars, conditioned that such lessee shall commence as soon as practicable, not exceeding three months from the date of such lease, the manufacture of Salt at such spring or saline well, as the case may be, and will continue the manufacture thereof to the expiration of his said lease, or until the termination of the present war; and that he will not at any time, within the period of his lease, sell Salt manufactured at such spring or well so leased, for a sum greater than seventy-five cents per bushel, of fifty pounds, at the place of its manufacture; or if sold at other points, then only adding the actual cost of transportation and insurance, and that he will receive in exchange for it the usual currency of the country.

Price of salt fixed

Bonus of 10 cts. per bushel.

SEC. 3. *Be it further enacted*, That for every bushel of Salt of fifty pounds so made and sold to the citizens of this State, the State agrees to pay to the lessee the sum of ten cents; the evidence of such manufacture and sale to be made to the satisfaction of the Comptroller of Public Accounts, who thereupon shall draw his warrant upon the Treasurer for the amount; *Provided, however*, That no claim for such bounty shall be allowed until it shall amount to the sum of five hundred dollars; *Provided, further*, That said bounty shall be forfeited if such lessee refuses to sell the same in small quantities, so as to suit the convenience and supply the wants of purchasers by the small. *Provided, further*, that said sum of ten cents a bushel shall not be payable by the State upon a greater number of bushels than five hundred in any one year.

Proviso.

Amount of bonus limited.

Approved, November 11, 1861.

No 27.]

AN ACT

To amend an act to encourage the Manufacture of Salt
in the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the blank in section 1, of the act of which this is amendatory, be filled with the word two, so as to require the lessee to commence preparing for the manufacture of salt within two months from the date of the act under which the lease is to be obtained.

Lessee to commence in two months.

SEC. 2. *Be it further enacted,* That for the purpose of inducing some responsible person or company to lease the saline springs or wells in the county of Clarke, and to aid the lessee to commence the manufacture of salt at the earliest day practicable, the Governor be, and he is hereby authorized to advance to such party or parties as may lease said springs or wells, a sum of money not to exceed ten thousand dollars, to be expended by the lessee in the purchase of the materials required to commence operations, such as machinery, boilers and other indispensable fixtures, and to secure fidelity in the use of such advance, the Governor shall require the lessee to enter into bond with good security to faithfully comply with the provisions of this act.

Governor authorized to advance to lessee.

Lessee to give bond.

SEC. 3. *Be it further enacted,* That to reimburse the State for such advance as may be made under this act, the Governor shall be authorized and required to retain out of the bounty fund five cents per bushel, until the whole amount of the advance shall be returned to the State.

Five cents per bushel of bounty retained.

SEC. 4. *Be it further enacted,* That in the event the war should close before all the advance is returned out of the bounty fund as herein provided, and the lessee should abandon his lease at any time after the termination of the war, in such case the Governor shall relinquish on behalf of the State such portion of the advance to be made under this act as shall remain unrefunded, and the lessee shall turn over to the State, free of charge, all the improvements made upon the land of the State, including the machinery, boilers, and all other fixtures appertaining to the manufacture of salt used by said lessee.

Governor to relinquish part of the advance in a certain contingency.

Approved, November 19, 1861.

No. 28.]

AN ACT

Supplemental to two several Acts, in relation to the
Manufacture of Salt.

Discretion of the
governor in leas-
ing the salt re-
servations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized if in his judgment he may think it for the best interest of the State, to lease separately to different persons the two salt reservations belonging to the State, in the county of Clarke, under the provisions of "an act to encourage the manufacture of salt in the State of Alabama," approved Nov. 11, 1861, and if in his opinion it shall be advisable to lease the two reservations to the same persons, it shall be his duty to secure the efficient working of the salt springs on each reservation, and in any case to reserve the right to any citizen of this State to manufacture salt for his own use on either of said reservations, so as to hinder the operations of the lessees.

Lessees limited
to \$1 15 per bu.

SEC. 2. *Be it further enacted,* That the said act shall be further amended, so as to authorize the lessees of said salt springs to sell the salt which they may manufacture at \$1 15 per bushel of fifty pounds, instead of at seventy-five cents, to which said lessee is limited by said act.

Governor to di-
vide the appro-
priation.

SEC. 3. *Be it further enacted,* That the Governor be, and he is hereby authorized, to divide the appropriation of ten thousand dollars, which was made by an act to amend an act to encourage the manufacture of salt in the State of Alabama, approved Nov. 19th, 1861, under the provisions of the same, in such proportions as he may think best, between the lessees of said two salt reservations, if he shall deem it advisable to lease the same to different persons.

Approved, Dec. 7, 1861.

No. 29.]

AN ACT

To authorize the Governor to take possession of all the Salt in store, on shipboard, or held for sale in this State, for the public use, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever in the judgment of the Governor, the public necessity and public use require it, he is hereby authorized to take possession of all the salt in this State, which is stored, on shipboard, or held for sale, for the public use; and to make such disposition of the same, as the public use and public necessity may require; and he is hereby authorized to employ all the means necessary to accomplish these purposes.

Governor to take possession of all the salt for public use.

Make disposition of it.

Employ all necessary means.

SEC. 2. *And be it further enacted,* That just compensation shall be made to the owner of any salt which shall be taken under the provisions of this act. If the compensation shall be agreed upon by the owner and the Governor, the Governor shall draw his warrant on the State Treasurer, in favor of the owner, for the amount so agreed upon; but if the owner and the Governor shall fail to agree on the amount of compensation, at the time the salt shall be taken, the sheriff of the county in which the salt is taken, or his deputy, shall, on the verbal request of the Governor, or of the owner, forthwith summon a jury of twelve freeholders, or householders, who, after being duly sworn by the sheriff, or his deputy, to assess fairly the amount of compensation to be paid to the owner of the salt taken from him by the Governor, shall proceed to assess by their verdict, the amount of compensation so to be paid; and for the amount so assessed, the Governor shall forthwith draw his warrant on the State Treasurer, in favor of the owner, unless he shall elect to restore the salt to the owner, which he is hereby authorized to do; or, unless an appeal shall be taken, either by the owner, or the Governor, from the verdict of the jury, to the next term of the Circuit Court of the county in which the verdict is rendered; which appeal is hereby authorized to be taken, either by the Governor or the owner, within five days after the rendition of the verdict, by the appellant giving security for the costs of the appeal, to be approved by the sheriff, or his deputy, who shall have

Just compensation to be made.

Sheriff to summon jury in certain cases to determine compensation.

Appeal can be taken.

summoned the jury; and when an appeal shall so be taken, such sheriff, or deputy, shall thereupon return the verdict appealed from to the next term of the Circuit Court of his county; and the assessment of the amount of compensation shall be made *de novo*.

Owner taxed with costs in certain cases.

SEC. 3. *And be it further enacted*, That when an appeal shall be taken by the owner, as provided by the second section of this act, if the amount of compensation assessed in the Circuit Court be the same as that assessed by the verdict appealed from, or less, the owner shall be taxed with all the costs; and execution shall be issued against him and his security for costs for the amount thereof; but if the amount of compensation assessed in said Circuit Court, shall be greater than that assessed by the verdict appealed from, the costs shall be taxed against the Governor. And if the Governor shall appeal from the verdict, as provided in the second section of this act, and the amount of compensation assessed in the Circuit Court shall be less than that assessed by the verdict appealed from, the owner shall be taxed with all the costs, and execution shall be issued against him and his security for costs for the amount thereof; otherwise, the Governor shall be taxed with the costs.

Costs against the Governor in certain cases.

Owners taxed with costs.

Compensation of sheriff and jurors.

SEC. 4. *And be it further enacted*, That for the services of the sheriff, or his deputy, in each case provided for in the second section of this act, he shall receive five dollars, to be taxed in the bill of costs; and each juror who serves as provided by said section, shall receive one dollar, to be likewise taxed.

SEC. 5. *And be it further enacted*, That for any costs or necessary expenses incurred by the Governor under this act, he may draw his warrant on the State Treasurer, as occasion shall require.

Governor to draw his warrant for compensation assessed.

SEC. 6. *And be it further enacted*, That for the amount of compensation assessed in the Circuit Court, on appeal, the Governor shall, as soon as practicable, draw his warrant on the State Treasurer, in favor of the owner of the salt for which the compensation is assessed.

\$150,000 appropriated.

SEC. 7. *And be it further enacted*, That for the purpose of making compensation for any salt which shall be taken by the Governor, under the provisions of this act, and of paying any necessary expenses and costs that may be incurred by the Governor, under the same, the sum of one hundred and fifty thousand dollars, or so

much thereof as shall be necessary, is hereby appropriated out of any unappropriated money in the State Treasury,

SEC. 8. *And be it further enacted*, That if any person shall, after the approval of this act by the Governor, send or remove any salt from this State, or shall secrete any, with intent to evade the provisions of this act, he shall be guilty of a high misdemeanor, and on conviction thereof, shall be fined in a sum not less than one thousand dollars, and shall be imprisoned in the Penitentiary for a period not less than two years.

Penalty for removing salt from the State.

SEC. 9. *And be it further enacted*, That from and after the approval of this act by the Governor, it shall be unlawful for any person, except an agent of this State, or of the Confederate States, to send any salt out of this State, or to sell salt to any person, to be sent or carried out of this State, without the consent of the Governor.

Unlawful to sell salt to go out of the State.

SEC. 10. *And be it further enacted*, That any person who shall violate any of the provisions of the eighth section of this act, shall be liable to indictment, and on conviction, shall be fined in any sum the jury may assess, not less than five hundred nor more than five thousand dollars; and at the discretion of the jury trying the case, may be imprisoned in the Penitentiary for any period not exceeding five years.

Penalty.

Approved, Nov. 9, 1861.

No. 30.]

AN ACT

To amend the 10th section of "An act to authorize the Governor to take possession of all the Salt in store, or on shipboard, or held for sale in the State, for the public use, and for other purposes," approved Nov. 9, 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the 10th section of the above recited act, be and the same is hereby amended by striking out the word "eighth" and inserting in lieu thereof the word "ninth."

Approved, Nov. 16, 1861.

No. 31.]

AN ACT

Declaratory of the meaning of "an act, entitled an act to authorize the Governor to take possession of all the Salt in store, on shipboard, or held for sale in the State, for the public use, and for other purposes," approved Nov. 9, 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That none of the provisions of the above recited act, was intended to apply or shall apply to any salt brought or imported into this State since the passage of said act.

Approved, December 9, 1861.

No. 32.]

AN ACT

To amend an act therein named.

Warrant to be on Auditor or Comptroller.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section seven of "an act to authorize the Governor to take possession of all the salt in store, on shipboard, or held for sale in the State, for the public use, and for other purposes," approved Nov. 9, 1861, be so amended as that the appropriation of one hundred and fifty thousand dollars therein made, shall be payable on the order of the Governor, on the Auditor of the Treasury, or Comptroller of Public Accounts, as in the case of military accounts, out of the moneys raised for the military defense of the State, under acts approved 29th January and 2d February, 1861, or any other funds in the treasury not otherwise appropriated.

SEC. 2. *And be it further enacted,* That wherever in said act, the Governor is directed to draw his warrant on the Treasurer, the same be so amended as that he shall be directed to draw his order on the Auditor of the Treasury, or Comptroller of Public Accounts, and that the Auditor's or Comptroller's warrants drawn in pursuance of such orders on the treasury, shall be payable out of the moneys raised for the military defense

of the State, as aforesaid, or any other funds in the treasury not otherwise appropriated.

Approved, December 9, 1861.

No. 33.]

AN ACT

To Regulate Judicial Proceedings.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all existing judgments and decrees for the payment of money, rendered by any Circuit, Chancery, or Probate Court of this State, or by the City Court of Mobile, or by the County Court of Montgomery, or by any Justice of the Peace of this State; and all existing judgments on forfeited bonds, on which judgment, decree, or forfeited bond an execution can now be issued; and all judgments rendered by any of said courts or justices hereafter; and all judgments on bonds which shall be forfeited hereafter, shall be liens on all the property of the parties against whom such judgments and decrees have been or shall be rendered, or who are or shall be bound by any bond having the effect of a judgment, when forfeited, which is now subject to levy and sale, except the crops of such parties, and such property as is consumable in its use, including every description of live stock: and no lien of any judgment, decree, or forfeited bond, shall be lost or impaired by the death of the party bound thereby, after the approval of this act, nor by the insolvency of his or her estate.

Lien on property

SEC. 2. *And be it further enacted,* That if the defendant in such judgment, decree, or forfeited bond, shall tender payment of the amount due thereon, to the creditor therein, or his attorney of record, in current bank notes, or in bonds or treasury notes of the Confederate States, or of this State, and the creditor or attorney shall refuse to receive them at their par value, the lien of such judgment, decree, or forfeited bond, and of all executions thereon, shall thereby be discharged, and prevented.

Defendant may make tender.

SEC. 3. *And be it further enacted,* That any debtor de-

How a lien may
be removed.

siring to remove the lien of any such judgment, decree, or forfeited bond, before payment of the debt, or making the tender aforesaid, may do so by procuring at least two good and sufficient sureties, to be approved by the judge, chancellor, or justice in whose court the judgment, decree, or forfeited bond remains, to confess judgment in such court for the amount of principal, interest and costs due thereon, from such debtor; and such confessed judgment shall not be a lien, either on the property of the principal debtor, or of his sureties; nor shall any execution on such confessed judgment, or on the original judgment, be a lien on the property of any of the parties.

How an execu-
tion may be
stayed.

SEC. 4. *And be it further enacted*, That if any execution upon any judgment, decree, or forfeited bond for the payment of money, shall be in the hands of an officer for collection, at the date of the approval of this act, and the plaintiff therein, or his attorney of record, will, in writing thereon, direct the officer to receive payment of the interest and costs due thereon, in current bank notes, or treasury notes of the Confederate States, or of this State, at par value, the officer shall proceed to collect such interest and costs, and shall then return the execution "stayed by operation of law, as to the principal." But if the plaintiff, or his attorney of record, will not give such direction, the officer shall return the execution to the court from which it issued, "stayed by operation of law," and no other execution shall be issued upon the same judgment, decree, or forfeited bond, until the expiration of one year from the date of the ratification of a treaty of peace between the Confederate States and the United States; and any property upon which such execution shall have been levied, shall be restored by the officer to the defendant in execution. *Provided, however*, that this section shall not apply to executions issued in attachment cases, except as herein provided.

Proviso.

No execution to
issue hereafter.

SEC. 5. *And be it further enacted*, That no execution shall be issued upon any such existing judgment, decree, or forfeited bond, nor upon any judgment or decree which shall be rendered hereafter, without the written consent of the defendant, until after the expiration of one year from the date of the ratification of a treaty of peace between the Confederate States and the United States, except in attachment cases, and for the interest

Exception.

and costs due upon such judgment, decree, or forfeited bond, and as hereinafter provided, and in the following cases: If the plaintiff in any judgment, decree, or forfeited bond, or his agent, attorney, or assignee, will make affidavit before the officer whose duty it shall be to issue the execution, that the debtor in the judgment, decree, or bond, is about to remove his property out of this State; or is about to dispose of his property fraudulently; or has disposed of his property fraudulently; or is about to dispose of his property so as to defeat the lien of the judgment, decree, or forfeited bond; and will give bond with at least two good sureties, to be approved by such officer, in a penalty of double the debt, payable to the debtor, and conditioned as attachment bonds are required to be conditioned, then execution may be issued on such judgment, decree, or forfeited bond, and the same proceedings shall be had thereon as if this act had not been passed.

The cases.

SEC. 6. *And be it further enacted,* That execution may be issued for the collection of the interest and cost due upon any such existing judgment, decree, or forfeited bond, as is specified in the first section of this act, or upon any bond which shall be forfeited hereafter, or upon any judgment or decree which shall be rendered hereafter, whenever the plaintiff therein, or his attorney of record, will, in writing thereon, direct the officer having the collection thereof, to receive payment of the interest and costs due, in current bank notes, or treasury notes of this State, or of the Confederate States, at their par value; and when the direction shall be so given, the proper officer shall proceed to collect the interest and costs due, accordingly.

Execution may issue in certain contingency.

SEC. 7. *And be it further enacted,* That if it shall be made to appear to the court, in any suit or proceeding commenced after the approval of this act, upon any contract, express or implied, for the payment of money, that before the commencement of the suit or proceeding, the defendant, or defendants therein, or his or her personal representative, tendered payment of the debt in bonds or treasury notes of this State, or of the Confederate States, or in current bank notes; or tendered payment of the interest due on the contract, in current bank notes, or treasury notes of this State, or of the Confederate States, and that the plaintiff refused to receive them at their par value, the court shall continue

Suits may be continued.

the suit or proceeding, from term to term, for three terms of the court, exclusive of the term at which the suit or proceeding was commenced; and when judgment shall be rendered in the cause, the plaintiff shall be taxed with all the costs, and execution shall be issued therefor. But if the defendant shall fail to prove such tender, or that he has paid the interest due, he shall be taxed with all the costs, if the plaintiff recover.

Sixteenth section debts.

SEC. 8. *And be it further enacted*, That no sixteenth section debt shall be put in suit before the ratification of a treaty of peace between the Confederate States and the United States, if the interest shall be paid within ninety days from the date of the approval of this act, and on the first day of every March thereafter, unless the trustees of the township to which it belongs, or a surety for the debt, shall require it to be done.

No judgment against volunteers.

SEC. 9. *And be it further enacted*, That no judgment shall be rendered (except in attachment cases already commenced) against any citizen or resident of this State who is, or shall be a volunteer in the actual military service of this State, or of the Confederate States, so long as he continues in such military service as a volunteer, except in favor of a surety or endorser of such volunteer, who has paid the debt since he volunteered.

Court entry to show separately principal and interest.

SEC. 10. *And be it further enacted*, That when a judgment or decree shall be rendered hereafter on any contract for the payment of money, it shall be the duty of the court rendering the judgment or decree, to cause the judgment entry to show the separate amounts of principal and interest for which the judgment or decree is rendered.

Suit upon open account.

SEC. 11. *And be it further enacted*, That if it shall be proved in any suit upon an open account, or other unliquidated demand not sounding in tort, that the defendant failed for thirty days after request, to pay, or give his note for the demand, and the plaintiff shall recover the amount which he requested the defendant to pay, or give his note for, the defendant shall be taxed with all the costs, and shall not be entitled to the benefit of any of the provisions of this act; and the court shall direct in the judgment entry that execution shall issue "without stay or condition."

SEC. 12. *And be it further enacted*, That whenever in-

terest shall be paid, or collected, on any judgment, decree, or forfeited bond, in conformity to the foregoing provisions of this act, and the defendant, or defendants, in the judgment, decree, or forfeited bond, or his, her or their personal representative, shall fail to pay the interest accruing afterwards, at the expiration of twelve months from the date of the last payment of interest, the plaintiff, or plaintiffs, or his, her, or their personal representative, may sue out execution on the judgment, decree, or forfeited bond, and collect the interest due, by a levy upon and sale of any of the property of the defendant, or defendants, which shall be subject to levy and sale; and may continue to do so until payment of the principal shall be coerced, in conformity to the provisions of this act. *Provided, however,* that before any

Execution may
issue upon fail-
ure to pay inter-
est.

Proviso.

such execution for interest shall be levied, the plaintiff therein, or his attorney of record, shall endorse thereon that the sheriff, or other officer, as the case may be, may receive in payment of such interest current bank notes, or treasury notes of this State, or of the Confederate States, at their par value.

SEC. 13. *And be it further enacted,* That no property

Deeds of trust.

except such as is perishable in its nature, other than slaves, conveyed by any existing deed of trust, or mortgage to secure the payment of a debt, whether it contains a power of sale or not, shall, without the consent of the maker or makers thereof, be sold to pay the debts secured thereby, until after the expiration of one year from the date of the ratification of a treaty of peace between the Confederate States and the United States, except under a decree of a court of chancery, or under execution upon a judgment at law upon the debt secured by the conveyance; unless the trustee or mortgagee have actual possession of the property conveyed; and if it shall be made to appear to the court in any suit either at law or in equity, to enforce payment of the debt secured by any such conveyance, that before the commencement of the suit, the maker or makers of the conveyance, or his or their personal representative, either offered to pay the debt due in coin, current bank notes, or bonds, or treasury notes of the Confederate States, or of this State; or offered to pay the interest due on the debt, in coin, current bank notes or treasury notes of the Confederate States, or of this State, and that the holder of the debt refused to accept the offer,

the court shall continue the cause from term to term for three terms, exclusive of the term at which the suit was commenced; and when a judgment or decree shall be rendered in the cause, the plaintiff shall be taxed with all the costs.

To be continued
if interest is paid

SEC. 14. *And be it further enacted*, That any suit now pending in any of the courts of this State, to recover property conveyed by deed of trust or mortgage, under the provisions of an act entitled an act to regulate judicial proceedings, and for other purposes, approved the 8th of February, 1861, shall be continued from term to term, until the expiration of one year from the date of the ratification of a treaty of peace between the Confederate States and the United States, if, before the rendition of a judgment or decree in such suit, the maker of the conveyance, or his or her personal representative shall pay, or offer to pay to the holder of the debt secured thereby, all the interest due on the debt, either in coin, current bank notes, or treasury notes of this State, or of the Confederate States; and shall continue thus to pay, or offer to pay, the interest due, annually, after the first payment, or offer to pay, during the pendency of the suit; or shall tender payment of the debt and interest, in current bank notes, or bonds, or treasury notes of this State, or of the Confederate States, and the holder of the debt shall refuse to receive them.

Sheriff, &c., not
liable for dama-
ges.

SEC. 15. *And be it further enacted*, That no sheriff, coroner, or constable, shall be held liable for any damages, over and above the principal, interest and costs due on an execution in his hands, by reason of his having failed since the first day of April, 1861, to make the money on such execution.

Sections of a cer-
tain act repealed

SEC. 16. *And be it further enacted*, That all the provisions of an act entitled "An Act to Regulate Judicial Proceedings, and for other purposes," approved the 8th of February, 1861, except sections 1, 4, 5, 6 and 7; and the act explanatory of said act, approved the 9th of February, 1861, be, and the same are hereby repealed: *Provided, however*, that all bonds taken in pursuance of said act, shall remain valid; and if the conditions be not complied with, may be returned forfeited, as provided by said acts, and when forfeited, executions may issue thereon, as provided by this act.

SEC. 17. *And be it further enacted*, That all the provisions of the statute of limitations contained in article

1, of chapter xxi, part 3, title 1, of the Code of this State, be, and the same are hereby suspended, until the expiration of twelve months from the date of the ratification of a treaty of peace between the Confederate States and the United States, both at law and in equity, so that the time elapsing during such suspension shall not hereafter be computed: *Provided, however,* that no claim, right, interest, or cause of action which at the approval of this act is barred by any provision or part of any statute of limitation or non-claim shall be revived or made good by anything contained in this act.

Suspension of provisions of the statute of limitations.

Proviso.

SEC. 18. *And be it further enacted,* That when a judgment shall be rendered in any proceeding by attachment, and the property on which the attachment was levied shall not be sufficient to pay the debt, execution for the balance of the debt shall be governed by the rules prescribed by this act, in respect to other executions: *Provided, however,* that any citizen of the Confederate States who is attached as a non-resident, shall be entitled to all the benefits and privileges of this act to which other defendants are entitled.

Regulation of execution for balance.

SEC. 19. *And be it further enacted,* That if any levy has been made under any execution, (except for taxes or debts due this State) any defendant therein, upon delivering to the officer holding such execution a written suggestion that there is some irregularity or illegality in the execution, or in its issue, or in the proceedings under it, shall have the right to give a bond in double the amount of the execution, with good security, to be approved by such officer, payable to the plaintiff in the execution, and conditioned to pay to the plaintiff the amount of the execution, and interest and costs thereon, if the suggestion is not established as true; such bond shall operate as a supersedeas, and shall be returned with the execution to the court to which the execution is returnable, with an endorsement on the execution to this effect, to wit: "Stayed by suggestion and bond under the statute." The court to which such return is made shall try any issue made up as to the truth of such suggestion; if the suggestion is established as true, the court shall enter judgment amending the defect or defects which may be shown, at the cost of the plaintiff in execution, and declaring the bond to have the force of a judgment against all the obligors therein, at the costs of the defendant in execution and

Written suggestion as to irregularity or illegality.

Court tries issue

Appeal may be
taken.

his sureties. From any such judgment any of the parties may appeal within six months, either to the Circuit or Supreme Court, upon giving an appeal bond in double the amount of the execution, payable to the appellee, with sufficient security, and with condition to prosecute the appeal to effect, and to satisfy such judgment as the appellate court may render in the premises; which bond may be approved by the justice, judge, clerk or register of the court from which the appeal is taken, and shall operate as a supersedeas: *Provided*, that all the provisions of this section shall apply to executions or orders of sale issued in cases commenced by attachment, or in which attachments may have been or may be issued, as fully as to an execution issued in any other kind of case.

Proviso.

Approved, December 10, 1861.

No. 34.]

AN ACT

To amend the act, approved 8th Feb. 1861, entitled "an act to regulate Judicial proceedings and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited act shall not be so construed as to apply to any remedy in force prior to the passage of said act regulating proceedings in cases of forcible entry and detainers or unlawful detainers, but the remedy in such cases shall exist as if said act of the 8th February, 1861, had not passed, any law to the contrary notwithstanding.

Approved, December 9, 1861.

No. 35.]

AN ACT

To amend "an act to regulate Judicial Proceedings and for other purposes," approved Feb. 8th, 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section six of an act, entitled "an act

to regulate Judicial proceedings and for other purposes," be amended by adding the words "or of the Confederate States" after the words "this State," in the third line of said section.

Section 6 amended.

Approved, December 10, 1861.

No. 36.]

AN ACT

To appropriate the balance of the Three Per Cent Fund now in the Treasury of the State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the three per cent fund now on hand and in the treasury, amounting to five thousand eight hundred and sixty-one dollars and ninety-nine cents, be and the same is hereby appropriated to the Alabama and Tennessee Rivers Rail Road company on the terms and conditions hereinafter mentioned.

Balance appropriated to Ala. and Tenn. Rivers Railroad.

SEC. 2. *Be it further enacted,* That the appropriation hereby made shall be taken in stock in said rail road company in the name of the State of Alabama, in the manner and on the same terms specified in the act of the General Assembly, entitled "an act to appropriate the unappropriated part of the two per cent. fund, and a portion of the three per cent. fund," approved February 4th, 1850, and certificates of stock shall be issued to the State of Alabama in the same manner for the amount hereby appropriated as required by said last mentioned act.

Appropriation taken as stock.

SEC. 3. *Be it further enacted,* That said sum hereby appropriated, after the certificate of stock shall first have been issued to the State of Alabama, shall instantly be paid over to the Treasurer of the State in part payment of the first interest that will be falling due from the said Alabama and Tennessee Rivers Rail Road on the loan heretofore made to said company under and by virtue of the act of the General Assembly, entitled "an act to loan and appropriate the three per cent. fund and its interest," approved February 18, 1860.

To be paid to the State Treasurer as part payment of interest.

Approved, December 9, 1861.

No. 37.]

AN ACT

To make an appropriation for the payment of Interest on State Bonds.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an appropriation be and the same is hereby made from any moneys in the treasury not otherwise appropriated, of such sum as may be necessary to meet the interest on coupon bonds heretofore authorized to be issued by the State of Alabama, payable at the State Treasury and at the Bank of Mobile, as the same becomes due and payable, and that the Comptroller of Public Accounts be and he is hereby required to draw his warrant therefor on the State Treasurer in favor of such person or persons as are entitled to receive the same.

Approved, November 11, 1861.

No. 38.]

AN ACT

To Suppress Monopolies.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That no person or persons shall buy up live stock, or any commodity whatsoever, with the intent to produce a scarcity of the same in the market, so that by reason of such scarcity he may obtain a higher price therefor.

SEC. 2. *Be it further enacted,* That no persons shall combine to buy up live stock, or commodities of any kind, with intent to produce a scarcity thereof in the market, so that by reason of such scarcity they may obtain higher prices therefor; and by the word "market" in this act is meant not only places where live stock or commodities are brought together for sale, but anywhere in town or country where such things are produced, or sold, or wanted.

SEC. 3. *Be it further enacted,* That the judges of the several circuit courts of this State shall give this act in charge to the grand juries, who shall inquire into and

Appropriation to pay interest.

Comptroller to draw warrant on State Treasurer.

No person to buy up commodities to produce scarcity.

Combinations not to do it.

Meaning of word "market."

Judge to charge grand juries.

present all violations of this act, and any person convicted on indictment or presentment, under this act, may be fined, at the discretion of the jury, and imprisoned not exceeding one year.

Penalty for violation of this act.

SEC. 4. *Be it further enacted*, This act shall be in force from the date of its passage to the end of the pending war between the Confederate States and the United States; but the termination of the war shall not abate any prosecutions then pending, nor shall it be a bar to the institution of new prosecutions for any violation of this act that may have been committed during the war.

Period of the force of the act.

Termination of war not to abate prosecution.

Approved, November 11, 1861.

No. 39.]

AN ACT

To Prohibit Buying under False Pretenses.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That no person shall buy any articles of food or clothing, or any other property, upon the false pretense that he is employed or authorized to do so by the Confederate States of America, or any one of said States, or by any individual, society, partnership, or corporation, engaged in manufacturing or preparing arms, munitions, or other warlike stores, or food, clothing, or other material, for the use of the soldiers aforesaid, or upon the false pretense that he is buying any of the articles or property aforesaid for the use or benefit of the Confederate States, or any of them, or for the use or benefit of the soldiers thereof, whether he pretends to have authority to do so, or not, and whether the person buying under false pretense aforesaid shall pay for the property so bought at the time of the purchase, or shall buy the same on credit, shall make no difference at what price he may have obtained any of the articles or property aforesaid.

Food, clothing, &c., not to be bought on false pretense.

SEC. 2. *Be it further enacted*, That grand juries shall inquire into all violations of this act, and the act shall be given in charge by the circuit judges, and to enable them to do so, the said grand juries shall have all the powers, and be subject to all the duties imposed by the penal code of this State.

Grand juries to inquire into violation.

An aggravated case to be tried as "felony."

SEC. 3. *Be it further enacted,* That whenever any grand jury shall make a presentment, or find an indictment under this act, and shall believe that the offense is so aggravated as to deserve imprisonment in the penitentiary, they shall endorse on the presentment or indictment "aggravated," signed by their foreman, and then the trial shall be conducted as in cases of felony, and if the defendant is found guilty the jury may find that he be imprisoned in the penitentiary not less than two nor more than five years, or that he pay a fine to be assessed by them at discretion, or be imprisoned in the county jail not exceeding one year. If the indictment or presentment is not endorsed "aggravated," then the trial shall be conducted as in cases of misdemeanor. If the defendant pleads not guilty, and the verdict shall be against him, the jury may assess the fine at discretion, or the court shall imprison the defendant not exceeding one year. If the defendant pleads guilty, the jury may assess the fine, and the court the imprisonment, as aforesaid.

Penalty.

Other cases to be tried as a "misdemeanor."

Penalty.

Act in force during the present war.

SEC. 4. *Be it further enacted,* That this act shall be in force from its passage till the end of the present war between the Confederate States and the United States, but any violation of it during the war may be prosecuted notwithstanding the termination of the war.

-Approved, November 11, 1861.

No. 40.]

AN ACT

To Suspend for a Specified Time the Operation of the 36th Section of the Ordinance "In Relation to the Waste and Unappropriated Land in the State of Alabama," Adopted March 20th, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the 36th section of the ordinance "In relation to the waste and unappropriated land in the State of Alabama," adopted March 20th, 1861, be and the same is hereby suspended and declared inoperative during the continuance of the war with the United States, and for one year thereafter.

Approved, November 8, 1861.

No. 41.

AN ACT

To provide for carrying out the requirements of Section 34 of an Ordinance "in relation to the waste and unappropriated Land in the State of Alabama," adopted 20th March, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioner of public lands is hereby authorized to employ any number of clerks which he may find it necessary to assist in issuing and recording patents for lands entered or located prior to the 11th January, 1861, and to charge for each of said patents issued the sum of fifty cents, to be paid by the party applying for the patent: *Provided,* That any person who has made several entries or locations for which no patents have issued shall not be required to pay more than fifty cents for the patent of such several entries or locations: and, *Provided further,* That if the fees so received exceed in any one year two thousand dollars, the excess shall be paid by the commissioner into the treasury of this State; and *Provided,* also, that all the expenses of preparing the patents shall be paid out of said fees, to be received as aforesaid: *Provided further,* no patent shall be issued, except upon the application of the party legally holding the certificate of purchase and on return of such certificate.

Commissioner to employ clerks.

Fee of fifty cents for each patent.

One patent for several entries or locations.

Excess of \$2000 to be paid into State treasury.

Proviso.

Another proviso.

Approved, December 10, 1861.

No. 42.]

AN ACT

To compensate the receivers of public moneys at certain District Land Offices in Alabama, and in relation to canceled entries.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the receivers of public moneys at the district land offices, located at Elba, Greenville, Huntsville, St. Stephens, and Tuscaloosa, shall be entitled to compensation at the rate of five hundred dollars per annum, and one per centum on the receipts for public

Compensation of certain receivers

lands at those offices for their services since the adoption of the ordinance in relation to the waste and unappropriated land in the State of Alabama: *Provided*, That the salary of no receiver of public moneys shall exceed the amount received at his office from the sale of public lands, and the commissioner of public lands is hereby authorized and required to allow such compensation to said receiver: *Provided*, That such persons shall only be paid for the length of time during which they shall have actually performed duties as such receiver, of which services satisfactory evidence shall be made to the commissioner of public lands: and, *Provided further*, that they shall receive no pay or compensation for any services they may hereafter render.

Proviso.

Money for entries in certain cases to be refunded.

SEC. 2. *Be it further enacted*, That in all cases where entries have been improperly made at any land office in the State, of lands donated by the Congress of the United States to any railroad company, and which entries have been canceled, the amount of money paid for the entry of such land shall be refunded back to the person paying the same, by the receivers of said land offices, out of any public monies in their hands, on application of the party entitled to the same: *Provided*, The party applying has not heretofore received his money.

Proviso.

In overcharged cases money to be refunded.

SEC. 3. *And be it further enacted*, That said receivers shall also refund to any person any amount of money that may have been overcharged to said person on any entry heretofore made at said offices out of any public moneys in their hands on the application of the party entitled to the same.

Approved, December 10, 1861.

No. 43.]

AN ACT

To require the Registers and Receivers of Public Lands in this State to receive in payment for lands entered, the current notes of the banks of this State, the Treasury notes of the government of the Confederate States and of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That hereafter the Register and Receivers of the several land offices in this State shall be required to receive in payment for all public lands entered at their offices the current notes of any of the chartered or free banks of this State, and the Treasury notes of the government of the Confederate States and of this State.

Approved, November 28, 1861.

No. 44.]

AN ACT

In relation to the location of Bounty Land Warrants.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all warrants for military bounty land issued under any law of the United States, and which were held and owned by citizens of this State on the 11th of January, 1861, are hereby declared to be assignable according to such form as may be prescribed by the commissioner of public lands, so as to vest the assignee with all the rights the owner of the same had on said 11th January, 1861.

Land warrant assignable.

SEC. 2. *Be it further enacted*, That said warrants may be located by said owners, their heirs, executors, administrators or assignees, upon any of the public lands of the State subject to private entry according to the legal subdivisions thereof, taking said land at the price at which the same is subject to private entry, and reckoning the warrants at one dollar and twenty-five cents per acre for the number of acres therein contained, and said warrant may be located upon separate bodies of land, or in one body, as the holder or owner thereof may desire: *Provided*, That such holder or owner of a bounty land warrant shall be required to take up or enter the full amount of lands called for in his warrant when he applies to locate the same or give it up to be canceled for any overplus.

May be located upon any public land subject to private entry.

May be located upon separate bodies of land. Proviso,

Approved, December 9, 1861.

No. 45.]

AN ACT

To Legalize Certain Entries of Land.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all entries of land which may have been made within fifteen miles of any railroad in this State under the provisions of the 36th section of an ordinance in relation to the waste and unappropriated lands in the State of Alabama, approved March 20th, 1861, be and the same are hereby legalized and made valid.

Approved, December 9, 1861.

No. 46.]

AN ACT

In Relation to Certain Public Lands in this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Central Railroad Company, or their assignees be and are hereby required to locate, select and designate the portions of the public lands in this State granted to said company by the government of the United States, within nine (9) months from the date of the approval of this act in conformity to the provisions of said grant.

Time fixed for
Central R. R. Co.
to locate lands.

After that time
lands withheld
from market to
be subject to pri-
vate entry.

SEC. 2. *Be it further enacted,* That from and after the expiration of nine (9) months from the date of the approval of this act all lands which have been withheld from entry and sale to enable said company to make such location and designation. and not so located, selected and designated, shall be subject to entry as provided by the 29th section of the "Ordinance in relation to the waste and unappropriated lands in the State of Alabama."

SEC. 3. *Be it further enacted,* That all the provisions of this act shall apply to the North and South Alabama Railroad, and to the lands which have been withdrawn from the market for the benefit of said railroad.

Approved, December 9, 1861.

No. 47.]

AN ACT

To make transcripts from Land-Offices evidence in
Certain Cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That transcripts of any official book, official entry, or any other document pertaining to any land-office in this State, certified by the Register of such land-office, shall be received as prima facie evidence of the facts contained in such transcripts so certified in all the courts of this State.

Transcripts of
land office regis-
ters evidence.

SEC. 2. *Be it further enacted,* That no transcript from the office books of the department and other office books of the United States given and obtained since the act of secession of the State of Alabama to wit: since the 11th day of January, 1861, shall be received in evidence in any of the courts of this State during the continuance of the war between the United States and the Confederate States, any law to the contrary notwithstanding.

No transcript
from office books
of U. S. given
since 11th Janu-
ary, 1861, to be
evidence during
the war.

Approved, December 9, 1861.

No. 48.]

AN ACT

Fixing the time of the meeting of the General Assembly of the State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the sessions of the General Assembly shall commence and be holden on the second Monday in November, in each and every year.

Approved, December 9, 1861.

No. 49.]

AN ACT

To prohibit the taking of Mileage for constructive travel between the adjournment of the Called Session and the meeting of the Regular Session of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be lawful for any member of either the House of Representatives or Senate to charge or receive mileage for any travel between the adjournment of this extra session and the assembling of the two Houses in regular session on the 11th day of November, 1861. Nor shall any mileage be charged or received between the adjournment of any called or regular session and the assembling of any regular or called session, when the interval between the two sessions shall not be more than four days.

Approved, Nov. 6, 1861.

No. 50.]

AN ACT

To change the time of the election of Representatives from Alabama to the Congress of the Confederate States of America.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the time of holding the elections for Representatives from Alabama to the Congress of the "Confederate States of America," shall be on the first Monday in August in the year 1863, and on the same day every second year thereafter: subject to all the rules and regulations now in force for the holding of such elections.

Approved, December 10, 1861.

No. 51.]

AN ACT

To continue the office of Commissioner and Trustee for closing any remaining unsettled business of the State Bank and Branches, and to provide for the payment of the Foreign debt of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Whiting be, and he is hereby continued in the office of Commissioner and Trustee, to settle any remaining business of the State Bank and Branches, and to provide for the payment of the foreign debt of the State and the interest thereon, with the same powers heretofore conferred upon him by law: *Provided,* he shall give bond and security, as heretofore provided by law, for the faithful discharge of his duties: *And provided further,* That this act shall remain in full force until otherwise directed by the General Assembly.

SEC. 2. *And be it further enacted,* That the compensation of said Commissioner shall hereafter be at the rate of one thousand dollars per annum, instead of the salary now fixed by law.

Approved, December 4, 1861.

No. 52.]

AN ACT

To authorize Executors, Administrators and Guardians to rent land, and to amend section 1750 of the Code of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever the estate of a deceased person, or the estate of a person under guardianship, is or shall be authorized to be kept together for any specified time, the probate court having jurisdiction of the estate may, upon the application of the executor, administrator or guardian, authorize him or her to rent land for the benefit of the estate: *Provided, however,* That proof shall first be made in the court, that there is not enough of cleared land belonging to the estate to cultivate, or

that the interest of the estate requires that land should be rented for its use.

Section 1750
amended.

SEC. 2. *Be it further enacted*, That section 1750 of the Code of Alabama be, and the same is hereby amended, by striking out of said section "on application to and an order from the court."

Approved, December 5, 1861.

No. 53.]

AN ACT

To allow compensation to Executors, Administrators and Guardians, in certain cases.

Commissions on
property distrib-
uted.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, on the appraised value of all personal property distributed and on the amount of money and solvent notes distributed by executors and administrators, they shall be allowed the same commissions as upon disbursements.

On final settle-
ment.

SEC. 2. *Be it further enacted*, That upon all final settlements by guardians, they shall be allowed commissions as upon disbursements on the value of property, the amount of solvent notes, and the amount of money decreed to be paid over to the ward or to the succeeding guardian: *Provided*, That the judge of probate allowing said commissions, shall, in his sound discretion, be of opinion that the same are not unreasonable under all the circumstances, and that not more than one per cent. commissions be allowed on distribution of property in specie, above the amount of twenty thousand dollars.

Proviso.

Approved, December 7, 1861.

No. 54.]

AN ACT

To authorize Executors, Administrators, Guardians and Trustees, to make loans to the Confederate States, and to purchase and receive in payment of debts due them, bonds and treasury notes of the Confederate States or of the State of Alabama, and coupons which are due on bonds of the Confederate States and of said State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That executors, administrators, guardians and trustees, may subscribe money or produce of estates committed to them, respectively, to any loan that has heretofore been called for, or that shall hereafter be called for during the war now existing by the Confederate States of America, without incurring any personal responsibility by so doing; and the bonds or treasury notes which shall be received for such subscriptions, shall be assets of the estates for which the subscriptions shall be made, and be accounted for as such.

May subscribe to loans.

Bonds or treasury notes assets.

SEC. 2. *And be it further enacted,* That no executor, administrator, guardian or trustee, shall be held personally liable to the estate or *cestui que* trust, respectively, on account of any subscription of either money or produce heretofore made by him as such executor, administrator, guardian or trustee, to any loan that has been called for by the Confederate States; and the bonds or treasury notes which have been or shall be received for any such subscription, shall be assets of the estate for which the subscription was made, and shall be accounted for as such.

Not liable.

SEC. 3. *And be it further enacted,* That all guardians, executors, administrators and trustees, may purchase bonds of the Confederate States, or of the State of Alabama, for the estates they respectively represent, and may receive in payment of any debts due them as such, or due the estates they respectively represent, the treasury notes of said Confederate States and of said State; the bonds of said Confederate States and of said State; and coupons which are due on bonds of said Confederate States and of said State.

May purchase bonds or receive treasury notes.

SEC. 4. *And be it further enacted,* That all bonds purchased or received as aforesaid, shall be credited to the

To be credited.

To be reported. guardian, executor, administrator or trustee, at the amount actually and *bona fide* paid for them, or at which they shall be *bona fide* received in payment; and all bonds so purchased or received shall be reported by the executor, administrator, guardian or trustee, to the court having jurisdiction of the estate he represents, within sixty days after the purchase or receipt in payment of the same, unless good cause shall be shown to the proper court for not making the report within that time; or they shall not be so credited.

Repealing clause SEC. 5. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, November 9, 1861.

No. 55.]

AN ACT

To provide for publication in certain cases.

May publish in adjacent newspaper.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever publication has been directed to be made in a particular newspaper by the order or decree of any probate, chancery or circuit court of this State, and such publication has not been or cannot be completed by reason of the suspension or discontinuance of the newspaper in which publication was directed, then and in that case it shall and may be lawful to make publication in some adjacent or convenient newspaper, and also at the courthouse door of the county in which the paper wherein publication was directed, was published, and two other public places in the county.

Discretion of officer.

SEC. 2. *Be it further enacted*, That if such publication was for the sale of property or the performance of any particular duty or thing at or within a certain specified time, and the publication by reason of the suspension or discontinuance of the newspaper in which publication was to be made cannot be completed by or within the time set, then it shall and may be lawful for the sheriff, register, or other officer or party, whose duty it is to make publication under the order or decree of the court, to give notice for the sale or performance of such duty or act, as required in any such order or decree, at

as early a day as practicable after the completion of publication as required in the preceding section of this act; and sale or performance of any duty or act under and in obedience to such publication, shall be as valid and binding as if had or done under a strict compliance with the order or decree of the court as to publication.

Approved, December 9, 1861.

No. 56.]

AN ACT

To explain an act, approved February 5th, 1856, entitled an act to amend an act, approved February 15th, 1854, and to extend the jurisdiction of the Probate courts of the several counties of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the true intent and meaning of the third section of said act is, that not only the sale of the property therein provided for shall be conducted in all respects as is done when property in the hands of an executor or administrator is to be distributed, but that the collection of the purchase money, the conveyance of the title and all proceedings subsequent to such sale, shall be conducted in like manner.

True intent of section 8.

SEC. 2. *Be it further enacted,* That the commissioners acting under said statute may discharge themselves from all liability for moneys received by them for property sold under said act, by paying over the same into the hands of the Judge of Probate, having deducted therefrom the cost and expenses attending the sale, including the same commissions as executors or administrators receive for collecting and disbursing, and such nett proceeds shall be distributed by the said Judge of the Probate Court to the persons respectively entitled.

Commissioners may discharge themselves from liability.

Approved, November 11, 1861.

No. 57.]

AN ACT

To authorize certain settlements in the Probate Courts of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, whenever any Probate Judge of this State shall be incapacitated under the provisions of section 560 of the Code, from making the administration settlements of any county administrator, it shall be lawful for the Register in Chancery of the district in which the county of such Probate Judge is situated, to make said settlements as if he were the Probate Judge.

SEC. 2. *Be it further enacted,* That the said Register shall make such settlements in the probate court without the removal of the original papers or records from said probate court; and all orders, decrees, and judgments therein made by said Register, may be appealed from, revised and enforced, as if they were the orders, decrees, or judgment of said court.

SEC. 3. *Be it further enacted,* That said Register shall be entitled to receive for his services in making said settlements, the fees allowed by law to the Probate Judge for similar services.

Approved, December 9, 1861.

No. 58.]

AN ACT

To enlarge the jurisdiction of the several Probate Courts of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several Probate Courts of this State be, and are hereby empowered, on the application of the legal representative, or representatives, of any deceased person or estate, to authorize such representative, or representatives, to extend the payment of any note, bond for the payment of money, or bill of exchange made by his, her or their testator, testatrix, or intestate in his or her life-time, or any part of such note, bond or

Register may
make settle-
ments.

How made.

Appeal may be
taken.

Fees of Register.

Notes, bonds or
bills may be ex-
tended.

bill of exchange, by such representative or representatives executing his, her or their note, bond for the payment of money, or bill of exchange, in his or her representative capacity, in the place or in lieu of such note, bond or bill of exchange of such testator, testatrix or intestate as aforesaid. How.

SEC. 2. *Be it further enacted,* That said courts shall have and are hereby vested with the power, on such application as aforesaid, to authorize such representative, or representatives, to execute his, her or their note, bond for the payment of money, or bill of exchange in liquidation of any account, or claim founded on any contract of such testator, testatrix or intestate as aforesaid, in his or her life-time, or for the liquidation of any account or claim made by such representative, or representatives, for goods, wares and merchandise, or other articles bought and used for the benefit of the estate represented by him, her or them, or for work and labor done and performed for the use of such estate. Powers of the courts.

SEC. 3. *Be it further enacted,* That for the payment of any such note, bond for the payment of money, or bill of exchange so executed by such representative, or representatives, as provided for in the foregoing sections of this act, the estate and property represented by such representative, or representatives, shall be subject and as liable in every respect as if said note, bond for the payment of money, or bill of exchange, were made and executed by his, her, or their testator, testatrix, or intestate, in his or her life-time; and such representative, or representatives, shall in no wise be individually liable for the payment of the same. Estate and property liable.

Approved, December 6, 1861.

No. 59.]

AN ACT

To define the Commissions on sales of Registers in Chancery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissions on sales made under the decrees of the Chancery Courts, shall be determined by the sound discretion of the chancellor rendering the

decree: *Provided, however*, that in no case shall such commissions be more than are now allowed to sheriffs on sales under executions.

Approved, December 9, 1861.

No. 60.]

AN ACT

To prohibit the dealing in County Claims by Public Officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the dealing in County claims by any public officer, is hereby prohibited: And if any such officer shall, directly or indirectly, by himself, by his assistants, deputies, agents, or through any other person, purchase, deal in, or traffic in any manner whatever in any claim, or claims, debts or demands, certificates of witnesses, or jurors, or any liability whatsoever, against the county of which he is an officer, he shall be deemed guilty of misdemeanor, and on conviction thereof, by indictment, shall be fined for each offence, not less than ten, nor more than fifty dollars.

SEC. 2. *Be it further enacted*, That the Circuit Judges are hereby required to give this act in charge to the grand juries of the different counties; and the Solicitors of each circuit are hereby required to summons the County Treasurer before the grand juries of their respective counties, to give evidence against any one for offences against this act: *Provided*, that nothing contained in this act shall be so construed as to prevent any officer from receiving in good faith any county claim in payment of any debt due to him.

Approved, November 11, 1861.

No. 61.]

AN ACT

To make certain Transcripts evidence in the Courts of Justice.

SECTION 1. *Be it enacted by the Senate and House of*

Dealing prohib-
ed.

Penalty for vio-
lation.

Judges to charge
grand juries.

Representatives of the State of Alabama in General Assembly convened, That transcripts of office books made out and certified to by the proper officers of the United States government, and which would have been received in evidence in the courts of this State, before the separation of Alabama from the United States, shall have the same force and effect as evidence in the courts of this State, that would have been given them had this State remained a member of the late Union; *Provided, always,* that if the party against whom such transcript shall be offered shall make and file in said cause an affidavit stating that said certified transcript is false, then the same shall not be received as evidence on the certificate thereof.

Certain transcripts evidence.

Affidavit required.

SEC. 2. *Be it further enacted,* That any person who knowingly and wilfully swears falsely to the affidavit aforesaid, shall be deemed guilty of perjury, and subject to all the penalties affixed to said offence.

Penalty for false swearing.

Approved, November 11, 1861.

No. 62.]

AN ACT

Giving one-half of the fine to Informants in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all convictions under indictments for selling, giving, or delivering vinous or spirituous liquors to slaves, as contained in section 3283 of the Code, one-half of the fine shall be paid to the informants.

Approved, Dec. 10, 1861.

No. 63.]

AN ACT

In relation to debts due Alien Enemies.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That until the Legislature shall otherwise

No suit by or for
an alich enemy.

provide, no suit or other proceeding shall be prosecuted to judgment in any court of this State for any debt or money due to an alien enemy of the Confederate States of America, on or before the 21st day of May, 1861, or at any time since; or to any person who has been, is, or shall be engaged in actual hostility to said Confederate States; or who in any manner has given, is giving, or shall give aid and comfort to the enemy engaged in war with said Confederate States; nor shall any execution be issued upon any existing judgment or decree of any court of this State, or upon any bond having the effect of a judgment in favor of any such alien enemy or person, or in favor of any party or person controlling said judgment, decree or bond; and all executions upon any such judgment, decree or bond, now in the hands of any officer of this State for collection, shall be returned to the courts from which they were issued "stayed by operation of law."

No execution to
issue.

No judgment or
execution for
costs.

SEC. 2. *Be it further enacted*, That if any suit now pending in the courts of this State in favor of any such alien enemy or person shall be dismissed, no judgment shall be rendered, and no execution shall be issued, against the security for costs in any such suit, if a citizen of this State, until the Legislature shall otherwise provide. And any such suit may be dismissed on motion or plea of the defend^dant or defendants. *Provided*, that this act shall not be so construed as to authorize a dismissal of any suit where one or more of the plaintiffs are resident loyal citizens of the Confederate States of America.

Suits may be dis-
missed.

Approved, Dec. 10, 1861.

No. 64.]

AN ACT

To authorize the Courts of County Commissioners to allow gates to be erected across Public Roads in certain cases.

Preamble.

WHEREAS, in some of the counties of this State timber for fencing purposes has become scarce and difficult to obtain, and in consequence thereof many cultivators of the soil are subjected to heavy expense and inconvenience, in being compelled to keep up lane fences,

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several Courts of County Commissioners in this State be, and they are hereby empowered to authorize gates to be erected across any public road, *provided,* the same be done at such place or places, and upon such terms, and under conditions and restrictions as shall produce the least possible injury to the public.

Approved, December 3, 1861.

No. 65.]

AN ACT

To prevent the commission of certain trespasses.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if any person shall cut down, deaden, girdle or destroy, or take away if already cut down or fallen, any cypress, pecan, oak, pine, cedar, poplar, walnut, hickory, or cherry tree, or sapling, on land not his own, wilfully and knowingly without the consent of the owner of the land, he shall pay to the owner of such tree or sapling ten dollars for every such tree or sapling so cut down, deadened, girdled, destroyed, or taken away, and for every other tree or sapling not herein described, so cut down, deadened, girdled, destroyed, or taken away, the sum of five dollars each, shall be paid. And the party injured may recover for such trespass, before a justice of the peace if the amount claimed be within his jurisdiction; if not, then before the circuit court.

SEC. 2. *Be it further enacted,* That if any person shall cut down, dig up, girdle, destroy, or mutilate any fruit tree or ornamental tree, shrub, bush or plant, which is enclosed, on premises not his own, wilfully and knowingly without the consent of the owner, the person so offending shall pay to the owner of such fruit tree, ornamental tree, shrub, bush or plant, fifteen dollars for every such tree, shrub, bush or plant, so cut down, dug up, girdled, destroyed, or mutilated which the owner may recover before any court of competent jurisdiction.

About water-crafts.

SEC. 3. *Be it further enacted*, That if any person shall without leave of the owner, sink, take away, or destroy any canoe or other boat or water craft, he shall pay to the owner thereof, double the value thereof, if destroyed, or if taken away, or loosed and not returned in as good condition as when taken away or loosed; and if loosed, sunk, or taken away, and returned in the condition aforesaid, he shall pay to the owner, the sum of twenty-five dollars, and the expense of putting it in such condition; which penalties and expenses may be recovered before any court of competent jurisdiction.

Penalty.

Action to be brought within one year.

SEC. 4. *Be it further enacted*, That every action for the specific penalties given by this act, shall be prosecuted within one year from the time the injury was committed and not after; and nothing herein contained, nor the recovery of any penalty hereby given, shall be a bar to any action for further damages, or to any criminal proceeding for any offence included in or connected with the acts for which the aforesaid penalties are imposed.

Exception.

SEC. 5. *And be it further enacted*, That the provisions of this act shall not apply in any case where any of the acts for which the aforesaid penalties are given, shall be committed for military purposes.

Approved, December 9, 1861.

No. 66.]

AN ACT

In relation to Appeals.

Appeal from the order of a Chancellor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from any order of any Chancellor, appointing a receiver, heretofore made, or hereafter made, an appeal to the supreme court may be taken by any defendant in the suit, in which such order was, or may be made, on his entering into bond, with good security, in such penalty as may be prescribed by the Chancellor, or by the Register, payable to the complainant, conditioned, that the defendant taking the appeal, shall pay the complainant all such costs and damages, as he may sustain by the wrongful taking of the appeal, if the appeal is not prosecuted to effect; which bond may be

approved by Register or Chancellor, and when so approved, shall operate as a supersedeas of the order appointing the receiver, until the supreme court shall decide upon the appeal, and determine whether or not there shall be a receiver in the case; every such appeal must be heard at the term of the supreme court to which it is taken.

Approved, November 8, 1861.

No. 67.]

AN ACT

To renew and extend the time of payment of certain State Bonds therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State of Alabama, the State Treasurer, and the Comptroller of Public Accounts be, and they are hereby authorized to issue State Bonds, to be substituted for the extension of the State Bonds heretofore issued by the State, payable in the year 1863, which bonds to be issued and substituted as aforesaid, shall be payable at any time not beyond the first day of May, 1883, renewable at the pleasure of the State.

State bonds may be issued to extend others.

SEC. 2. *Be it further enacted,* That the bonds to be issued as aforesaid, shall be made payable to the Commissioner and Trustee to regulate the affairs of the State Bank and Branches, and shall be transferred by him to the holders of the State Bonds, due in 1863 as aforesaid, in lieu of the bonds maturing in that year, the interest thereon to be paid at such place or places, as the said Commissioner and Trustee and the holders of said bonds may agree.

Made payable to the Commissioner and Trustee.

SEC. 3. *Be it further enacted,* That the said Commissioner and Trustee be, and he is hereby authorized and required, to prepare and sign the necessary coupons for the extension of said bonds due in 1863.

Commissioner to sign coupons.

Approved, November 11, 1861.

No. 68.]

AN ACT

To regulate election returns in this State.

Returns, when
and how made.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when an election is held in any of the counties of this State, the returns of which are required by law to be made to the seat of Government, it shall be the duty of the sheriff of such counties within three days after the estimate of the county vote, to make a return of the same by mail to the proper officer at the seat of Government, and must also deposit with the judge of probate of such county, a certified copy of said return, and a certified copy of such return made by such probate judge, shall be proof of such election, in the event of the loss of the first so mailed as aforesaid.

Approved, December 4, 1861.

No. 69.]

AN ACT

To authorize a reference to arbitration in certain cases.

Power of Pro-
bate Courts.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in the settlement of the estates of deceased persons, when said estates are free from debt, the probate courts of this State in which such settlements may be pending shall have the power and authority to refer all matters of controversy arising in said settlements to arbitration, if, in the opinion of said court, the interests of the parties can be best subserved thereby, and the parties or their attorneys consent thereto.

Guardian of an
Infant to consent

SEC. 2. *Be it further enacted,* That if any of the parties interested in such estate shall be an infant, the guardian of such infant shall have authority to consent to the reference to arbitration, which consent shall be in writing, and when so given, it shall be binding on said infant as fully and effectually as if said infant was of full age.

SEC. 3. *Be it further enacted,* That the arbitrators

shall not exceed three in number, shall be entirely disinterested, and shall be appointed by order of the said probate court.

Number of arbitrators.

SEC. 4. *Be it further enacted*, That it shall be the duty of said arbitrators to make their award in writing, and within ten days after making the same they shall return it to said court, and if approved by the court, it shall be entered of record and shall be final and conclusive upon all the parties.

Award to be made in writing.

SEC. 5. *Be it further enacted*, That if the said award or any part thereof shall be for the payment of money, it shall, when approved and entered of record, have the force and effect of a judgment at law in favor of the person to whom the money may be awarded, and execution may issue thereon as in other cases.

In certain cases to have effect of a judgment.

SEC. 6. *Be it further enacted*, That if said award shall not be approved by the court, it shall be set aside, and the court may refer the matters again to the same or to other arbitrators.

If disapproved by court invalid.

SEC. 7. *Be it further enacted*, That any of the said parties shall within ten days after said award shall be returned to the said court, file objections to the same, and if objections are filed, the court shall appoint a day not less than thirty days from the filing of such objections to hear and determine the same, notice of which shall be given as now required by law in cases of application for final settlements of the estates of deceased persons by executors and administrators.

Objections shall be filed.

SEC. 7. *Be it further enacted*, That sections 2712, 2713, 2715, 2716, 2717, 2718, 2719, 2720 and 2723 of the Code of Alabama be, and the same are hereby made a part of this act.

Certain sections of the Code embraced.

Approved, December 10, 1861.

No. 70.]

AN ACT

To revive and renew an Act therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the act, entitled an act to renew an act to extend the

debts due the sixteenth sections, approved February 24th, 1860, be, and the same is hereby revived and extended for the term of two years from and after the first day of March, 1862.

Approved, December 7, 1861.

No. 71.]

AN ACT

To authorize the Comptroller to draw his warrant on the Treasurer in favor of Tax Collectors in certain cases, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized, to draw his warrant on the State Treasurer, in favor of any tax collector for such an amount of the tax as may have been, or may hereafter be, overpaid by said collector in the treasury of the State.

To draw warrants for overpayment.

SEC. 2. *Be it further enacted,* That whenever any return of insolvencies properly certified and authenticated be made within the fiscal year, and before the final settlements of any tax collector's account, the Comptroller of Public accounts may allow said returns.

To allow insolvencies.

Approved, December 3, 1861.

No. 72.]

AN ACT

To amend the law upon the subject of Town Corporations.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Intendants or Mayors of town corporations, incorporated under title 14, part 1, chapter 1 of the Code, or incorporated previous thereto, shall exercise the powers and authority of justices of the peace, in all matters, civil and criminal, arising within the precincts of their respective corporations.

Approved, December 3, 1861.

No. 73.]

AN ACT

To abolish a certain Rule of the Common Law.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the common law rule as recognized by the decisions of the Supreme Court of this State, that a civil action will not lie for an injury amounting to a felony, until after a criminal prosecution for the offense, be, and the same is hereby abolished.

Rule abolished.

SEC. 2. *Be it further enacted,* That for any injury, either to the person or property of another, amounting either in fact, or *prima facie*, to a felony, an action may be maintained by the party injured before any prosecution of the offender, in the same manner as if the offense were a misdemeanor or a trespass only.

Action for injury may be maintained before prosecution.

Approved, December 5, 1861.

No. 74.]

AN ACT

To amend Section Four of an Act entitled an Act "to exempt from sale under any Legal Process all necessary wearing apparel for the use of each family in this State," Approved Feb. 18, 1854, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section four of the act entitled an act to exempt from sale under any legal process all necessary wearing apparel for the use of each family in this State, approved Feb. 18, 1854, be, and the same is hereby amended as follows: Strike out the words "the amount of fifteen dollars per month" in the fifth line of said section, and insert in lieu thereof the following: "An amount equal to one-half of such wages in no case to be less than twenty-five dollars per month."

Section 4 amended.

SEC. 2. *And be it further enacted,* That hereafter it shall not be lawful for the wages or hire of any head of a family in this State, not having property liable to levy and sale under execution, to be defeated or abated by any set-off of a money demand, acquired by the

Wages not to be off-setted.

person contracting to pay such wages, by assessment or transfer, unless the parties otherwise agree in writing.
Approved, December 9, 1861.

No. 75.]

AN ACT

Making resistance to a City Officer a misdemeanor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person who knowingly and wilfully opposes or resists any city officer in the legal discharge of his duties, shall, on conviction, be fined not less than ten or more than one hundred dollars, and may be imprisoned not exceeding six months.

SEC. 2. *And be it further enacted,* In indictments under this act, it shall be sufficient to charge that the defendant did knowingly and wilfully oppose or resist such officer, in the legal discharge of his duties, without specifying in what such duties consists.

Approved, December 10, 1861.

No. 76.]

AN ACT

To authorize the establishment of Private Roads.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Private Roads may be established by the court of county commissioners, on the application of any person: such roads not to exceed fifteen feet in width, and to be opened and kept in repair by the person on whose application they are established, without exemption on public roads.

SEC. 2. *Be it further enacted,* That in establishing a private road, the same rules must be observed, and the same proceedings had as in the case of public roads; but no road must be opened through any person's yard, garden, orchard, stable, lot, gin-house or curtilage, without his consent; and the applicant must pay the owner of the land over which such road passes, all dam-

Penalty for re-
sistance.About indict-
ments.May be estab-
lished.

Width.

Same rules as in
regard to public
roads.

ages resulting thereto from the establishment of such road, to be assessed as in the case of public roads.

Approved, December 10, 1861.

No. 77.]

AN ACT

To require parties to civil actions to give bond for costs in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 2359 of the Code be so amended as to authorize the presiding judge on application for change of venue in civil cases to require the applicant to give bond and security for costs whenever in his judgment it will best secure the ends of justice to all parties concerned.

Approved, December 10, 1861.

No. 78.]

AN ACT

To amend an Act entitled an Act to provide for printing the Reports of the Comptroller of Public Accounts, State Treasurer, and Inspectors of the Penitentiary, approved Feb. 3, 1858.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said act be so amended as to authorize the printing of three thousand copies of the report of the Comptroller of Public Accounts.

Approved, November 9, 1861.

No. 79.]

AN ACT

To pay for the hire of servants for the General Assembly during the extra and present session.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State be allowed the sum of one hundred and forty-three dollars, to pay for servant hire during the extra and present regular session of the General Assembly; and that the Comptroller of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer for the above amount in favor of the Secretary of State, to be paid out of any moneys in the treasury not otherwise appropriated.

Approved, Dec. 9, 1861.

No. 80.]

AN ACT

To encourage the manufacture of Cotton and Wool Cards in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act there shall be a bonus paid out of any money in the treasury, not otherwise appropriated, of ten cents per pair on all cotton cards of good quality, of the fineness of No. (10) ten; on all cotton cards No. (8) eight, of good quality, there shall be a bonus of eight cents; and on wool cards No. (6) six, of good quality, a bonus of six cents per pair; said cards to be manufactured in the State of Alabama.

SEC. 2. *Be it further enacted,* That whenever the manufacturer of said cards in the State of Alabama shall make good and sufficient proof to the Governor of the number and kind of cards manufactured by him, the Governor shall draw his warrant on the Treasurer for such an amount in favor of said manufacturer as he may be entitled by the first section of this act, said

Bonuses.

Proof to the governor.

act to continue in force for two years after the passage of this act.

Approved, Dec. 4, 1861.

No. 81.]

AN ACT

To change the time of taking up the State Dockets.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That until the ratification of a treaty of peace between the Confederate States and the United States, the criminal dockets of all the circuit courts of this State shall be set for and taken up on the second day of the term of said courts respectively: and subpoenas and other processes shall be returnable, and cases both civil and criminal shall be set accordingly.

Approved, December 5, 1861.

No. 82.]

AN ACT

To require the Secretary of State to procure for the State Library the Acts of the Legislatures of the several Confederate States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be the duty of the Secretary of State to transmit to the executive of each of the Confederate States, a copy of the Acts passed at each session of the General Assembly of Alabama, with a request that in return each of said States would transmit a copy of its Acts to the Secretary of State of Alabama, and when received said Acts must be placed in the State Library.

Approved, December 9, 1861.

No. 83.]

AN ACT

To abolish the office of Auditor of the Treasury of the State created by the third section of "an act making appropriations for the Military Defense of the State," approved February 6, 1861.

Office abolished
conditionally.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the office of Auditor of the Treasury of the State created by the above recited act, be and the same is hereby abolished, if in the opinion of the Governor the said office is no longer necessary, and that the duties now imposed by law on that officer, be hereafter performed by the Comptroller of Public Accounts, without any increase of compensation therefor.

Duties transfer-
red to Control-
ler's office.

SEC. 2. *Be it further enacted,* That no part of the said act making appropriations for the military defense of the State, shall be repealed by this act except so far as the change abolishing the office of Auditor of the Treasury and the transfer of the duties of the office to the office of Comptroller of Public Accounts.

Additional Clerk

SEC. 3. *Be it further enacted,* That the Governor, if in his opinion the same shall be necessary, may authorize the Comptroller of Public Accounts to employ an additional clerk at a compensation not to exceed seven hundred and fifty dollars per annum, or at that rate for the time the services of such clerk may be required and necessary for the public service.

Approved, December 10, 1861.

No. 84.]

AN ACT

To transfer the unexpended balance of appropriations for the relief of the Deaf and Dumb, remaining in the hands of the State Superintendent of Education, under an act entitled "an act for the relief of the Deaf and Dumb," approved February 4th, 1858, to the Alabama Institution for the Deaf and Dumb.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the unexpended balances of appropria-

tions for the relief of the deaf and dumb, under the act entitled "an act for the relief of the deaf and dumb," approved February 4th, 1858, and the several acts therein referred to, be and the same is hereby transferred to the Alabama Institution for the deaf and dumb, to be applied for the use and benefit of said institution, as other funds belonging thereto, under the direction of its board of commissioners.

Approved, December 9, 1861.

No. 85.]

AN ACT

To exempt from Military duty all persons employed by Horace Ware in manufacturing Iron, and all other persons similarly engaged.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all persons in the employ of Horace Ware, in the county of Shelby, in manufacturing iron, be and they are hereby exempt from military duty, so long as the existing war between the United States and the Confederate States shall continue. Exemption.

SEC. 2. *Be it further enacted,* That the provisions of this act be extended to Wright and Rice, of Lauderdale county, manufacturers of cannon and shell for the Confederate Government, and that all similar manufacturers enjoy the same privileges. Extended to others.

SEC. 3. *Be it further enacted,* That the provisions of this act shall enure to the benefit of all persons employed in the manufactory of arms, munitions of war, clothing, or materials for clothing, for the use of Alabama volunteers: *Provided,* That the privileges granted by this act shall not extend beyond the termination of the present war. Further extended.

Approved, December 9, 1861.

No. 86.]

AN ACT

To relieve certain Volunteers and Soldiers from accounting for Clothing.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That every soldier, volunteer, or officer, who was in the military service of the State, and was transferred to the service of the Confederate States, be and is hereby relieved and released from accounting for the amount of the clothing furnished by this State or received from this State, before such transfer occurred.

Approved, December 9, 1861.

No. 87.]

AN ACT

For the relief of indigent families of volunteers in the several counties of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the court of county commissioners for any county in this State, be and is hereby authorized to appropriate such portion of money now in the county treasury, or that may be derived from the county tax, as the said court may deem sufficient for the support of the indigent families of volunteers now engaged in the defense of our country.

Approved, November 29, 1861.

No. 88.]

AN ACT

Making an appropriation for the pay of members, officers, clerks, and messengers of the General Assembly at the present extra session, and at the regular session thereof, commencing on the 2nd Monday of November, 1861.

SECTION 1. *Be it enacted by the Senate and House of Rep-*

representatives of the State of Alabama in General Assembly convened, That the sum of fifty thousand dollars, or so much thereof as shall be necessary, be and the same is hereby appropriated for the payment of the members, officers, clerks, and messengers of the General Assembly at the present extra session, and at the regular session thereof, commencing on the second Monday of November, 1861, out of any money in the treasury not otherwise appropriated.

Approved, November 8, 1861.

No. 89.]

AN ACT

To encourage the manufacture of fire arms and munitions of war in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of two hundred and fifty thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby appropriated and placed under the control of the Governor, and subject to his warrant, for the purposes hereinafter specified.

\$250,000 appropriated.

SEC. 2. *Be it further enacted,* That if any individual or company shall hereafter propose to manufacture fire arms in this State, the Governor is hereby authorized to advance to such individual or company such portion of said sum as he may deem advisable, and may take security for the return of said sum so advanced, or may contract with said individual or company to receive of them in lieu of said sum advanced, *fire arms* to be manufactured by them, of such kind, quality and description as he may designate and approve of; in all cases taking from such individual, or company, bond with approved security for the faithful performance of their contract.

Governor to make advances.

Bond or security to be given.

SEC. 3. *Be it further enacted,* That in like manner, and under the same restrictions, the further sum of fifty thousand dollars is hereby appropriated to encourage the manufacture and preparation of powder, saltpetre, sulphur and lead.

Further sum of \$30,000 appropriated.

Approved, December 7, 1861.

No. 90.]

AN ACT

To amend the 14th section of an act to establish a Hospital for Insane persons in Alabama.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That where any person is imprisoned in the penitentiary of this State, under a sentence of a circuit court, and is insane at the expiration of his or her term of imprisonment, it shall be the duty of the lessee to report the same to the Governor, whose duty it shall be to cause an examination to be made of the extent and character of such insanity; and if upon such investigation it be found that such person is a proper subject for confinement in the hospital for insane persons, he shall order him or her to be removed from the penitentiary to the hospital; and if such person be in indigent circumstances, and had no known place of residence previous to his or her confinement in the penitentiary, the expenses of keeping such person shall be paid by the State.

Insane convicts.

Duty of lessee.

Governor to order convict to insane hospital.

Approved, December 4, 1861.

No. 91.]

AN ACT

To provide for paying for the Indexing of the manuscript Acts of the General Assembly.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of fifty-two dollars and sixty-three cents be and the same is hereby appropriated to compensate M. P. Blue for making and completing indexes to the original manuscript acts of the General Assembly, held in 1859-60, and in 1861, as required by the act of 25th January, 1858, "to provide for binding the manuscript acts of the legislature," and that the Comptroller of Public Accounts issue his warrant therefor on the State Treasurer, to be paid out of any moneys in the treasury not otherwise appropriated.

Appropriation to pay M. P. Blue.

SEC. 2. Be it further enacted, That hereafter upon the

presentation to the Comptroller of Public Accounts of the certificate of the Secretary of State of the faithful execution of the indexing of the manuscript acts of the present or any subsequent General Assembly, the Comptroller shall issue his warrant on the State Treasurer in the sum so certified by the Secretary of State to be due, to be paid out of any moneys in the treasury not otherwise appropriated.

To be paid here-
after upon certi-
ficate of Secreta-
ry of State.

Approved, Nov. 11, 1861.

No. 92.] AN ACT

To repeal, in part, an ordinance to provide for the Military defence of the State of Alabama, adopted 19th January, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That sections 8, 10, 13, 15 and 16 of an ordinance "to provide for the military defence of the State of Alabama," adopted 19th January, 1861, be, and the same are hereby repealed; and all the offices created by said sections in said ordinance are hereby abolished.

Certain sections
repealed.

SEC. 2. *Be it further enacted,* That so much of section 9 of said ordinance as authorizes and empowers the Governor of this State to appoint a surgeon-general and a paymaster-general be and the same is hereby repealed, and said offices are by this act abolished.

Section nine par-
tially repealed.

Approved, Nov. 9, 1861.

No. 93.] AN ACT

To repeal section 3 of an ordinance to authorize Colonels of Volunteer regiments to appoint their own Staff Officers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3 of an ordinance "to authorize colonels of volunteer regiments to appoint their own staff officers," adopted January 26, 1861, by the con-

vention of the people of the State of Alabama, held at Montgomery, be, and the same is hereby repealed.

Approved, December 9, 1861.

No. 94.

AN ACT

To repeal an Act, entitled an Act to provide for an efficient Military organization of the State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled an act to provide for an efficient military organization of the State of Alabama, approved February 24th, 1860, be, and the same is hereby repealed.

Approved, November 11, 1861.

No. 95.]

AN ACT

To facilitate the equipment of Volunteers and for the purchase of arms.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in order to save volunteers from extortion in clothing, to aid in their prompt equipment, and to procure a proper supply of suitable arms, accoutrements, &c., the sum of one hundred and eighty thousand dollars be, and the same is hereby appropriated and placed at the disposal of the Governor, to be drawn on his warrant, and by him to be so used as in his best judgment may most efficiently and economically promote the above objects, and for the expenditure of which he shall take the proper vouchers to be filed with the Comptroller of Public Accounts: *Provided, however,* That for any equipments, or any other things that may be furnished to any soldier or volunteer by the Governor under this act, the Governor shall take or shall cause to be taken the most proper and available mode to secure compensation to this State, out of the commutation money of such soldier or volunteer.

Approved, December 6, 1861.

\$100,000 appropriated.

At disposal of the Governor.

Proviso.

Compensation from commutation money.

No. 96.]

AN ACT

To prevent the practical disfranchisement of the volunteers from Alabama, and of the members of the General Assembly of the State of Alabama, in the next Congressional and Presidential election.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That each citizen of Alabama, who shall be in the service of the Confederate States, as a volunteer, on the day of the next Presidential and Congressional election, and who on that day would be entitled to vote in such election in any county of this State, if he was actually in that county on that day, shall be entitled to vote by ballot in such election at any place where he may be on that day, whether in or out of this State; and his vote shall be counted and have the same effect as if it had been actually given in the county in which, if he was personally present on the day of such election, he would be entitled to vote; and at any place where there may be on that day any such volunteer or volunteers from one or more of the congressional districts of this State, any two commissioned officers who are qualified electors of the State of Alabama in the military service of the Confederate States, are hereby authorized to open the polls on that day, between the hours of six o'clock in the forenoon and six o'clock in the afternoon, for each of such congressional districts, and to receive the ballots or votes of every such volunteer for eleven electors of President and Vice President, and for one representative in the Congress of the Confederate States, and to conduct and manage the election so that no such volunteer shall vote for a representative of any other congressional district than that in which he resided at the time of volunteering; and as soon as practicable after six o'clock in the afternoon of the day of such election, the officers conducting and managing the same are hereby authorized and directed to count out the votes, ascertain the number of votes received for each person, and what office, and make out a statement of the same in writing, with a list of the names of the voters, and the county of their residence; which statement must be signed by them and sealed up and directed to the Secretary of State of Alabama, at Montgomery, and sent

To vote whether
in or out of the
State.

Polls to be opened
by commissioned
officers.

To vote for eleven
Presidential
electors and one
representative
in Congress.

Directions for
the managers as
to returns.

Each county to return directly to the Secretary of State.

either by mail or messenger, without unnecessary delay.

SEC. 2. *Be it further enacted*, That all the other returns of the next Congressional and Presidential election, instead of being made as provided for by the existing law, shall be made by the returning officer of each county directly to the Secretary of State of this State, without any unnecessary delay.

Day for State officers to count the votes.

SEC. 3. *Be it further enacted*, That on the 26th day of November next, or within two days thereafter, the Governor of this State, in the presence of the Secretary of State, Comptroller and Treasurer, or either of them, shall estimate the returns made under the preceding sections of this act, ascertain who are elected, and notify them by proclamation.

Rules to govern in the elections.

SEC. 4. *Be it further enacted*, That all the provisions of this act shall apply to and govern in any election that it may become necessary to hold in the event of a failure to elect a representative to Congress in any congressional district in this State, or in the event of a vacancy occurring in any congressional district in this State within the next two years.

Privilege of the members of the general assembly

SEC. 5. *Be it further enacted*, That the members of the General Assembly of this State, shall have the right to vote in the county of Montgomery, for electors for President and Vice President at the next election.

Managers to be qualified.

SEC. 6. *Be it further enacted*, That the commissioned officers who may open the polls and hold elections under this act shall, before they enter upon the performance of such duty, take an oath to conduct such election fairly and faithfully, and make returns as required by this act; which oath may be administered by any officer of the State in which such election may be held, authorized to administer oaths; and in the absence of such officer, said oath may be administered by any person in the army of the Confederate States from the State of Alabama, holding a commission not below a captain.

Who may qualify the managers.

Inspectors to administer an oath

SEC. 7. *Be it further enacted*, That the inspectors of elections herein provided for, shall be empowered in all cases where they may have doubts as to the legal qualifications of a voter, to require such person to take an oath to answer such questions touching his qualifications as may be propounded by the inspectors; and any person who shall vote under the provisions of this act, not possessing the requisite qualifications, shall be subject

Penalty for false swearing.

to the same pains and penalties imposed by law upon fraudulent voting within the limits of this State.

Approved, October 30, 1861.

No. 97.]

AN ACT

To provide a Hospital for sick troops from Alabama in the army of the Potomac, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be and he is hereby authorized and required to appoint an agent to proceed to the State of Virginia and provide or procure such building or buildings as may be necessary for hospitals for the Alabama troops, and to provide such hospital stores as may be needed for the sick from the State of Alabama in the army of the Potomac, or other division of the army of the Confederate States, where soldiers from Alabama are located, and may, in his judgment, need such provision for the sick thereof.

Governor to appoint an agent to provide hospital.

SEC. 2. *Be it further enacted,* That the Governor be and he is hereby authorized to draw his warrant on the Treasurer of the State for such sum or sums as may be found necessary to accomplish the objects mentioned in the first section of this act, not exceeding the sum of thirty thousand dollars; which said sum of thirty thousand dollars is hereby appropriated out of any monies in the treasury not otherwise appropriated.

\$30,000 appropriated.

Approved, November 9, 1861.

No. 98.]

AN ACT

To exempt from taxation a certain amount of property of Volunteers, and the widows of deceased Volunteers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the volunteers now in the service of

Exempt from poll tax and tax on \$500 worth of property.

the State of Alabama, or of the Confederate States, as well as those who may hereafter enter such service, shall be exempt from a poll tax, and shall also be exempt from taxation on property to the amount of five hundred dollars.

Widows of deceased volunteers exempt on same amount.

SEC. 2. *Be it further enacted*, That the widows of deceased volunteers, or those who may become such during the war, shall also be exempt from taxation on property to the amount of five hundred dollars.

Approved, December 7, 1861.

No. 99.]

AN ACT

To exempt the several counties in this State from imposing the tax for the support of the indigent families of Volunteers, in certain cases.

Exempt by paying 25 per cent. on State tax.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when any "court of county commissioners" in any county of the State shall pay into the State treasury a sum equal to twenty-five per cent. on the State tax assessed in said county, then and in that case said county shall be exempted from the levy and collection of the tax as required by the act "to provide a fund for the aid of indigent families of volunteers absent in the army," approved 11th November, 1861.

Approved, December 3, 1861.

No. 100.]

AN ACT

To raise an additional Volunteer force for the defence of the State, and to resist Invasion.

Sixty companies to be raised.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor forthwith proceed to raise not exceeding sixty companies of volunteers, who shall arm, clothe and equip themselves; which said companies shall be organized as the Governor shall direct, and

shall be received for a term of service of not less than four months, unless sooner discharged. Term of service.

SEC. 2. *Be it further enacted*, That the Governor is authorized to take such measures either before or after the receiving of said companies as he may deem expedient to ensure arms, ammunition and equipments for the troops raised under this act, who may be unable to supply themselves, and that such troops as organized shall be held as minute men, subject to the orders of the Governor, and prepared to march at the shortest notice to any point where, in his opinion, the services of all or any portion of them may be required, and to co-operate with the Confederate forces, or the forces of either of the Confederate States at such point. Arms, ammunition and equipments.
Minute men.

SEC. 3. *Be it further enacted*, That such companies shall consist of cavalry or infantry, in such proportions as the Governor shall direct, and may in his discretion be organized into battalions, squadrons, regiments and brigades; the general officers to be appointed by him, and the field officers to be elected. How to be organized.

SEC. 4. *Be it further enacted*, That each regiment organized under this act shall have an adjutant with the rank and pay of first lieutenant; a quarter master and commissary, each with the rank and pay of captain; a surgeon, an assistant surgeon, and a sergeant major, all of whom shall be appointed by the colonel; and each separately organized battalion shall have an adjutant with the rank and pay of second lieutenant; an assistant quarter master, with the rank and pay of first lieutenant, who shall also perform the duties of commissary; and an assistant surgeon, all of whom shall be appointed by the commander of the battalion. Certain officers of regiments and battalions.

SEC. 5. *Be it further enacted*, That any brigadier general appointed under this act, shall be entitled to one aid-de-camp with the rank and pay of captain, who shall also perform the duties of adjutant of the brigade. Aid de-camp of Brigadier General.

SEC. 6. *And be it further enacted*, That the officers, non-commissioned officers and privates raised and organized under this act, shall be entitled to the same pay and allowances, except for clothing, as volunteer troops in the service of the Confederate States, but shall only be entitled to such pay and allowances from the time they take up the line of march to any point where they may be ordered by the Governor on special Pay and allowances.

duty or service, and from thence until they are discharged from such special service.

Captain to be
paymaster.

SEC. 7. *Be it further enacted*, That the captains of the companies raised under this act, shall act as paymasters for their respective companies, giving such bond as the Governor may direct.

Negro laborers
for fortifications.

SEC. 8. *Be it further enacted*, That the Governor is authorized to obtain the services of not exceeding five hundred negro laborers, for such term as he may deem expedient to be employed on any fortifications, or which may be erected on the Tennessee river, or at any point where, in his judgment, it may be necessary to prevent invasion in that direction.

\$300,000 appro-
priated.

SEC. 9. *Be it further enacted*, That to carry into effect the provisions of this act, the sum of three hundred thousand dollars, from any funds in the State treasury, be appropriated to be disbursed under the direction of the Governor.

Rules, regula-
tions and articles
of war.

SEC. 10. *Be it further enacted*, That the rules, regulations and articles of war adopted for the regulation and government of volunteers in the service of the Confederate States, and not inconsistent with the provisions of this act, shall be in force as to the troops organized under its provisions.

Approved, November 22, 1861.

No. 101.]

AN ACT

To raise the additional Volunteer Force for the defense of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor is hereby authorized to raise such number of companies as he may deem expedient for the defense of Alabama, to consist of volunteers over the age of thirty-five years, who shall arm and clothe themselves, and shall be organized as the Governor shall direct, which said companies shall be received for a term of service of not less than three months, unless sooner discharged.

Governor to
raise additional
volunteers, over
35 years of age.

Term of service.

SEC. 3. *Be it further enacted*, That the provisions of the second, third, fourth, fifth, sixth, seventh and tenth

sections of an act passed at the present session of the General Assembly, entitled an act to raise an additional volunteer force for the defense of the State, and to resist invasion, approved November 22, 1861, be, and the same are hereby made applicable to any force which may be raised under this act.

Sections of former act made applicable.

Approved, December 7, 1861.

No. 102.] AN ACT

To amend section seven, chapter four, of the Military Code of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section seven, chapter four, of the Military Code of Alabama be, and the same is hereby so amended, as to exempt all military officers in this State who have entered or may hereafter enter the service of the Confederate States during the pendency of existing hostilities with the government of the United States from the operations of said section, in so far as it prohibits them from resigning without the consent of a court martial, and for so doing renders them ineligible in the future to any military office in the State.

Exempted during the war.

Approved, December 4, 1861.

No. 103.] AN ACT

To amend section nine, chapter ten, of the Military Code of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section nine, chapter ten, of the Military Code of Alabama, adopted February 10, 1852, be, and the same is hereby so amended that the court martial of any company, for the trial of defaulters at one muster may be held at the next muster of such company.

Approved, December 9, 1861.

No. 104.]

AN ACT

To suspend section twenty-one, chapter twelve, of the Military Code of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section twenty-one, chapter twelve, of the Military Code of Alabama, be, and the same is hereby inoperative and void during the pendency of existing hostilities between the Confederate States and the government of the United States.

Approved, December 5, 1861.

No. 105.]

AN ACT

To amend section three, of chapter four, of the Military Code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section three, of chapter four, of the Military Code of Alabama, be, and the same is hereby so amended as to authorize brigadier generals to order elections for colonel, lieutenant colonel, and major in their respective brigades, in the same manner and upon the same terms as those elections are now authorized to be ordered.

Approved, December 10, 1861.

No. 106.]

AN ACT

To extend the time of making the returns required by chapter five of the Military Code of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the year 1862, the returns required to be made by chapter fifth of the Military Code of Alabama, may be made at the times hereinafter mentioned, to-wit: Strike out the words "September in each year,"

Change of the months for making returns.

“October in each year,” and “November in each year,” where they occur in said chapter fifth, and insert in lieu thereof, respectively, the words “February, 1863,” “March, 1863,” and “April, 1863.”

SEC. 2. *Be it further enacted,* That all military officers in this State be, and the same are hereby exonerated from all penalties incurred heretofore during the present year by failing to comply with the requisitions of said chapter fifth of the Military Code of Alabama.

Exonerated from penalties.

SEC. 3. *Be it further enacted,* That from and after the present year, the returns required to be made by said chapter fifth of the Military Code of Alabama shall be made at the times now required by law.

Change to cease after the present year.

SEC. 4. *Be it further enacted,* That the Military Code of Alabama, adopted February 10th, 1852, be amended by striking out the words “United States,” wherever they occur, and inserting the words “Confederate States of America, in lieu thereof.

Confederate States for United States.

Approved, December 6, 1861.

No. 107.]

AN ACT

To amend the Military Code of Alabama, adopted Feb. 10th, 1852.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section four, chapter two, of the Military Code, be amended by striking out the word “one,” and inserting “five,” and by striking out the word “three” where it occurs, and insert “ten;” and that section three, chapter nine, be so amended as to require ten company musters in each year, instead of two, as heretofore.

Sections 3 and 4 amended.

SEC. 2. *Be it further enacted,* That it shall be the duty of the several major generals of the militia of this State to order all the commissioned officers in his division, whether of volunteer corps or militia, to assemble for encampment, drill, and instruction, at some central place, within their respective divisions, once in each year, which said encampments shall continue for not less than four nor more than ten days in each year;

Encampment once each year.

Term of encampment.

Proviso.

Provided, the expenses of said encampment shall in case be a charge against the State.

Penalty for non-compliance by officers.

SEC. 3. *Be it further enacted*, That all commissioned officers who shall fail to comply with the provisions of the second section of this act, when ordered to do so, (unless prevented by sickness or good cause,) shall be subject to be fined, according to his rank, to an amount not exceeding one-third the amount now prescribed by the first section of the thirteenth chapter of the Military Code of this State.

Regiments in Sumter county.

SEC. 4. *Be it further enacted*, That the regiments Nos. 76 and 102, respectively, in Sumter county, be, and the same are hereby abolished, and hereafter the militia of Sumter county shall form but two regiments Nos. 63 and 82.

Property liable for fines.

SEC. 5. *Be it further enacted*, That all property held and owned by any man subject to militia duty shall be liable for all fines which may be imposed by law for neglect or failure to perform the duty required of any such defaulter.

Conflicting laws repealed.

SEC. 6. *Be it further enacted*, That all laws conflicting with the provisions of this act be, and the same are hereby repealed.

Approved, December 9, 1861.

No. 108.]

AN ACT

To legalize the proceedings of the Governor, in supplying the volunteers of Alabama with clothing,

Existing contracts legalized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all existing contracts and arrangements, made by the Governor, for the purpose of supplying the volunteers from this State, in the service of the Confederate States, with clothing, are hereby approved and legalized, and that the Governor is authorized to continue the supplies of clothing to said troops, under such contracts and arrangements, and to take such measures as he may deem best to reimburse the State, out of the clothing commutation money allowed by the laws of the Confederate States to said volunteers; and to carry into effect the purposes of this act, he may ap-

To continue supplies.

Governor may appoint agents.

point and at his discretion discharge, such transportation and distributing agents, or assistant quartermasters, as he may deem necessary, prescribe their duties, fix their compensation, and establish such regulations as to their accountability as he may deem expedient.

SEC. 2. *Be it further enacted*, That all expenditures which have or may be made under the first section of this act, be charged to the fund appropriated to the quartermaster's department, and that all moneys received in commutation or reimbursement for clothing, be carried to the credit of said department.

Department
charged with the
expenses.

Approved, December 9, 1861.

No. 109.]

AN ACT

To authorize the Governor to have the Capitol repaired.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be and he is hereby authorized to have the necessary repairs done on the Capitol, and that the Comptroller be authorized to draw his warrant on the treasury in favor of Jno. Gill Shorter for the amount necessary to pay for said repair.

Approved, December 10, 1861.

No. 110.

AN ACT

To authorize the Governor to employ two Secretaries.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be and he is hereby authorized to engage the services of two competent secretaries in his office, at the rate of seven hundred and fifty dollars per annum each, payable quarterly: *Provided*, he shall have the right to discontinue the services of one or both of said secretaries, whenever such service may be no longer needed.

Approved, December 9, 1861.

No. 111.]

AN ACT

To provide for Indexing the Records of Land Patents
in the office of the Secretary of State.

Person to be em-
ployed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State be authorized to employ a competent person to make and complete correct indexes to the volumes containing the Registry of Land Patents heretofore issued in his office.

Compensation.

SEC. 2. *Be it further enacted,* That such compensation shall be allowed for making and completing those indexes, as may be agreed upon between the Secretary of State and the person so employed; and upon presentation to the Comptroller of Public Accounts of the certificate of the Secretary of State of the faithful execution of the work, the Comptroller shall draw his warrant on the State Treasurer in the sum so certified to be due, to be paid out of any moneys in the State treasury not otherwise appropriated.

Approved, December 10, 1861.

No. 112.]

AN ACT

To amend an act entitled an act supplemental to an act
to establish a hospital for insane persons in Ala-
bama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, entitled an act supplemental to an act to establish a hospital for insane persons in Alabama, be and is hereby amended, by adding at the end of the 12th section after the word Trustee, the words, "on the Comptroller who shall draw his warrant on the Treasurer of the State in favor of the treasurer of the hospital."

Approved, November 25, 1861.

No. 113.]

AN ACT

To divorce William S. Thomas from his wife Rebecca Thomas.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the chancery court, for the 7th district of the Southern Chancery Division of the State of Alabama, at the February term, 1861, thereof, William S. Thomas be, and he is hereby divorced from his wife Rebecca Thomas, and that said William S. Thomas may lawfully contract with and marry any other woman.

Approved, November 9, 1861.

No. 114.]

AN ACT

To divorce Rebecca P. Bobbitt from her husband William P. Bobbitt, and other persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Rebecca P. Bobbitt be, and she is hereby divorced from her husband William Bobbitt, pursuant to a decree of the chancery court of the sixth District Southern Division, made at the April term, 1860, thereof.

Rebecca P. from
William Bobbitt

SEC. 2. *Be it further enacted,* That William Fouchee be, and he is hereby divorced from his wife Lucy Fouchee, in pursuance of a decree of the chancery court of the 12th District Southern Division, made at the November term, 1860, thereof.

William from
Lucy Fouchee.

SEC. 3. *Be it further enacted,* That William J. Kelly be, and he is hereby divorced from his wife Sarah Ann Kelly, pursuant to a decree of the chancery court of the 12th District Southern Division, held at the May term, 1860, thereof.

William J. from
Sarah Ann Kelly

SEC. 4. *Be it further enacted,* That Sumantha Chambers be, and she is hereby divorced from her husband Joseph Chambers, in pursuance of a decree of the chancery court of the 12th District Southern Division, held at the May term thereof.

Sumantha from
Joseph Chambers

Phoebe P. from
John D. Carden. SEC. 5. *Be it further enacted*, That Phœbe P. Carden be, and she is hereby divorced from her husband John D. Carden, pursuant to a decree of the chancery court, 12th District Southern Division, made at the May term, 1860, thereof.

Margaret F. from
James R. Norris. SEC. 6. *Be it further enacted*, That Margaret F. Norris be, and she is hereby divorced from her husband James R. Norris, pursuant to a decree of the chancery court of the 10th District Southern Division, made on the 14th day of January, 1861, in vacation.

Approved, November 30, 1861.

No. 115.]

AN ACT

To divorce Cornelius C. Latham from his wife, Margaret Louisa Latham.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Cornelius C. Latham be, and he is hereby divorced from his wife, Margaret Louisa Latham, in pursuance of a decree of the chancery court of the 23d district, middle division, rendered at the July term, A. D. 1860, thereof.

Approved, December 7, 1861.

No. 116.]

AN ACT

To amend the Charter of the Southern Military Academy.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the charter of the Southern Military Academy be so amended that the present board of trustees of said academy shall hold their office until the first Monday in July, 1862, when an election for a new board of trustees shall be held by the respective stockholders or subscribers who shall have paid their subscriptions toward building said academy; and an election for a new board shall be held annually thereafter on the first

Tenure of present board.

New election.

Monday in July; and every person who shall have paid his subscription, shall be entitled to one vote for every five dollars so paid in. Annual election.

SEC. 2. *Be it further enacted*, That the board of trustees shall consist of nine members selected from the stockholders, as directed by the first section of this act, one of whom shall be president, to be chosen by the board; which said president shall have power to call a meeting of the board at any time, upon five days notice, and a majority of said board shall constitute a quorum to transact business. Board to consist of nine members
Quorum.

SEC. 3. *Be it further enacted*, That the present or any future board of trustees shall have power to change the military character of said school, to that of any other kind they may deem best; and if such change be so made by the said board, the present regulations and provisions of the said charter as are applicable only to a military institution, are hereby suspended so long as such change shall continue in force. Military character may be changed.

SEC. 4. *Be it further enacted*, That the board of trustees shall have power to adopt all such by-laws, rules and regulations for their own government, and for the government of said school as to them shall appear best, not in conflict with the constitution and laws of this State. Board may adopt laws, rules, &c.

SEC. 5. *Be it further enacted*, That if the election provided for in the first section of this act should not be held on the day therein specified, an election may be held any time thereafter, upon a notice of ten days, given by the president of the board: *Provided*, that the term of service of no board shall expire until their successors are elected. Election may be held at another day.
Proviso.

Approved, December 9, 1861.

No. 117.]

AN ACT

To amend an Act to incorporate the Indian Creek Male and Female Academy in Pike county, approved February 9th, 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 2 of said act be so amended as to

remove the restriction against the sale of spirituous or vinous liquors in quantities of one quart and upwards within the corporate limits of said academy.

Approved, December 3, 1861.

No. 118.]

AN ACT

To amend the charter of the Jasper Male and Female Academy, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled an act to incorporate the Male and Female Academy in the county of Walker, approved the 23d February, 1860, be, and the same is hereby amended, by adding after the first section of said act the following as the second section :

Liquor prohibition.

SEC. 2. *And be it further enacted,* That it shall not be lawful for any person to sell vinous or spirituous liquors, except for medicinal or sacramental purposes, within two miles of said Academy; and if any person shall sell vinous or spirituous liquors within two miles of said Academy, except for medicinal or sacramental purposes, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars.

Penalty.

2d becomes 3d section.

SEC. 3. *And be it further enacted,* That said act be further amended, by making the second section thereof the third.

Certain act repealed.

SEC. 2. *Be it further enacted,* That an act entitled an act to define the boundaries of the town of Jasper, in the county of Walker, approved the 27th of January, 1858, be, and the same is hereby repealed.

Approved, December 9, 1861.

No. 119.]

AN ACT

To extend the corporate limits of the town of Auburn.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the boundaries of the town of Auburn,

in the county of Macon, in this State, be so extended as to include within the limits of said town the following fractional parts of sections lying contiguous to and adjoining said town, as now limited and defined by law, to-wit: The west half of section twenty-nine (29,) the northwest quarter of section thirty-two (32,) and the southwest quarter of section twenty (20,) all lying and being in township nineteen (19,) of range twenty-six (26;) and also the east half of section twenty-five (25,) the northeast quarter of section thirty-six (36,) the the southeast quarter of section twenty-four (24,) all in township eighteen (18,) and range twenty-six (26;) and the laws now in force in reference to said town of Auburn are hereby extended over the limits herein above described.

Boundaries extended.

Present laws extended over the portions thus included.

SEC. 2. *And be it further enacted*, That the sixth section of an act entitled "An act to incorporate the town of Auburn, in the county of Macon," approved on the second day of February, A. D., 1839, be amended by striking out the word "twenty-five" where it occurs in said section and in lieu thereof insert the word "fifty."

6th section of act of 1839 amended

Approved, December 7, 1861.

No. 120.]

AN ACT

To amend the charter of the town of Gainesville.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Intendant and Council of the town of Gainesville shall have power and authority hereafter to impose upon each person and hand liable to street duty in said town, and to collect from the persons and the owners of slaves who are liable to such duty a money tax, not exceeding five dollars a year, for each person and hand so liable, instead of calling out such persons and hands to work on the streets in said town, and the persons and hands for whom the said tax shall be paid, shall be exempt from street duty in said town during the year for which the payment of said tax shall be made; *Provided*, that the persons and hands for whom the tax shall not be paid or collected shall be liable to be called out to work on the streets in said

A money tax in place of street work.

Tax exempts from street duty.

Proviso.

town as heretofore; and *provided*, further, that the money collected on account of said tax shall be applied to the keeping of the streets and bridges of said town in repair.

Approved, December 7, 1861.

No. 121.]

AN ACT

To amend the charter of the city of Montgomery.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the powers heretofore granted by the charter of the city of Montgomery, the City Council of Montgomery are hereby empowered to levy and collect a tax not exceeding one-half of one per cent. on the value of the service pipe of the Montgomery Gas Light Company laid in the streets of said city, and a tax not exceeding fifty dollars upon the business of all persons engaged in buying and selling exchange; and to pass an ordinance requiring all persons to bring the hides and ears of all cattle, sheep or goats, and the heads and ears of all hogs slaughtered within five miles of said city, and brought to the said city for sale.

Approved, Dec. 10, 1861.

No. 122.]

AN ACT

To amend the Charters of the towns of Marion, in Perry county, and Montevallo, in Shelby county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the corporation of the town of Marion is prohibited from collecting poll taxes and taxes on on real and personal property for any year after the year 1860.

SEC. 2. *Be it further enacted*, That all persons within the corporation, excepting those who are exempted by the next section, are liable to work on the streets, side-

Tax on service pipe of gas light company.

Tax on exchange dealers.

Authority to pass a certain ordinance.

Collection of certain taxes prohibited.

Persons liable to street duty.

walks, bridges, culverts and tunnels within the said town, not exceeding ten days in any one year, under such laws and regulations, and subject to such penalties for their violation as the corporation may prescribe.

SEC. 3. *Be it further enacted*, That all females, all male slaves and persons of color under fifteen and over sixty, and all white males under eighteen and over fifty-five years of age, licensed ministers, officers, teachers and students of colleges and schools, engineers and persons in charge of cars or trains running on rail roads, and officers of the Confederate States, this State or county.

Persons exempt from street duty.

SEC. 4. *Be it further enacted*, That from any judgment or decree of said corporation, an appeal lies to the circuit court of the county of Perry, upon the same terms and conditions as appeals from the judgments of justices of the peace; and such appeals when taken shall in all respects be governed by the laws regulating and governing appeals from justices of the peace, and the trial thereof in the circuit court, so far as such laws are applicable.

Appeals from any judgment or decree.

SEC. 5. *Be it further enacted*, That all the provisions of this act shall apply to the town of Montevallo in the county of Shelby: *Provided*, that this act shall not be so construed as to prevent the corporate authorities of said town of Marion from levying any tax which may be necessary to meet the payment of principal or interest of any debt heretofore legally incurred by the corporation of said town.

Provisions applicable to Montevallo.
Proviso.

Approved, December 10, 1861.

No. 123.]

AN ACT

To amend an Act amendatory of the Charter of the city of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act entitled an act "to amend the charter of the city of Selma," approved February 24, 1860, be and the same is hereby altered and amended as hereinafter specified and enacted.

SEC. 2. *And be it further enacted*, That any freeholder

of the city of Selma, who may be dissatisfied with the valuation of real estate in said city, made by the assessor of taxes in said city, may refer the said valuation of his real estate to three freeholders of said city, who are not councilmen, one of said freeholders to be selected by the person dissatisfied with the valuation made by the city assessor; another of said freeholders to be selected by the mayor of said city, and the third freeholder to be chosen by the two freeholders first selected, and the decision of the said three freeholders shall be the true valuation of the real estate so submitted to them; and upon the said valuation, the city taxes shall be assessed: *Provided*, the person dissatisfied with the valuation of his said real estate, as returned in the schedule and valuation made by the person appointed by the city council shall give to the mayor of said city written notice of his dissatisfaction and the name of the referee chosen, by him, within ten days after publication of the return to the city clerk's office of said schedule and valuation; and upon the reception of said notice by the said mayor, he, the said mayor, shall designate some person as above set forth, and these two so selected and designated, shall select a third person and proceed within ten days from the date of their selection, to hear the case, and immediately after the valuation of the said real estate referred to them is made and determined by them, they shall give notice of the same to the mayor as aforesaid.

Valuation of real estate may be referred to three freeholders.

Mode of selection.

Proviso.

Municipal election to be annual

SEC. 3. *And be it further enacted*, That at the expiration of the term for which the mayor and common councilmen of the city of Selma are elected the mayor and councilmen of said city shall be elected for one year, and shall hold their offices for one year, or until the election and qualification of their successors, and the elections for mayor and councilmen shall, at the expiration of the terms of the present incumbents, be made annually instead of biennially, as heretofore.

Parts of former acts repealed.

SEC. 4. *And be it further enacted*, That so much of an act to incorporate the city of Selma, "approved February 6th, 1858, and of an act to amend the charter of the said city of Selma," approved February 24th, 1860, as is in conflict with the provisions of this act, be, and the same is hereby repealed.

Approved, December 3, 1861.

No. 124.]

AN ACT

To incorporate the Pensacola and Mobile Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That H. Park Watson, Benjamin Rush Jones, B. Constantine Jones, Henry C. Semple and A. P. Watt be, and they are hereby appointed commissioners, to cause books to be opened at such times and places, and by such persons, as they or a majority of them may prefer or select, for subscriptions to the capital stock of the Pensacola and Mobile Rail Road Company of the State of Alabama.

Commissioners.

SEC. 2. *Be it further enacted,* That the commissioners appointed by the foregoing section, shall assemble in the city of Montgomery on the 1st Monday in June, 1862, or on such day thereafter as a majority of them may agree upon; and a majority being present, they shall appoint the times and places, when and where said subscription books shall be opened, and they shall determine the amount to be paid on each share, at the time of subscribing, and they shall cause notice thereof to be published in such newspapers as they may deem advisable at least ten days before the day or days appointed for the opening of said books; which said books shall be kept open for twenty days, or until the sum of one hundred thousand dollars has been subscribed to the capital stock of said company.

Time of first meeting.

Opening of subscription books.

Notice to be given.

Books open for twenty days.

SEC. 3. *Be it further enacted,* That whenever the said commissioners shall find upon examination that the sum of one hundred thousand dollars or more has been subscribed to the capital stock of said company, then the subscribers, and those whom they may at any time associate with them, their successors and assignees, shall be and they are hereby made and created a body politic and corporate, by the name of the Pensacola and Mobile Rail Road Company, and by that name shall have perpetual succession, and a common seal, with a capacity to hold, have, receive and enjoy, to them and their assigns and successors, property and estate of whatever nature and quality, and the same to alien, hold, transfer and dispose of, so far as may be necessary to carry into effect the object of this charter, which is hereby declared

When \$100,000 are subscribed then a body corporate

Name.

Object of the company.

to be the construction and maintenance of a rail road from Hall's bridge on the Perdido river to some point on the east side of Mobile Bay or to some point on the Mobile and Great Northern Rail Road: *Provided*, The connection with such road shall only be made by and with the consent of the Mobile and Great Northern Rail Road Company.

A general meeting to elect directors.

SEC. 4. *Be it further enacted*, That whenever upon examination of said subscription books, the sum of one hundred thousand dollars, or more, has been subscribed to the capital stock of said Pensacola and Mobile Rail Road, the commissioners appointed under the first section of this act, a majority of them being present, shall call a general meeting of the subscribers at such time and place as the commissioners may appoint, and at such meeting the subscribers, or a majority of them in value, shall elect seven directors by ballot, to manage the affairs of said company for the ensuing year, and the commissioners aforesaid, or any three of them, shall be judges of said first election for directors, and the directors then chosen shall elect amongst themselves one of their number to be President of said company, and shall allow him such compensation as they may think proper, and on all occasions whenever a vote of stockholders shall be taken, each stockholder shall be allowed one vote for every share of stock owned by him or her; and any stockholder may depute any other person to vote for him or her, as his or her proxy, by written authority.

President of the board.

One vote for each share.

Proxy.

If directors not elected on certain day, company not dissolved

SEC. 5. *Be it further enacted*, That in case it shall so happen that an election for directors shall not be made on the day appointed by the laws of said company, said company shall not be dissolved on that account, but such election may be holden on any other day which shall be appointed by the directors of said company, and if necessary such meeting may be adjourned from day to day until such election can be made; and said directors shall have power to fill any vacancy which may occur in the board by death, resignation or otherwise.

Power to fill vacancies.

Directors chosen annually.

SEC. 6. *Be it further enacted*, That the directors shall be chosen annually by the stockholders of said company, and shall hold their offices until their successors are elected, and the directors so elected shall elect a President from among themselves.

SEC. 7. *Be it further enacted,* That the said president and directors may appoint all such officers, engineers, agents and servants and confer upon them such power and authority as they may deem necessary to carry on the business of said company, they shall fix the compensation to be allowed them, or give authority to do so to the president of the company, and may remove all such officers, engineers, agents, and servants, at their pleasure, and they shall have power to pass all such by-laws, rules and regulations as they may consider necessary for the good government of the corporation, its officers, agents, and servants, and for carrying into effect the object of this act: *Provided, only,* That such by-laws and regulations shall not be contrary to the constitution or laws of this State or of the Confederate States.

Power of President and directors to appoint.

Other powers.

SEC. 8. *Be it further enacted,* That the said president and directors may open at such times and places as they may think proper, books to receive additional subscriptions to the capital stock of said company upon such terms and conditions as they may provide, which capital stock may be added to from time to time, until it shall amount to the sum of one million of dollars.

Additional subscriptions.

Limit.

SEC. 9. *Be it further enacted,* That the said president and directors shall have power to require the stockholders of said company to pay such installments on their respective shares of stock in said company, at such times as they may think best for the interest of said company, and upon the failure or refusal of any stockholder to pay the installment required on his or her stock, in pursuance of any call made by said president and directors as aforesaid, said president and directors may, upon giving twenty days notice, proceed to sell at public auction the share or shares of said defaulting stockholder, or such part as they may think proper, to the highest bidder, and cause to be transferred on the books of said company the stock so sold, to the purchaser; and if on sale of the shares of stock held by said defaulting stockholder, said stock should be sold for less than the amount due upon the installments which may have been called in, said stockholder shall be liable to pay to said company the deficiency in manner and form hereinafter specified.

Power to require payment of installments

Failure of stockholder to pay.

SEC. 10. *Be it further enacted,* That upon the failure or refusal of any stockholder to pay any installments

Proceedings,

called for by the president and directors of said company, or if upon the sale of the stock held by said stockholder, it should be sold for less than the amount due upon installments called, then the said president and directors on giving twenty days notice to said defaulting stockholder, may proceed by their attorney, to move the circuit court of the county in which said stockholder may reside, for judgment against the stockholder for the amount called for by the said president and directors of said company, or as the case may be, for any balance or deficiency that may be due to said company on said installment so called for, after the sale of any stock held in said company by said defaulting stockholder; and said court is hereby authorized and empowered and required to render judgment against said defaulting stockholder, at the term of the court at which said motion is made; and all notices required to be given to any defaulting stockholder, shall be issued by and in the name of the company and signed by the secretary of said company, and said notice shall be served by the sheriff or other legal officer of the county in which said stockholder may reside, and said notice shall be executed and returned by said officer to the office of the clerk of the court, as in the case of common writs.

As to lands and other property.

SEC. 11. *Be it further enacted*, That said company is hereby authorized to purchase, receive and hold such lands and other property as may be necessary and convenient for accomplishing the object for which this incorporation is chartered, and may by its agents, surveyors, engineers and servants, enter upon all lands through which they may deem it necessary to make said road, and to survey, locate and contract for land upon which to construct said road and upon which to erect their station houses, depots, workshops, buildings and turnouts, and for such other uses and purposes as may be necessary for the operation of said road.

Make selections

Proceedings when the company and the owner of and cannot agree

SEC. 12. *Be it further enacted*, That if said company cannot agree with the owners of the land through which they may desire the road to pass, or with any person having the authority to grant the right of way, by sale or otherwise, it shall and may be lawful for the clerk of the circuit court of the county in which said lands may lie, on the application of said company or its agents, and he is hereby required to issue a writ of *ad quod damnum*, commanding the sheriff that without

delay he cause a jury of seven good and lawful men to be upon such lands on a day to be by the sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, or if he or she be a minor or a lunatic, to his or her guardian at least five days before such day, if they be within his county, or if not, or if the owners be unknown, non-residents or absent from the State, this notice shall be given by advertisement, to be by said sheriff posted in some public or conspicuous place in the neighborhood of said land at least ten days before the appointed day, and also by advertisement of the same in some newspaper, published nearest the land, at least three weeks by weekly insertions prior to said day; and then cause said jury after being duly sworn by the sheriff or a justice of the peace, to make true inquest of the damage that will be sustained by said owner or estate, by reason of making such road through such land, and by using so much thereof as may be necessary therefor, not exceeding one hundred feet on each side of the road, for the construction of said road through said land, and not exceeding fifteen acres at any one place for such station houses, depots, buildings and turnouts as may be necessary for the benefit of said company. If any juror shall fail to appear, or by reason of challenge or otherwise shall fail to appear, the said sheriff shall fill said jury as soon as possible, and if they fail to render a verdict, the said sheriff shall again on the same or on some subsequent day, empanel a new jury or jurors until a verdict be had, such verdict and inquest regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said lands lie, and there remain among the records, and such verdict shall vest in said company the right to use such land, timber and stone, granted for the purposes of the said company, on the payment or tender of payment of damages thereon assessed against said company, and in case of persons non-resident or unknown as aforesaid, or upon the refusal of said persons to receive the amount, the placing of such damages to the credit of the owner in the hands of the probate judge of the county in which said lands may be, shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment.

SEC. 13. *Be it further enacted*, That the jurors trying

Oath of jurors
summoned to as-
sess value.

said cause shall take the following oath, which oath the sheriff or his deputy acting in said case is hereby authorized to administer: You, and each of you, do swear or affirm, as the case may be, that you will well and truly try the case now pending and submitted to your decision between A. B., complainant, and the Pensacola and Mobile Railroad Company of Alabama, defendant, and that you will take into consideration the advantages which said owner will derive from the increased value of his land caused by the construction of said road, as well as the injury and damage which may be done to him by the use of the land, timber, stone, &c., for the construction and maintenance of said roads, so help you God: *Provided*, That in no case shall the owner of the land be brought in debt.

Proviso.

Either party
may appeal.

SEC. 14. *Be it further enacted*, That either party may appeal to the next circuit court, held after the assessment, by application to the clerk of the court within thirty days after such assessment, and upon giving security for the prosecution of such appeal, and in case the appeal is made by the corporation for judgment, which may be rendered against it on appeal.

Trial of appeals.

As to costs.

SEC. 15. *Be it further enacted*; That the trial of such appeal shall be *de novo*, and if the corporation is the appellant, and the damages assessed are equal to or greater than found on the previous inquest, the appellant must pay the costs, and the court may award not exceeding ten per cent. damages if of the opinion that the appeal was taken for delay merely.

Costs against the
owner in a cer-
tain case.

SEC. 16. *Be it further enacted*, That in case the appeal is not taken by the corporation and the appellant does not recover more damages than were assessed to him, judgment for cost must be rendered against him; on such appeals when judgment is against the appellant, execution may issue against his security.

No hindrance to
the work by ap-
peal.

SEC. 17. *Be it further enacted*, That the work of surveying, locating and constructing said railroad, shall in no wise be hindered or delayed on account of the proceedings had under the provisions of the foregoing sections of this act.

Penalty for inju-
ring or obstruct-
ing the road.

SEC. 18. *Be it further enacted*, That in case any person shall wilfully injure or obstruct said road, or delay the construction thereof, he shall forfeit and pay to said company three times the amount of damages it may have sustained in consequence thereof, to be sued for

and recovered in the same manner as required by law for such individuals in like case, and on complaint to any magistrate within whose jurisdiction such offense shall be committed, it shall be the duty of the said magistrate to bind the person or persons so offending, with sufficient security, for his or their good behavior, for a period of not less than one year, and such offender shall in addition be subject to all the penalties now provided by law for such offences.

Bond for good behavior.

SEC. 19. *Be it further enacted*, That whenever it shall be necessary for the construction of said road, to intersect or cross any stream of water or water course, whether navigable or not, it shall be lawful for said company to construct across said stream bridges, which, if upon navigable streams, shall be with draws of sufficient width to admit the safe passage of steam or other vessels navigating said stream, to be built upon such plan as will allow the passage safely of steam or other vessels, by, around, or under such bridges, and provided that said company shall keep at all times, day and night, proper watchmen to avoid delay in the passage of such steam or other vessels as may navigate said stream.

Construct bridges over streams.

Not to obstruct navigation.

SEC. 20. *Be it further enacted*, That if it shall be necessary for said company to continue the rail road across or upon any public road or highway, or in case such public road or highway is so located, that said road cannot be judiciously laid out and constructed across or upon the same without interfering therewith, in such case or cases, said corporation may by their engineers cause such road or highway to be changed or altered in such manner that said rail road may be made on the best site of ground for that purpose: *Provided*, That said road or highway shall be put by said corporation in as good repairs as it was at the time of altering or changing the same.

Public roads may be altered or changed in certain cases.

SEC. 21. *Be it further enacted*, That the president and directors of said company shall be and they are hereby authorized and empowered to borrow money to carry into effect the object of this act, to issue notes, bonds or other obligations for the payment of the same, in such form and payable at such times and places, and bearing such rates of interest as they may prescribe, and the said president and directors are hereby invested with full authority and power to mortgage their road

Board may borrow money or issue bonds, &c.

May execute mortgages.

and property, and the franchise of said company, to secure the payment of the same, by deed of trust or otherwise, and they have full power to hypothecate, sell, or otherwise dispose of the promissory notes, bonds, or other obligations, of any person or persons, or of any corporation, and if necessary to guarantee the payment of the same by endorsement or otherwise.

May levy and collect tolls.

SEC. 22. *Be it further enacted,* That after the completion of any part of said road, the said Pensacola and Mobile Rail Road Company may levy and collect tolls on, and from all persons and for all property, merchandize, and other commodity transported thereon, and said company may contract for the transportation of the mail, and for the exclusive right to use their passenger train for expressing goods, wares, merchandize and money.

Other rights.

Hands exempt from road duty.

SEC. 23. *Be it further enacted,* That all the hands belonging to or employed by said company on their road, works, or engines, are hereby declared to be exempt from road duty in the several counties through which said road may run.

Approved, December 9, 1861.

No. 125.]

AN ACT

To amend the Charter of the Alabama and Florida Rail Road Company.

Extend track through city of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Alabama and Florida Rail Road Company is hereby authorized to extend the track of their rail road, from a point at or near its present terminus near the city of Montgomery, through said city to the depot of the Montgomery and West Point Rail Road, and to make such connection with said Montgomery and West Point Rail Road as the said companies may agree upon.

Privileges as to right of way conferred.

SEC. 2. *Be it further enacted,* That all the privileges granted to said Alabama and Florida Rail Road company, under their act of incorporation, or under any amendments made thereto, are hereby fully conferred

upon said company, to enable them to obtain the right of way through said city.

Approved, December 3, 1861.

No. 126.]

AN ACT

To explain an Act, entitled an Act to incorporate the Mobile and Spring Hill Rail Road Company.

Whereas the power is given by said act to the municipal authorities of the city of Mobile to impose an annual tax of one dollar on every one hundred dollars of the gross earnings of said company, and by the terms of said act, the said municipal authorities claim the right to impose the said tax upon the gross earnings of said company, outside of the corporate limits of said city, and to collect the same by the said city's tax collectors, contrary to the spirit and intent of said act, and to the manifest justice of the case, since the company receive none of the franchises or privileges from said municipal authorities, outside of the city limits; now, therefore,

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the true intent and meaning of said act, is, that the said municipal authorities should only have the power to impose the said tax on the gross earnings of said company, within the limits of the said city of Mobile.

True meaning.

Tax on earnings within the city of Mobile.

Approved, November 11, 1861.

No. 127.]

AN ACT

To amend the Charter of the Opelika and Talladega Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Opelika and Talladega Rail Road Company, be, and is hereby fully authorized and empowered, in addition to the powers conferred by their

Road may be extended to Tusculumbia.

charter, to extend and construct their rail road, on a route to be chosen by them, from its terminus on the Alabama and Tennessee rivers rail road to the town of Tuscumbia.

Rights, &c., applied to extension.

SEC. 2. *Be it further enacted*, That all the rights, privileges and immunities of their present charter of said rail road company, be applied to the aforesaid portion of the way, between the Alabama and Tennessee rivers rail road and the town of Tuscumbia.

Name changed.

SEC. 3. *Be it further enacted*, That the name of the Opelika and Talladega Rail Road Company be, and is hereby changed to that of the Opelika and Tuscumbia Rail Road Company.

Capital stock raised.

SEC. 4. *Be it further enacted*, That to enable the said rail road company to construct the said portion of their road, between the Alabama and Tennessee rivers rail road and the town of Tuscumbia, the capital stock of said company may, and is hereby authorized, to be raised to the sum of \$4,500,000.

"Confederate States" for "United States."

SEC. 5. *Be it further enacted*, That in section 3 of the act of incorporation of said Opelika and Talladega Rail Road Company, approved December the 9th, 1859, the words "United States" be stricken out, and "Confederate States" be inserted in lieu thereof.

Approved, November 9, 1861.

No. 128.]

AN ACT

To establish a bank in the city of Tuskaloosa, to be called the Western Bank of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a bank be established in the city of Tuskaloosa, the capital stock of which shall not exceed six hundred thousand dollars, divided into shares of one hundred dollars each.

Bank established. Capital stock.

Commissioners.

SEC. 3. *Be it further enacted*, That L. B. McNeal, R. C. McLester, John Glascock, E. B. Vaughn, John W. Pratt, James C. Spencer and Joseph P. Turner, be authorized as Commissioners to receive subscriptions for shares of stock, not to exceed six hundred thousand dollars. The said Commissioners, or a majority of

them, shall designate the time and place for receiving subscriptions to said stock, and shall keep books open and receive subscriptions for thirty days, unless the said amount of six hundred thousand dollars be sooner subscribed, and in any event shall keep books open for ten days, and until as much as two hundred thousand dollars be subscribed. The said Commissioners shall give at least thirty days previous notice of the opening said books by advertisement in at least three public newspapers published in this State and elsewhere, in their discretion, and they shall keep a correct record of all their proceedings.

Books to be opened for subscriptions.

Notice to be given, and how.

SEC. 3. *Be it further enacted*, That at the time of admitting such subscriptions for stock, the said Commissioners shall require from the subscriber the sum of five dollars for each share subscribed; the subscriber shall further pay an installment of fifteen dollars per share within ninety days after the day of first opening the said books, of fifteen dollars per share within six months after said opening day, twenty dollars per share within nine months after said opening day, twenty dollars per share within twelve months after said opening day, twenty-five dollars per share within fifteen months after said opening day; but any subscriber may, if he thinks proper, pay in his subscription at earlier days than above limited, and in such case interest shall be equalized with the other stockholders upon equitable principles. The said Commissioners shall deposit all moneys received by them for safe keeping in such bank or other place of deposit as they may select, until the said new bank shall go into operation, after which payment shall be received by itself. The Commissioners shall have power to fill vacancies in their own body, occurring by death, absence, or refusal to act until their duty is performed.

Five dollars per share to be paid.

Other Installments.

Discretion of subscriber.

Money to be deposited.

Vacancies.

SEC. 4. *Be it further enacted*, That whenever a sum not less than two hundred thousand dollars or more than six hundred thousand dollars shall have been subscribed to the capital stock of said bank, and after closing the books of subscription, and after half of the capital stock subscribed shall have been actually paid in gold or silver, the said bank may elect its officers under the following conditions, to-wit; The President and Directors of said bank thus appointed shall, without loss of time, make the necessary arrangements to put the

Election of officers.

Conditions.

bank in operation so soon as pursuant to the provisions of this act the bank shall possess in gold and silver one-half of the capital stock subscribed, but the said bank shall under no pretext whatever commence its banking operations by discounting bonds, or notes, or bills, by loaning money or by putting into circulation its own notes, until it shall actually and in good faith have in possession, of its own absolute property, in gold and silver, one-half of the whole amount of the capital stock subscribed, and shall have returned to the Governor of this State an account thereof, verified by the oath or affirmation of the President or Cashier for the time being, nor shall the bank so commence its operations until the Governor, satisfied by the return aforesaid, and by such other evidence as may be offered, shall issue a proclamation declaring that the return aforesaid had been duly made, and that it appeared to his satisfaction that said company had of their own absolute property the amount in gold and silver aforesaid, and were authorized under the provisions of this act to commence their banking operations as aforesaid, and if the said bank without actually and in good faith having of its own property the amount of gold and silver as aforesaid, or without having made return thereof as aforesaid, or without the proclamation of the Governor as aforesaid, shall commence any such banking operations as aforesaid, the charter hereby granted shall be null and void, and the said bank shall be considered to all intents and purposes as an unchartered bank, and if more subscriptions be offered to the Commissioners than they are authorized to receive, they shall scale and allow the subscriptions in such mode as they shall deem equitable, giving in all cases the preference to subscribers who shall be resident citizens of Alabama; and if still necessary, they shall reduce the largest subscriptions so as to form the proper amount of capital stock and no more; *Provided*, that no other bank shall be allowed to take stock in said bank.

SEC. 5. *Be it further enacted*, That if on closing the books a sufficient capital shall not be subscribed to authorize the bank to go into operation under the terms of this act, the Commissioners may again open books afterwards, at such times and places as they may direct, under the same regulations as heretofore provided, until the subscription be sufficient, after the bank officers

Governor to issue proclamation

Penalty for commencing without compliance with the conditions.

Excess of subscriptions to be scaled.

Books may be opened again.

shall have been elected, if the stock is not full, the Board of Directors shall have power to cause books to be opened from time to time until the stock and capital be full, and to appoint commissioners to receive such subscriptions, under such rules as they may prescribe; *Provided* thirty days notice be given by advertisement as before prescribed, of the time and place of receiving such subscription.

SEC. 6. *And be it further enacted*, That the stockholders of said bank and their successors shall, when a sufficient amount shall have been subscribed and paid in, be and they are hereby created a corporation and body politic, by the name and style of the Western Bank of Alabama, and shall so continue until the first day of June, 1892, and by that name shall be and they are declared able and capable in law to have and own, purchase, receive, possess and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature and quality, moneys, obligations, stocks, bonds, bills, notes, securities, and choses in action, of whatever kind or nature, and the same may sell, grant, demise, alien, convey and dispose of, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, matter or thing depending in any court of law or equity, and shall have power to make, have and use a common seal, and the same to break, alter, or renew at pleasure, also to ordain, establish, alter and repeal bylaws, ordinances and regulations, as they may deem necessary and convenient from time to time for the government of said corporation, not being contrary to the constitution and laws of the Confederate States, or of the State of Alabama; also to make loans and discounts, deal in money, notes, bills of exchange, bonds, mortgages, and securities of all kinds, to receive deposits, to make and issue bank notes, payable on demand, to bearer, and to make all contracts, and transact all such business as is usually transacted by banks, and as are within the scope of banking operations, and generally to do and execute all and singular the acts, matters and things which to them it shall appertain to do as incident to bodies corporate, subject however to the rules and limitations herein contained; *Provided*, the said bank shall not in any case deal in or purchase merchandise, produce, or personal property of

Body corporate
as Western Bank
of Alabama.

Privileges.

Restrictions.

any kind, or real estate, except for its necessary banking houses, buildings and purposes, or by way of securing the debts due to it, nor shall it issue, or cause to be made for circulation as currency any notes or bills that are not payable on demand.

Board of directors.

SEC. 7. *Be it further enacted*, That the affairs of said bank shall be managed by seven Directors elected annually by the stockholders of said bank. At all elections the stockholders shall elect the Directors, and shall vote according to the ratio and scale of votes following: Each shareholder, for every share he may hold not exceeding twenty-five, may give one vote; for every two shares above twenty-five and under fifty, for every three shares above fifty and under one hundred, one vote; and for every five shares over one hundred and under one hundred and fifty, one vote; and after the first election no shares shall confer a right to vote which shall not have been holden by the voter three calendar months previous to the election. The stockholders shall be entitled to vote either in person or by proxy; the shares of infants may be voted for by their parents or guardians; if married women by their husbands or trustees; if corporations by their president; and if co-partners or joint owners, by either, unless the the other dissent, in which case neither shall vote; and all powers to authorize persons to vote by proxy shall be in writing.

How elected.

First election.

SEC. 8. *Be it further enacted*, That the first election for directors shall be held as soon as may be after the books of subscription shall be closed, and a sufficient number of shares be subscribed; the said commissioners appointed to receive subscriptions shall hold said first election on such day as they may appoint, after giving thirty days notice of the time and place of holding the same, they shall certify to the directors the names of the persons elected; shall hand over their records to them, and the moneys subscribed and paid. The said Board, so elected, shall proceed to elect a President from their own number: and the Board shall continue in office until the expiration of the second Monday in January following, and until their successors shall enter upon their duties. The subsequent elections for directors shall be held at the banking-house on the second Monday of January in each year. The new Board elected shall be authorized to enter upon

President.

Election of directors annual.

its duties on the day after, and continue until the expiration of the second Monday of January next thereafter, and until their successors shall organize and enter upon their duties. The polls shall be held by three stockholders, other than directors, appointed by the Board to hold the same. The vote shall be by ballot under such regulations as the bank shall prescribe, but ten days notice shall be given of such election in one public newspaper of the county in which said bank is located, and no stockholder shall vote at any time while in default of the payment of his installment of stock.

Rules in the election.

SEC. 9. *Be it further enacted*, That no person shall be a director unless he shall own one thousand dollars worth of stock in said bank, *bona fide*, and as his own property, nor unless he shall be a resident citizen of this State, and is not a stockholder in any other bank.

Eligibility.

SEC. 10. *Be it further enacted*, That in case no election should be made of Directors or President at the time provided by this act, the corporation shall not be for such cause deemed dissolved; but such election shall be held as soon after as may be, on due notice. The Board shall have power to fill all vacancies in the office of President and of directors. Six months absence, removal from the State, transfer of stock down to a sum less than one thousand dollars; and any cause which shall prevent the attendance of such officer permanently to discharge the duties, or render him incapable of so doing, shall vacate the seat of such President or director.

Failure to elect.

Vacancies, how filled.

SEC. 11. *Be it further enacted*, That the President and directors of such bank shall have power to appoint a cashier, and all such officers, clerks, agents and servants as may be necessary from time to time, to carry on the business of the bank, and prescribe their compensation and duties, and to require proper bonds for the faithful discharge of their duties in their discretion, and to issue bank bills payable to bearer on demand at their banking-house.

Cashier and other officers.

SEC. 12. *Be it further enacted*, That the shares of stock in said bank shall be assignable and transferrable according to such rules as may be instituted in that behalf by the bylaws and ordinances of the bank, and transfer books shall be kept for that purpose; *Provided*,

Stock assignable

Proviso.

that in case of the failure of the bank within six months after any such transfer or sale of stock, the party selling and the party purchasing said stock shall be each held liable for the payment of the debts of the bank in proportion to the stock so transferred; *Provided, further*, that no transfer of stock shall be made so as to vest in any one stockholder a greater number than one-fourth the amount of the whole number of shares subscribed for in said corporation; *And provided, further*, that the bank shall have power to pass bylaws to prevent the assignment of shares by parties owing debts to said bank past due, until such indebtedness be paid, and to withhold dividends due to persons so being in default, if they deem it proper.

Further proviso.

Another proviso.

May move for judgment in certain cases.

Requirements.

Proviso.

Further Proviso.

SEC. 13. *Be it further enacted*, That if any person or persons, co-partnership or body corporate, shall be indebted to said bank as maker, endorser, guarantee, or as drawer or acceptor of any note, bill or bond, made expressly negotiable and payable at the said bank, and shall delay payment thereof, the said bank may move for judgment and award of execution against such debtor in any court of record in the State where such defendant may reside, or corporation so indebted be located, and judgment shall be thereon rendered as may be lawful and proper; *Provided*, that the defendant in any such case shall have at least thirty days personal notice of such motion before the same is made, specifying what the demand is; *Provided, also*, that at the time of making such motion the bank shall produce and file a certificate of the President or cashier under the seal of the bank, that the debt claimed is really and *bona fide*, the property of the bank. *Provided, further*, that if any defendant shall appear and contest the claim, the court shall require the bank to file its declaration, and the defendant his pleas, and to cause issue to be joined in law or fact, to be tried instanter or during the term, as the court may direct, by jury or by the court, as the case may be, unless on sufficient cause shown it be necessary to continue the cause, and the court shall give judgment as may be proper; *And provided, further*, that the summary remedy thus given shall not preclude any other mode of redress which may be lawful to enforce the rights of the bank.

Remedies reciprocal.

SEC. 14. *Be it further enacted*, That the said remedies given for the collection of debts due the bank, shall be

reciprocal for and against the bank; and in motions against the bank no certificate shall be required to be filed as above set forth, and the courts of record in the county in which said bank is located, having jurisdiction, shall hear motions for the recovery of all debts due by said bank, and in all suits against said corporation service of process on the President or cashier shall be sufficient to bring the defendant into court.

SEC. 15. *Be it further enacted*, That the said bank shall be subject to the following rules and regulations, and they are declared to be fundamental articles in the constitution of said corporation, to-wit:

Fundamental articles.

ART. 1. The banks shall not commence operations until half of the capital stock subscribed for be actually paid in gold or silver, which amount shall in no case be less than one hundred thousand dollars.

ART. 2. That the stockholders in said bank shall be bound respectively for all the debts of the bank in proportion to their stock holden therein, and this provision shall in no wise affect or impair the provisions of the twelfth section of this act.

ART. 3. The bank shall not be authorized to issue or have in circulation at any one time notes or bills of the bank to an amount exceeding twice the amount of its capital stock actually paid in, and in case of an issue greater than herein allowed the President and directors under whose administration it may happen shall be liable for the same in their natural and private capacities, and actions may be brought against them, or either of them, in any court, by any creditor of said corporation, and may be prosecuted to judgment, any condition or agreement to the contrary notwithstanding; but the corporation shall not on account of this provision be less liable and chargeable with said excess. *Provided*, that the President and such of said directors who may have been absent or dissenting when such excess was contracted or created may respectively exonerate themselves from being so liable by forthwith giving notice of the fact, and of their absence or dissent to the stockholders, at a general meeting, which they shall have power to call for that purpose.

Liability.

Provided.

RULE 1. The bank may at its option receive in payment, or on deposit, the notes of the banks of other States, but shall not pay out the same on loans, drafts or discounts.

May receive, but not pay out.

Proportion of
coin.

RULE 2. The bank shall be required to procure and always keep on hand gold and silver, in proportion of not less than one-third of the amount of the bills it shall have in circulation, and if withdrawn, shall immediately proceed to replace the deficiency.

Shall receive on
deposit

Proviso.

RULE 3. The bank shall be required to receive money on deposit and pay out the same to order free of charge, in such sums as the depositors may direct: *Provided*, that the bank shall not be required to pay deposits in less sums than twenty dollars, nor to receive them in less sums than one hundred dollars.

Rate of interest.

RULE 4. The bank shall not take, retain or receive on its loans or discounts, interest at a greater rate than as follows: upon paper running six months or under, "six per cent. per annum;" upon paper running more than six and not exceeding nine months, seven per cent. per annum; upon paper running more than nine months, eight per cent. per annum: *Provided*, that all paper held and owned by said bank, shall, after maturity, bear interest at the rate of eight per cent. per annum.

RULE 5. No director shall receive any emolument, but the President may receive such compensation as the stockholders shall at a general meeting assign him.

RULE 6. No director shall hold his office more than three years out of four in succession, but the president may always be re-elected for the ensuing year.

Quorum.

RULE 7. Not less than three directors shall constitute a quorum for the transaction of business, of which the president shall always be one, except in case of sickness or necessary absence; in which case his place may be supplied by another director, whom under his hand he shall depute for that purpose; and the director so deputed may do and transact all the necessary business belonging to the office of president of said corporation, under the name of president pro tem., during the continuance of the sickness or necessary absence of the president.

Officers to give
bond.

RULE 8. All officers of the bank, the president and directors excepted, shall be required before they enter upon the duties of their office, to give bond and security, such as the board shall approve.

Dividends.

RULE 9. Yearly or half yearly dividends shall be made of so much of the profits as shall appear to the direct-

ors proper, but no dividend shall be paid, as profits, which shall trench upon the capital of the bank.

RULE 10. Once in every term of three years, the directors shall lay before the stockholders, at a general meeting, for their information, an exact, full and particular statement of the condition and affairs of said bank, showing the particulars of all suspended debts, and shall give all information to them required, for a proper understanding of its true condition.

Full statement triennially.

RULE 11. The directors shall have power to call a general meeting of the stockholders at any time they may deem necessary and expedient, and a number of stockholders not less than thirty, who, together, shall be proprietors of five hundred shares of stock, or upwards, may at any time call a general meeting of the stockholders relative to the institution, giving at least six weeks notice in the newspaper of the town or county in which said bank is located, of such meeting, and specifying the purpose, or purposes thereof.

General meeting

RULE 12. The said bank shall make to the Comptroller of Public Accounts a return once in every year of its true situation, showing the amounts of its assets and liabilities, and of what they consist; also a list of stockholders of said bank, and a list of the shares owned by each.

Annual statement to Comptroller.

RULE 13. The Governor of the State shall appoint, annually, two commissioners, whose duty it shall be to examine the moneys, books, papers and documents of the said bank, and otherwise examine into its condition, and make report thereon within two months after their appointment. The bank shall furnish all information to the said commissioners necessary for an accurate examination, and shall pay to said commissioners four dollars per day, each, not exceeding ten days each; and the said commissioners shall each make affidavit before an acting justice of the peace, that they have not, previous to the time of their visit, communicated to the officers of the said bank the time when they would visit said bank for examination as aforesaid; which said affidavit shall be filed in the office of the Secretary of State.

Commissioners to examine each year.

Affidavit of commissioners.

Filed.

SEC. 16. *Be it further enacted,* That by way of bonus for granting this charter, the said bank shall pay annually into the treasury of this State, on or before the first day of November in each year, and while the bank shall

Bonus in lieu of State tax.

continue banking business, an amount equal to thrice the taxation which may be assessed on every hundred dollars of the value of lands for the time being by the State, on each share of the stock of the bank, which shall be in lieu and composition of all taxation by the State, county, town, or other authority, on the capital stock or business of the bank; *Provided*, that all real estate, owned by the bank, shall be subject to pay taxes as if held by individuals.

Proviso.

When notes not redeemed to be marked "protested."

Twelve per cent. interest additional to other interest.

Proviso.

No loan to director if stock not all paid.

Bill holder of exceeding one hundred dollars may file bill in chancery if payment is refused.

SEC. 17. *Be it further enacted*, That whenever any bills, notes, checks or other issues of said bank are presented at the counter of the same for redemption, and the bank shall refuse to redeem the same, either in gold or silver, the cashier shall write across the back of such bill, check or other issue, the word "protested", with the day and date, and shall sign the same; and all such bills, notes, checks or other issues so protested shall draw twelve per cent. interest from the date of such protest until the same shall be redeemed, together with the interest that may have accrued thereon; and if any such note, bill, check, or other issue, be presented to said bank and payment refused, and said officer failed to note the same protested, as above provided, such officer, so failing, and his securities, shall be subject to pay double the amount of the demand offered and refused, to be recovered by the person aggrieved, in any court of record in the county where said bank may be located.

SEC. 18. *Be it further enacted*, That no stockholder of said bank shall receive any loan from the bank, either directly or indirectly, until the whole amount of his stock shall be paid; and no stockholder, while any portion of his stock is unpaid shall be otherwise a debtor to said bank; nor shall said bank under any pretext hold any stock purchased by it of its stockholders for more than six months from date of purchase.

SEC. 19. *Be it further enacted*, That if any debt or demand due from said bank for an amount exceeding one hundred dollars, shall remain unpaid for more than ten days after proper demand made for payment, the holder of such debt may file a bill in the chancery court of the county, or district in which said bank is located, for the settlement of all the debts of the bank, if he elect so to do, and may, on proof, by affidavit of such refusal to pay on demand, and of the continuation of such refusal,

made to any chancellor or judge of any circuit court of the State, pray an injunction, to restrain the said bank and all its officers, from paying out, or in any way transferring or delivering to any person, any money or assets of said bank, or incurring any obligation or debt until such order be vacated or modified; and if such chancellor or judge shall be of opinion, that the debt is justly due, and that the bank has no just defence against the demand, and if it shall appear expedient and necessary upon the proof presented in order to prevent fraud and injustice, he shall grant an order for such injunction; *Provided*, that the bank shall have had such reasonable notice of the application, as the chancellor or judge may prescribe, and shall not be able to show sufficient cause against the same; and the said judge or chancellor shall then proceed further to enquire on such further notice as he may prescribe, whether the bank be clearly solvent or not, and may require the officers of the bank to exhibit any and all of its books, papers, accounts, assets, moneys, and effects, and to be examined on oath touching the same, before him, or a referee to be appointed by him; and if it shall appear that the said bank is not clearly solvent, then he may make an order declaring the same to be insolvent and requiring its affairs to be wound up and settled; and further, if in his opinion the safety of the creditors shall require it, such judge or chancellor may appoint a receiver to take charge of the assets of the bank and to close and settle its affairs, and may make all such orders for the accomplishment of the same safely, properly and economically, as the case may seem to require; but if it shall appear, on such examination, that the said bank is clearly solvent, or if there shall appear to be a deficiency of assets, and the bank shall procure and give good security for the payment of any deficiency which may exist, and that the assets shall prove sufficient to satisfy all the debts of the bank to the satisfaction of the judge or chancellor, then no such receiver shall be appointed, and upon the payment of the debt complained of, the injunction and proceedings shall be dismissed, such order shall be made for the payment of costs as the judge or chancellor shall deem just and proper, and the proceedings shall be returned and made of record in the chancery court of the county or district in which such

Injunction may
be granted.

Proviso.

bank is located, and shall be subject to the revision and correction by the supreme court, as in other cases.

When insolvent,
how to proceed.

Bill-holders pre-
ferred creditors.

Stockholders
further liable.

Order of the
court.

Remedy for clos-
ing not applica-
ble to mere sus-
pension.

Proviso.

Right of bill-
holder.

Corporation
name in suits
and liquidations.

SEC. 20. *Be it further enacted*, That in case the said bank be found insolvent, and settlement of its affairs be ordered as herein provided, the same shall be done upon bill filed in said chancery court under the orders of the court and rules of chancery, and full distribution shall be made of the assets, according to the rights of all parties. But the holders of bank notes and obligations, issued by the bank for circulation as money, shall be first called in and paid, and shall have priority over other debts due from the bank; and after the assets of the bank are exhausted, if they be not sufficient to pay all debts and liabilities, a further call shall be made on the share-holders in the bank for a further payment of capital over and above the sum of one hundred dollars of an amount equal to the deficiency, which shall be apportioned among all the shares of stock, and an order shall be made by the court for the payment, by each share-holder, of the sum or proportion due on his shares of stock, and each share-holder shall pay the sum so assessed to him severally in proportion to his stock.

SEC. 21. *Be it further enacted*, That the summary remedy in this act, especially given for settling up and closing the affairs of said bank, shall apply to the case of insolvency, but shall not be allowed in the case of a suspension only by the bank of specie payment, when and so long as such suspension shall be sanctioned by the General Assembly, or by the Governor of the State, during the recess of the General Assembly. But nothing in this act shall be so construed as to deprive a creditor of said bank from his right to suit in any other appropriate mode of proceedings, or to prevent the General Assembly from hereafter regulating by a general law, in relation to banking institutions, the mode of enforcing and satisfying the rights of creditors of said bank; *Provided* any bill holder shall have also right to move, in any court having jurisdiction, or before any justice of the peace in the town or county in which the bank is located, as the case may require, for the collection of any bill, the payment of which may be refused.

SEC. 22. *And be it further enacted*, That notwithstanding the expiration of the time for which the said corporation is created, it shall be lawful to use the corpo-

rate name, style and capacity for the purpose of suits and for the final liquidation and settlement of the affairs and accounts of the corporation—for the sale and disposition of its estate, real and personal, and collection of its assets, but not for a period exceeding two years after the expiration of said term of incorporation.

Limitation.

SEC. 23. That the said bank shall issue no bill or note, of a less denomination than one dollar.

No bill less than one dollar.

Approved, November 7, 1861.

No. 129.]

AN ACT

To establish a Bank in the town of Gainesville, to be called the Planters Bank of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a bank be established in the town of Gainesville, in the county of Sumter, the capital stock of which shall not exceed six hundred thousand dollars, divided into shares of one hundred dollars each.

Bank established. Capitol stock.

SEC. 2. *Be it further enacted,* That T. Reavis, A. W. Dillard, Jonathan Bliss and Wm. H. Winston, be authorized as commissioners to receive subscriptions for shares of stock not to exceed six hundred thousand dollars. The said commissioners or a majority of them shall designate the time and place for receiving subscriptions to said stock, and shall keep books open, and receive subscriptions for thirty days, unless the said amount of six hundred thousand dollars be sooner subscribed; and in any event shall keep books open for ten days, and until as much as two hundred thousand dollars be subscribed. The said commissioners shall give at least thirty days previous notice of the opening of said books by advertisement in at least three public newspapers, published in this State, and elsewhere, in their discretion; and they shall keep a correct record of all their proceedings.

Commissioners.

Subscriptions.

Notice of opening books.

SEC. 3. *Be it further enacted,* That at the time of admitting such subscriptions for stock, the said commissioners shall require from the subscriber the sum of five dollars for each share subscribed; the subscriber shall further pay an installment of fifteen dollars per

\$5 of each share paid at subscribing.

Other installments.

share, within ninety days after the day of first opening the said books; an installment of fifteen dollars per share within six months after said opening day; twenty dollars per share within nine months after said opening day; and twenty-five dollars per share within twelve months after said opening day; and twenty-five dollars per share within fifteen months after said opening day; but any subscriber may, if he thinks proper, pay in his subscription at earlier days than above limited, and in such case interest shall be equalized with the other stockholders upon equitable principles. The said commissioners shall deposit all moneys received by them for safe keeping, in such bank or other place of deposit as they may select, until the said new bank shall go into operation, after which payment shall be received by itself. The commissioners shall have power to fill vacancies in their own body occurring by death, absence, or refusal to act, until their duty is performed.

Deposit all moneys.

Fill vacancies.

When officers may be elected.

Conditions.

Governor issue proclamation.

SEC. 4. *Be it further enacted,* That whenever a sum not less than two hundred thousand dollars, nor more than six hundred thousand dollars, shall have been subscribed to the capital stock of said bank, and after closing the books of subscription, and after half the capital stock subscribed shall have been actually paid in gold or silver, the said bank may elect its officers under the following conditions, to wit: The president and directors of said bank thus appointed, shall without loss of time make the necessary arrangements to put the bank in operation, so soon as pursuant to the provisions of this act the bank shall possess in gold and silver one half of the capital stock subscribed, but the said bank shall under no pretext whatever commence its banking operations, by discounting bonds or notes or bills, by loaning money, or putting into circulation its own notes, until it actually and in good faith shall have and possess, of its own absolute property in gold and silver, one half of the whole amount of the capital stock subscribed, and shall have returned to the Governor of this State an account thereof verified by the oath or affirmation of the president or cashier for the time being; nor shall the bank so commence its operations until the Governor satisfied by the return aforesaid, and by such other evidence as may be offered, shall issue a proclamation, declaring that the return aforesaid had been duly made, and that it appeared to his satisfaction, that said

company had of their own absolute property the amount in gold and silver aforesaid, and were authorized under the provisions of this act to commence their banking operations as aforesaid; and if the said bank without actually and in good faith having of its own property the amount of gold and silver as aforesaid, or without having made return thereof as aforesaid, or without the proclamation of the Governor as aforesaid, shall commence any such banking operations as aforesaid, the charter hereby granted shall be null and void, and the said bank shall be considered to all intents and purposes as an unchartered bank, and if more subscriptions be offered to the commissioners than they are authorized to receive, they shall scale and allow the subscription in such mode as they shall deem equitable, giving in all cases the preference to subscribers who shall be resident citizens of Alabama, and if still necessary they shall reduce the largest subscriptions so as to form the proper amount of capital stock and no more: *Provided*, That no other bank be allowed to take stock in said bank.

Charter forfeited in certain contingency.

Scaling of subscriptions.

SEC. 5. *Be it further enacted*, That if on closing the books of subscription a sufficient capital shall not be subscribed to authorize the bank to go into operation under the terms of this act, the commissioners may again open the books afterwards at such time and place as they may direct, under the same regulations as before provided, until the subscription be sufficient. After the bank officers shall have been elected, if the stock is not full, the board of directors shall have power to cause books to be opened from time to time until the stock and capital be full, and to appoint commissioners to receive such subscriptions, under such rules as they may prescribe, provided thirty days notice be given by advertisement as before prescribed, of the time and place of receiving such subscriptions.

If first subscription insufficient, books again opened.

Proviso.

SEC. 6. *Be it further enacted*, That the stockholders of said bank and their successors shall, when a sufficient amount shall have been subscribed and paid in, be and they are hereby created a corporation and body politic, by the name and style of "The Planters Bank of Alabama," and shall so continue until the 1st day of June, 1892; and by that name shall be, and they are declared, able and capable in law, to have and to own, purchase, receive, possess, and retain to them and their

A body corporate

Privileges.

successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature and quality, moneys, obligations, stocks, bonds, bills, notes, securities, and choses in action of whatsoever kind or nature; and the same may sell, grant, demise, alien, convey, or dispose of; and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, matter, or thing depending in any court of law or equity; and shall also have power to make, have and use a common seal, and the same to break, alter and renew at pleasure; also to ordain, establish, alter and repeal by-laws, ordinances and regulations, as they may deem necessary and convenient from time to time, for the government of said corporation, not being contrary to the constitution and laws of the Confederate States or of the State of Alabama. Also to make loans and discounts, deal in money, notes, bills of exchange, bonds, mortgages, and securities of all kinds; to receive deposits, to make and issue bank notes, payable on demand to bearer; and to make all contracts and transact all such business as is usually transacted by banks, and as are within the scope of banking operations; and generally to do and execute all and singular, the acts, matters, and things, which to them it shall appertain to do, as incident to bodies corporate, subject, however, to the rules and limitations herein contained: *Provided*, The said bank shall not in any case, deal in, or purchase merchandize, produce or personal property of any kind, or real estate, except for its necessary banking houses, buildings and purposes, or by way of securing payment of the debts due to it; nor shall it issue or cause to be made (for circulation as currency,) any notes or bills that are not payable on demand.

Restrictive proviso.

Directors.

SEC. 7. *Be it further enacted*, That the affairs of said bank shall be managed by seven directors elected annually by the stockholders of said bank. At all elections the stockholders shall elect the directors, and shall vote according to the scale and ratio of votes following: each stockholder, for every share he may hold, not exceeding twenty-five, may give one vote; for every two shares above twenty-five and under fifty, one vote; for every three shares above fifty and under one hundred, one vote; for every five shares over one hundred and under one hundred and fifty, one vote; and

Mode of voting.
Proxy.

for every ten shares over one hundred and fifty, one vote; and after the first election, no shares shall confer a right to vote which shall not have been holden by the voter three calendar months previous to the election. The stockholders shall be entitled to vote either in person or by proxy; the shares of infants may be voted for by their parents or guardians; if married women, by their husbands or trustees; if corporations, by their presidents, and if copartners or joint owners, by either, unless the other dissent, in which case neither shall vote; and all powers to authorize persons to vote by proxy shall be in writing.

Proxy.

SEC. 8. *Be it further enacted*, That the first election for directors shall be held as soon as may be after the the books of subscription shall be closed, and a sufficient number of shares be subscribed. The said commissioners appointed to receive subscriptions shall hold said first election on such day as they may appoint, after giving thirty days notice of the time and place of holding the same; they shall certify to the directors the names of the persons elected; shall hand over their records to them and the moneys subscribed and paid. The said board so elected shall proceed to elect a president, from their own number, and the board shall continue in office until the expiration of the second Monday in January following, and until their successors shall enter upon their duties. The subsequent election for directors shall be held at the banking house, on the second Monday in January in each year. The new board elected shall be authorized to enter upon its duties on the day after, and continue until the expiration of the second Monday of January next thereafter, and until their successors shall organize and enter upon their duties. The polls shall be held by three stockholders other than directors appointed by the board to hold the same. The vote shall be by ballot under such regulations as the bank shall prescribe, but ten days notice of such election shall be given in one public newspaper of the county in which said bank is located; and no stockholder shall vote at any time while in default of the payment of instalment of stock.

First election of directors.

Election of president
Tenure of office of board.

Election of directors annual.

Polls.

Notice of election.

Defaulting stockholders not to vote.

Eligibility of a director.

SEC. 9. *Be it further enacted*, That no person shall be a director unless he shall own one thousand dollars worth of stock in said bank, *bona fide*, and as his own

property, nor unless he shall be a resident citizen of this State, and is not a stockholder in any other bank.

Corporation not dissolved in certain contingency

SEC. 10. *Be it further enacted*, That in case no election should be made of directors or president, at the time provided by this act, the corporation shall not be for such cause deemed dissolved, but such election shall be held as soon after as may be on due notice. The board shall have power to fill all vacancies in the office of president and directors. Six months absence, removal from the State, transfer of stock down to a sum less than one thousand dollars; and any cause which shall prevent the attendance of such officer permanently to discharge the duties, or render him incapable of so doing, shall vacate the seat of such president or director.

Board can fill vacancies.

Power to appoint Cashier and other officers.

SEC. 11. *Be it further enacted*, That the president and directors of such bank shall have power to appoint a cashier, and all such officers, clerks, agents and servants as may be necessary, from time to time, to carry on the business of the bank, and prescribe their compensation and duties, and require proper bonds for the faithful discharge of their duties, in their discretion, and to issue bank bills payable to bearer on demand at their banking house.

Stock assignable.

SEC. 12. *Be it further enacted*, That the shares of stock in said bank shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the by-laws and ordinances of the bank, and transfer books shall be kept for that purpose; *Provided*, that in case of the failure of the bank within six months after any such transfer or sale of stock, the party selling and the party purchasing said stock, shall be each held liable for the payment of the debts of the bank, in proportion to the stock so transferred; *Provided, further*, that no transfer of stock shall be made so as to vest in any one stockholder a greater number than one-fourth amount of the whole number of shares subscribed for in said corporation: *And provided further*, that the bank shall have power to pass by-laws to prevent the assignment of shares by parties owing debts to said bank past due, until such indebtedness be paid, and to withhold dividends due to persons so being in default, if they deem it proper.

Proviso.

Liability.

Further proviso.

Another proviso.

SEC. 13. *Be it further enacted*, That if any person or persons, copartnership or body corporate, shall be indebted to said bank, as maker, endorser, guarantee, or

as drawer or acceptor of any note, bill or bond, made expressly negotiable and payable at the said bank, and shall delay payment thereof, the said bank may move for judgment and award of execution against such debtor in any court of record in the State where such defendant may reside, or corporation so indebted, be located; and judgment shall be thereon rendered as may be lawful and proper; *Provided*, that the defendant in any such case shall have at least thirty days personal notice of such motion before the same is made, specifying what the demand is; *Provided, also*, that at the time of making such motion, the bank shall produce and file a certificate of the president or cashier under the seal of the bank, that the debt claimed is really and *bona fide* the property of the bank; *Provided, further*, that if any defendant shall appear and contest the claim, the court shall require the bank to file its declaration and the defendant his pleas, and to cause issues to be joined in law or fact, to be tried instanter, or during the term, as the court may direct, by jury or by the court, as the case may be, unless on sufficient cause shown it be necessary to continue the case; and the court shall give judgment as may be proper: *And provided, further*, that the summary remedy thus given shall not preclude any other mode of redress which may be lawful, to enforce the right of the bank.

Bank may move for judgment.

Proviso.

File certificate.

Further proviso.

Summary remedy not to preclude.

Remedies reciprocal.

SEC. 14. *Be it further enacted*, That the said remedies given for the collection of debts due the bank, shall be reciprocal for and against the bank; and in motions against the bank, no certificate shall be required to be filed as above set forth, and the courts of record in the county in which said bank is located, having jurisdiction, shall hear motions for the recovery of all debts due by said bank; and in all suits against said corporation, service of process on the president or cashier, shall be sufficient to bring the defendant into court.

Fundamental articles.

SEC. 15. *Be it further enacted*, That the said bank shall be subject to the following rules and regulations; and they are declared to be fundamental articles in the constitution of said corporation, to wit:

ARTICLE 1. The bank shall not commence operations until half of the capital stock subscribed for, be actually paid in gold or silver, which amount shall in no case be less than one hundred thousand dollars.

Half the stock in coin.

ART. 2. That the stockholders in said bank shall be

Stockholders
bound for debts
of bank.

bound respectively for all the debts of the bank, in proportion to their stock holden therein; and this provision shall in no wise affect or impair the provisions of the twelfth section of this act.

Circulation not
to exceed twice
the stock paid in

ART. 3. The bank shall not be authorized to issue or have in circulation, at any one time, notes or bills of the bank to an amount exceeding twice the amount of its capital stock actually paid in; and in case of an issue greater than herein allowed, the president and directors under whose administration it may happen, shall be liable for the same in their natural and private capacities; and actions may be brought against them or either of them in any court, by any creditor of said corporation, and may be prosecuted to judgment, any condition or agreement to the contrary notwithstanding; but the corporation shall not on account of this provision be less liable and chargeable with said excess; *Provided*, that the president and such of said directors who may have been absent or dissenting when said excess was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact of their absence or dissent, to the stockholders at a general meeting, which they shall have power to call for that purpose.

Liability of pres-
ident and direc-
tors.

Proviso.

May receive, but
not pay out.

RULE 1: The bank may, at its option, receive in payment or on deposit, the notes of the banks of other States, but shall not pay out the same on loans, drafts or discounts.

Proportion of
coin.

RULE 2. The bank shall be required to procure and always keep on hand, gold and silver, in a proportion of not less than one third of the amount of the bills it shall have in circulation; and if withdrawn, shall immediately proceed to replace the deficiency.

Deposits.

RULE 3. The bank shall be required to receive money on deposit and pay out the same to order, free of charge, in such sums as the depositors may direct: *Provided*, that the bank shall not be required to pay deposits in less sums than twenty dollars, nor to receive them in less sums than one hundred dollars.

Proviso.

Rates of interest

RULE 4. The bank shall not take, retain, or receive on its loans or discounts, interest at a greater rate than as follows: Upon paper running six months or under, six per cent. per annum; upon paper running more than six and not exceeding nine months, seven per cent. per annum; upon paper running more than nine months,

eight per cent. per annum; *Provided*, that all paper held and owned by said bank, shall, after maturity, bear interest at the rate of eight per cent. per annum. Proviso.

RULE 5. No director shall receive any emolument, but the president may receive such compensation as the stockholders shall at a general meeting assign him.

RULE 6. No director shall hold his office more than three years out of four in succession, but the president may always be re-elected for the ensuing year.

RULE 7. Not less than three directors shall constitute a quorum for the transaction of business, of which the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by another director, whom under his hand he shall depute for that purpose; and the director so deputed may do and transact all the necessary business belonging to the office of president of said corporation, under the name of president pro tem., during the continuance of the sickness or necessary absence of the president. Quorum

RULE 8. All officers of the bank, the president and directors excepted, shall be required before they enter upon the duties of their office, to give bond and security such as the board shall approve. Officers to give bond.

RULE 9. Yearly or half yearly dividends shall be made of so much of the profits as shall appear to the directors proper, but no dividend shall be paid as profits which shall trench upon the capital of the bank. Dividends.

RULE 10. Once in every three years, the directors shall lay before the stockholders at a general meeting for their information, an exact, full and particular statement of the condition and affairs of said bank, showing the particulars of all suspended debts, and shall give all information to them, required for a proper understanding of its true condition. Triennial statement.

RULE 11. The directors shall have power to call a general meeting of the stockholders at any time they may deem necessary and expedient; and a number of stockholders not less than thirty, who together shall be proprietors of five hundred shares of stock or upwards, may at any time call a general meeting of the stockholders relative to the institution, giving at least six weeks notice in the newspaper of the town or county General meeting
Notice of such meeting.

in which the said bank is located, of such meeting, and specifying the purpose or purposes thereof.

Annual state-
ment to Comp-
troller.

RULE 12. The said bank shall make to the Comptroller of Public Accounts a return once in every year of its true situation, showing the amounts of its assets and liabilities, and of what they consist; also a list of stockholders of said bank, and a list of the shares owned by each.

Commissioners
annually to ex-
amine.

RULE 13. The Governor of the State shall appoint annually, two commissioners whose duty it shall be to examine the moneys, books, papers and documents of the said bank, and otherwise examine into its condition, and make report thereon, within two months after their appointment. The bank shall furnish all information to the said commissioners, necessary for an accurate

Compensation of
commissioners.

examination; and shall pay to said commissioners four dollars per day each, not exceeding ten days each; and

Affidavit.

the said commissioners shall each make affidavit before an acting justice of the peace, that they have not previous to the time of their visit, communicated to the officers of the said bank the time when they would visit said bank for examination as aforesaid, which said affidavit shall be filed in the office of the Secretary of the State.

Bonus in lieu of
all taxes.

SEC. 16. *Be it further enacted*, That by way of bonus for granting this charter, the said bank shall pay annually into the treasury of the State on or before the first day of November in each year, and while the bank shall continue banking business, an amount equal to thrice the taxation which may be assessed on every hundred dollars of the value for the time being by the State, on each share of the stock of the bank, which shall be in lieu and composition of all taxation by the State, county, town, or other authority, on the capital stock or business of the bank: *Provided*, That all real estate owned by the bank, shall be subject to pay taxes as if held by individuals.

Proviso.

Cashier to on-
dorse "protest-
ed."

SEC. 17. *Be it further enacted*, That whenever any bills, notes, checks, or other issues of said bank, are presented at the counter of the same for redemption, and the bank shall refuse to redeem the same either in gold or silver, the cashier shall write across the back of such bill, check, or other issue, the word "protested," with the day and date, and shall sign the same, and all such bills, notes, checks, or other issues so protested, shall

draw twelve per cent. interest from the date of such protest and till the same shall be redeemed together with the interest that may have accrued thereon; and if any such note, bill, check, or other issue, be presented to said bank and payment refused, and said officer fail to note the same "protested" as above provided, such officer so failing and his securities, shall be subject to pay double the amount of the demand offered and refused, to be recovered by the person aggrieved in any court of record in the county where said bank may be located.

Twelve per cent interest.

Penalty for failure to endorse "protested."

SEC. 18. *Be it further enacted*, That no stockholder of said bank shall receive any loan from the bank either directly or indirectly until the whole amount of his stock shall be paid; and no stockholder, while any portion of his stock is unpaid, shall be otherwise a debtor to said bank; nor shall said bank under any pretext hold any stock purchased by it of its stockholders, for more than six months from date of purchase.

Other regulations.

SEC. 19. *Be it further enacted*, That if any debt or demand due from said bank for an amount exceeding one hundred dollars, shall remain unpaid for more than ten days after proper demand made for payment, the holder of such debt may file a bill in the chancery court of the county or district in which said bank is located, for the settlement of all the debts of the bank, if he elect so to do; and may on proof by affidavit of such refusal to pay on demand, and of the continuance of such refusal, made to any chancellor or judge of any circuit court of the State, pray an injunction to restrain the said bank and all its officers, from paying out or in any way transferring or delivering to any person, any money or assets of said bank, or incurring any obligation or debt, until such order be vacated or modified; and if such chancellor or judge shall be of opinion that the debt is justly due, and that the bank has no just defence against the demand, and if it shall appear expedient and necessary, upon the proof presented, in order to prevent fraud and injustice, he shall grant an order for such injunction: *Provided*, That the bank shall have had such reasonable notice of the application as the chancellor or judge may prescribe, and shall not be able to show sufficient cause against the same; and the said chancellor or judge shall then proceed further to inquire on such further notice as he may prescribe, whether the

May file bill in chancery.

Proceedings.

Proviso.

bank be clearly solvent or not, and may require the officers of the bank to exhibit any and all of its books, papers, accounts, assets, moneys and effects, and to be examined on oath touching the same before him; and if it shall appear that said bank is not clearly solvent, then he may make an order declaring the same to be insolvent, and requiring its affairs to be wound up and settled; and further, if in his opinion the safety of the creditors shall require it, such judge or chancellor may appoint a receiver to take charge of the assets of the bank, and to close and settle its affairs; and may make all such orders for the accomplishing of the same safely, properly and economically, as the case may require; but if it shall appear on such examination that the said bank is clearly solvent, or if there shall appear to be a deficiency of assets, and the bank shall procure and give good security for the payment of any deficiency which may exist, and that the assets shall prove sufficient to pay or satisfy all the debts of the bank to the satisfaction of the judge or chancellor, then no such receiver shall be appointed; and upon the payment of the debt complained of, the injunction and proceedings shall be dismissed, and such order shall be made for the payment of costs as the judge or chancellor shall deem just and proper, and the proceedings shall be returned and made of record in the chancery court of the county or district in which such bank is located, and shall be subject to revision and correction by the supreme court as in other cases.

Injunction may
be dismissed.

If bank insolvent
how to proceed.

Bill-holders pre-
ferred creditors.

SEC. 20. *Be it further enacted,* That in case the said bank be found insolvent, and settlement of its affairs be ordered as herein provided, the same shall be done upon bill filed in said chancery court, under the orders of the court and the rules of chancery; and full distribution shall be made of the assets according to the rights of all parties; but the holders of bank notes and obligations, issued for circulation as money, shall be first called in and paid, and shall have priority over other debts due from the bank; and after the assets of the bank are exhausted, if they be not sufficient to pay all debts and liabilities, a further call shall be made on the shareholders in the bank for a further payment of capital over and above the sum of one hundred dollars of an amount equal to the deficiency which shall be apportioned among all the shares of stock, and an order

shall be made by the court for the payment by each shareholder, of the sum or proportion due on his shares of stock; and each shareholder shall pay the sum so assessed to him severally in proportion to his stock.

SEC. 21. *Be it further enacted,* That the summary remedy in this act especially given, for settling up and closing the affairs of said bank, shall apply to the case of insolvency, but shall not be allowed in the case of a suspension of specie payment only by the bank, when and so long as such suspension shall be sanctioned by the General Assembly, or by the Governor of the State during the recess of the General Assembly. But nothing in this act contained shall be so construed as to deprive a creditor of said bank of his right to suit in any other appropriate mode of proceedings, or to prevent the General Assembly from hereafter regulating by a general law, in relation to banking institutions, the mode of enforcing and satisfying the rights of creditors of said bank: *Provided,* Any bill holder shall have the right to move in any court having jurisdiction, or before any justice of the peace in the town or county in which the bank is located, as the case may require, for the collection of any bill the payment of which may be refused.

Remedies not allowed in case of simple suspension.

Creditor may sue

Proviso.

SEC. 22. *Be it further enacted,* That notwithstanding the expiration of the time for which the said corporation is created, it shall be lawful to use the corporate name, style and capacity, for the purpose of suits and for the final liquidation and settlement of the affairs and accounts of the corporation, for the sale and disposition of its estate, real and personal, and collection of its assets, but not for any other purpose, nor for a period exceeding two years after the expiration of said term of incorporation.

Corporate name in suits and for liquidation after charter expires.

SEC. 23. *Be it further enacted,* That the said bank shall issue no bill or note of a less denomination than one dollar.

No bill less than one dollar.

Approved, November 28, 1861.

No. 130.]

AN ACT

In relation to the Bank of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "An Act to incorporate the Bank of Alabama, and for other purposes," approved February 13, 1860, be, and the same is hereby amended as follows, to wit: by striking out the words "five hundred thousand dollars" wherever they occur in said act, and inserting in lieu of them, at the several places where they are so stricken out, the following words, "two hundred thousand dollars," and by striking out the words "one year" wherever they occur in said act, and in like manner inserting in lieu of them, the words "three years;" and by striking out of article 1, in the 16th section of said act, the words, "which amount in no case shall be less than two hundred thousand dollars," and inserting in lieu of them the words, "and the amount of the stock subscribed for, shall in no case be less than two hundred thousand dollars, nor the amount of gold and silver paid therein, less than one hundred thousand dollars."

SEC. 2. *Be it further enacted,* That the act mentioned and referred to in the preceding section of this act, be, and the same is hereby amended in all its parts, and in all respects, so as to make it conform to the amendments of the said act, made and effected by the first section of this act.

SEC. 3. *Be it further enacted,* That in order to carry into effect the aforesaid act, as amended by this act, the first section of an act, entitled "An Act to authorize books to be opened at the city of Montgomery for subscriptions to the capital stock of the Bank of Alabama," approved February 8th, 1861, be, and the same is hereby amended, by striking out of it the words "one year" wherever they occur, and inserting in lieu of them the words "two years;" and the powers granted to commissioners by either of the aforesaid acts, are hereby granted to, and continued in, the commissioners, or a majority of them named in the said act approved February 8th, 1861, and may be exercised by them so as to enable the Bank of Alabama to go into operation at any time be-

Act amended.

‡200,000 substituted for ‡500,000.

"Three years" for "one year."

Less than ‡100,000 for less than ‡200,000.

Must conform to amendments in 1st section.

Another act amended.

"Two years" for "one year."

fore the 13th day of February, 1863, in accordance with its charter, as amended by this act.

Approved, December 3, 1861.

No. 131.]

AN ACT

To amend the Charter of the Mobile Savings Bank.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Mobile Savings Bank is hereby authorized to deposit in the custody and possession of the State, taking receipts therefor from the Comptroller, bonds of the Confederate States of America, or of the State of Alabama, to the extent of two hundred thousand dollars, in sums of not less than fifty thousand dollars at a time, to remain as a security for such bills, or notes, as the said Bank may issue and put in circulation, and thereupon the said bank shall be authorized to issue its bills, and notes, to the extent of two dollars for each and every dollar of said securities so deposited: *Provided,* that no issue under this act shall be made of less denomination than one dollar; and, provided, further, that the Comptroller shall not countersign any notes or bills for said Savings Bank until the sum of one hundred thousand dollars of such bonds, as are above mentioned, shall have been deposited with him.

May become a free bank.

Two dollars for one.

Proviso.

\$100,000 at least must be deposited with Comptroller.

SEC. 2. *Be it further enacted,* That each stockholder shall be liable, (in addition to their stock,) in his or her individual capacity, to an amount equal to the stock held by him, or her, for the redemption of all issues made by said Savings Bank; and the sale and transfer of stock by any stockholder of his, or her stock, shall not relieve them of their liability for the redemption of the issues of said bank, until the expiration of twelve months from and after the date of such sale and transfer of stock.

Liability of the stockholders.

SEC. 3. *Be it further enacted,* That the said bank shall be entitled to receive from the Comptroller or other custodian of the said bonds so deposited, such coupons of interest on the same as may from time to time be fully due, in the current year.

May receive the coupons of interest.

SEC. 4. *Be it further enacted,* That if the said bank

Upon failure to redeem, the proceedings.

shall refuse or fail to redeem in gold, or silver, any of its issues authorized under this act, it shall be the duty of the Comptroller to prosecute said bank for such default in the circuit court of Mobile county, and on conviction thereof, he shall sell the said bonds, or a sufficient amount of them, to cover such defalcation, at public auction, after thirty days notice by publication in one or more newspapers in Mobile, and shall apply the money received for said sales, to the payment of said issues, and all necessary expenses, and cost, returning to the bank the surplus, if any, arising from said sale.

Remedy if the stock or bonds prove insufficient.

SEC. 5. *Be it further enacted,* That if the proceeds of stock, or bonds, sold under the provisions of this act, shall be insufficient to pay the bills, payment of which shall not have been made on the sale of the stock as aforesaid, then the holder of such notes or bills may sue said Savings Bank, and recover the balance due, in the same manner as any other debt that they may owe, and which remains unpaid: *Provided, however,* that the holder of any note or bill, the payment of which has been refused, may sue said bank, directly, without any proceeding to sell said stock, if such holder shall see proper: *Provided, however,* that before said Savings Bank shall take any benefit, or privilege under the provisions of this act, it shall purchase from the Governor fifty thousand dollars of the bonds of this State at par, and shall be under obligations to make annual returns of its condition, and the names of its stockholders to the Governor; and shall pay the same rate of taxes to the State as is required by the existing law to be paid by the Bank of Selma.

Proviso.

Sue directly.

Must first purchase \$50,000 of State bonds at par.

Annual returns and taxes.

Approved, December 9, 1861.

No. 132.]

AN ACT

To Incorporate the East Alabama Insurance Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Wm. H. Chambers, E. B. Young, John McNab, Junius Jordan, Eli S. Shorter, Edward S. Ott, William H. Thornton and William Abney, and their

Body corporate.

associates, be, and they are hereby constituted a body corporate, under the name and style of "The East Alabama Insurance Company," and by that name shall be capable of suing and being sued in all the courts of this State; of purchasing, holding and conveying property of all descriptions; of making and issuing a common seal, and generally of doing any act necessary to carry into effect the objects of the corporation, not inconsistent with the constitution and laws of this State: And the said company is also authorized to discount notes, drafts or bills of exchange, and receive deposits in trust; to borrow money; that the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, whenever the board of directors deem it expedient, divided into shares of one hundred dollars each, five dollars on each share to be paid at the time of subscribing, and five dollars additional on each share to be paid ninety days after the time of subscribing, and the remainder in such instalments as the directors may appoint; the said stock shall be deemed and held as personal property; and if any stockholder shall neglect and refuse to make the payments as required, his stock may be sold by order of the president and directors, and such stockholder shall be liable for the balance due by him as stockholder, to the corporation as it becomes due, and may be sued therefor in the circuit court of Barbour county, whether he lives in said county or not.

SEC. 2. *Be it further enacted,* That notice shall be given for two successive weeks in a newspaper published in the county of Barbour, of the time and place, when and where subscriptions will be received for stock in said company. Said subscription shall be opened under the inspection and control of Wm. H. Chambers, Junius Jordan, and William Abney. The books shall be kept open for five days, and if at the end of that time, more than one hundred thousand dollars have been subscribed, the subscriptions shall be sealed, until the amount is reduced to that sum. If less than fifty thousand dollars have been subscribed, the managers shall give notice as in the first instance, and keep the books open till the sum of fifty thousand dollars has been subscribed.

SEC. 3. *Be it further enacted,* That as soon as the sum of fifty thousand dollars has been subscribed, the man-

Name.

Privileges.

Capital stock.

Shares.

When paid.

Remedy against defaulting stockholders.

Notice of opening books of subscription.

Books opened again.

Election of directors.

agers aforesaid shall give notice for two successive weeks by advertisement in a newspaper published in the county of Barbour, calling the stockholders together for an election of five directors, the election for whom shall be held under the direction and control of the managers aforesaid. There shall be five directors, each one of whom shall own at least twenty shares of stock, and who shall hold their office for one year, and until their successors are elected. The election shall be held by ballot, each stockholder being entitled to one vote for each share of the capital stock which he may hold. Stockholders may vote in all elections by proxy in writing. All subsequent elections shall be held under the direction of persons appointed by the board of directors. The board of directors shall have power to elect one of their number president of the company and to fix his compensation, and also to pass such by-laws as may be necessary for the government of the company.

By ballot.

President.

General insurance.

SEC. 4. *Be it further enacted,* That the said incorporation shall have power to make general insurance upon houses, gin-houses, cotton, corn and other produce; upon lives and health of both white persons and slaves; upon live stock of every description; upon vessels, boats, freights, money, goods, wares and merchandize, and any other species of property against loss by fire, dangers of the sea, rivers or otherwise, at such rates of premium as they may agree, and to transact all such matters as appertain to an insurance company.

Term of charter.

Property, funds, &c., subject to certain tax.

SEC. 5. *Be it further enacted,* That this charter and all the privileges and powers herein granted, shall continue in force for the full term of thirty years from the subscription of stock, and that the property, funds and business transactions of the company shall be subject to the same rate of taxation imposed by law on the property and similar business transactions of other insurance companies, chartered by this State.

Certain public laws apply.

SEC. 6. *Be it further enacted,* That all public laws now in force, or which may hereafter be passed prohibiting or regulating agencies for foreign banks, or in relation to the circulation of issues of foreign banks or companies as money, shall operate upon and apply to the corporation hereby created; and that said insurance company shall not act as the agent of any bank or other company incorporated by, or located in, another State, in carrying on the business of banking in this State.

SEC. 7. *Be it further enacted*, That all bonds, bills, and promissory notes, made payable at the office of the East Alabama Insurance Company, shall have the same legal effect, and be subject to the same legal remedies, as if the same were made payable in or at a bank, or banks of this State. Payable at office.

SEC. 8. *Be it further enacted*, That the president or secretary of said company, must, on the second Monday in January in each year, make out under oath, a statement of the condition of said company, showing the amount of its assets and liabilities, and shall publish said statement in some newspaper of general circulation published in Barbour county, and upon failing to comply herewith, the charter of the said company shall be and the same is hereby forfeited. Annual statement of condition.
Penalty for failure.

SEC. 9. *Be it further enacted*, That the stockholders shall be liable and responsible for the amount of their stock, and no more. Liability of the stockholders.

Approved, December 9, 1861.

No. 133.]

AN ACT

To incorporate the Gulf City Insurance Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be established in the city of Mobile, a company for the purpose of transacting a general insurance business, which company shall be called and known by the name of the Gulf City Insurance Company, and all such persons as shall be stockholders, and their successors, shall and may have continued succession; and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defend and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and they and their successors may have a common seal, and may change and alter the same at pleasure; and also, they and their successors, by the name and title of the Gulf City Insurance Company, shall be in law capable of purchasing, holding and conveying all kinds of estates, whether real or personal. That the capital stock Established.
Name.
Sue and be sued, &c.
Hold property.

Capital stock. of said company shall be one hundred thousand dollars whenever the board of directors deem it expedient, divided into shares of one hundred dollars each, five Shares. dollars on each share to be paid in cash at the time of When paid. subscribing, and the remainder by such installments as the directors may appoint whenever it shall be deemed Proviso. expedient to call for the same: *Provided*, That said company shall not commence operations until the one-fourth of the amount of the capital stock shall have Further proviso. been paid in cash: *Provided, further*, That upon increasing the capital stock of said company as here provided for, a proportionate increase of cash payment shall be made at the time of such increase of capital stock.

Commissioners to open books. SEC. 2. *Be it further enacted*, That subscriptions shall be opened in the city of Mobile for the said shares under the superintendence of Colin J. McRae, W. F. Cleveland, Thomas B. Stallworth, Samuel S. Webb, and William Boyles, or any three of them, which said subscription shall continue open until fifty thousand dollars be subscribed, but no share shall entitle the holder to vote at any election, unless the same shall have been held *bona fide* by him or her, at least ten days next immediately before such election.

Directors. SEC. 3. *Be it further enacted*, That there shall be chosen five directors, who shall hold their office for one year, and until their successors shall be duly qualified, which directors at the time of their election, and during their continuance in office, shall be holders in their own right of at least five shares, and shall be elected annually after the first election, at the office of said company, or at any other convenient place in the city of Mobile, and at such time of the day as the president of the company may appoint, of which election, notice shall be given in one or more papers, published in the city of Mobile, and said election shall be by ballot, and in person or by proxy, and each stockholder shall be entitled for every five shares, to one vote, and if no election takes place on any such day appointed, the president may order the same from time to time until an election be effected.

Manner in which first directors chosen. SEC. 4. *Be it further enacted*, That the directors of the said company in the first instance shall be chosen in the following manner, vix: as soon as fifty thousand dollars shall have been subscribed, the said Colin J. McRae, W. F. Cleveland, Thomas B. Stallworth, Samuel S.

Webb and William Boyles, before named, shall appoint a place in the city of Mobile for the proceeding to the election of five directors, and it shall be lawful for said election to be then and there holden by the subscribing stockholders, by ballot, under the before mentioned persons, or any three of them, notice of which election to be given in one or more papers, printed in the city of Mobile, and the persons then and there chosen, shall be the first directors, and shall serve for one year and until their successors shall be qualified, that they shall meet as soon as convenient after the election and choose out of their own body a president, who shall serve until another board by election be qualified.

President.

SEC. 5. *Be it further enacted*, That the directors, or a majority of them, shall have power to make, prescribe and alter such by-laws, rules and regulations as to them may appear needful and proper for the management and disposition of its stocks, property, estates and effects: *Provided*, they shall not be repugnant to the constitution and laws of this State.

By-laws, &c.

SEC. 6. *Be it further enacted*, That the president and one director, or two directors in the absence of the president, shall have full power and authority in behalf of the corporation, to make general insurance upon live stock, life, health, fire, marine, river freights, moneys, goods, wares and merchandize generally, and to fix premiums for the same, also to transact all such matters as appertain to an insurance company; and all policies made by them and subscribed to by the president or two directors, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, in like force, as if under the seal of said corporation.

General insurance.

SEC. 7. *Be it further enacted*, That any stockholder after subscribing, who shall neglect or refuse to pay the amount due and unpaid on his stock, when called by the directors, shall forfeit his stock and first payment, if not paid within thirty days after a written notice served on him by the secretary of the corporation.

Remedy against defaulting stockholders.

SEC. 8. *Be it further enacted*, That said corporation is hereby authorized to loan its funds on any public stocks of incorporated companies, or upon the States, or that of the Confederate States, or to invest the same in real or personal securities, or in the purchase of notes, domestic or foreign exchange, or bullion.

Loan its funds.

SEC. 9. *Be it further enacted*, That the said corpora-

Rights.

tion be and it is hereby authorized to receive in trust, or on deposit, all funds or means that may be offered to them, whether on interest or otherwise, and that they have power to give acknowledgements for such deposits in such manner and form as they may deem convenient and necessary to transact such business. *Provided*, That no paper issued by said company shall be in the form of bank bills, or circulate as money: *Provided, further*, That nothing herein contained, shall be so construed as to authorize said company to exercise banking privileges.

Proviso.

Funds deposited not liable.

SEC. 10. *Be it further enacted*, That all funds or moneys deposited with said company, as above provided for, shall be free from liability for any loss or indebtedness, arising or growing out of the insurance business of said corporation.

Vacancies in the board, how filled

SEC. 11. *Be it further enacted*, That in case of vacancy occurring in the board of directors of said company, it may be lawful for the remaining directors to fill such vacancy by electing any stockholder qualified according to the requirements of the charter.

Stock held as security in certain case.

SEC. 12. *Be it further enacted*, That any stock in said corporation owned by any person or persons indebted to said company, whether as principal or security for others, and whether said indebtedness be due or has not yet matured, shall at the option of the directors of said company, be held as security until said indebtedness is discharged, and in case of failure of payment of said indebtedness within twenty days after maturity of the same, the directors shall have power to sell said stock, or as much thereof as will satisfy said indebtedness, by advertising the same for ten days prior to sale, in any newspaper, published in the city of Mobile, and without any further notice to the owner thereof.

Contracts, how signed.

SEC. 13. *Be it further enacted*, That all contracts for the payment of money by the said corporation, shall be signed by the president and countersigned by the secretary.

Stock and property liable.

SEC. 14. *Be it further enacted*, That the amount of capital stock, actually paid in, and property of said company, shall at all times be liable to the same rules of taxation as the property of individuals or like corporations in this State.

Establish agencies.

SEC. 15. *Be it further enacted*, That the board of directors shall have power to establish such agencies as

they may deem expedient and for the interest of the corporation.

SEC. 16. *Be it further enacted*, That this corporation shall have the privilege to organize and commence operations, as soon as the terms of the charter are complied with. When operations may commence.

SEC. 17. *Be it further enacted*, That in addition to the liability of said company in its corporate character, the stockholders shall be liable for the indebtedness of said company to the extent of the amount of the stock held by each in said company. Additional Liability.

SEC. 18. *Be it further enacted*, That this act shall continue and be in force for twenty years, and take effect from the day on which it shall be approved by the Governor. Term of charter.

Approved, December 10, 1861.

No. 134.]

AN ACT

To incorporate the City Savings Association of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William A. Garnett, Edward A. Shaffer, M. G. Hudson, R. M. Gage, W. H. Minge, John H. Beardslee, James Bond, and such others as may be associated with them for that purpose, and their successors, be and they are hereby created a body corporate, by the name and style of the "City Savings Association," with power to sue and be sued, in all the courts of this State, of purchasing property of all and every description, to make and use a common seal, and the same to alter and renew at pleasure, and generally to do all and every act necessary to carry out the objects of the corporation, not inconsistent with the laws and constitution of this State. Body corporate. Name.

SEC. 2. *Be it further enacted*, That said corporation, before named, or any two or more of them, may organize the association, and may appoint five directors to serve until the first Monday in January following, or until their successors are chosen and accept, and thereafter on the first Monday in January in each year, the association shall hold an annual meeting and choose Directors. Annual meeting.

- five directors for the year ensuing. The directors shall choose one of their number president of the association and of their board, and they shall have power to prescribe rules and by-laws regulating the business of the association, with its members and with other persons; they shall fill vacancies in their number; they shall have power to employ a secretary and treasurer one or both, or to combine their duties, and such other officers as may be needful, and shall prescribe the duties of the officers, and take such bond as may be sufficient, and such officers they may remove; they shall hold office until their successors are elected and appointed; and said president and directors shall have general supervision and control of the business of the association, and all necessary power for that purpose, subject to the action of the association in general meeting. The association shall hold such general meetings as may be deemed necessary. In case the association should deem it advantageous, it may provide for a change of the board of directors, except the president, by two going out and the appointment of two others quarterly or semi-annually, but no place shall be considered vacated, until the successor is appointed and accepts.
- President.**
- Certain powers.**
- Subscriptions, how paid.**
- Terms of admission.**
- Further powers.**
- SEC. 3. *Be it further enacted,* That each member of the association shall, upon its organization, pay the sum of three hundred dollars, and thereafter the sum of ten dollars on the first of each month, which sums and such other as the association may add thereto, shall be capital stock. The association may prescribe the penalty in case of default by a member, and may secure itself against loss by taking, holding, or applying the interest of the member to the payment of the installments due. The association shall prescribe the manner and terms of admission to membership, until compliance with which, no person shall be a member; also may govern as to the withdrawal or expulsion of a member, and the interest of a member shall in such case, be subject to such terms as the association may deem its own interest and safety require, and in every case, the interest of a member shall be subject at all times to any debt or liability to the association. In case of death of a member, the association shall not be required to make settlement within twelve months, and may retain to

cover bad or doubtful debts, or to pay any debt or liability to the association from such member.

SEC. 4. *Be it further enacted*, That it shall be the duty of the association to receive on deposit the savings and earnings of its members, clerks, shop-keepers, and other persons, that may be offered to it, and to give acknowledgements for such deposits as may be convenient and necessary; to pay to said depositors interest on such terms and rates, or without interest, as may be agreed on with the depositors, or as may be provided in the by-laws, in case of no agreement, and to repay the principal, after such notice as may be provided in the by-laws, and upon surrender of such receipts or acknowledgement: *Provided*, That said company shall not be compelled to receive a smaller deposit than five dollars, nor to pay interest until the sum of twenty dollars shall have been deposited by any one person, nor until it shall have remained for thirty days.

Savings of members, &c., on deposit.

Business.

SEC. 5. *Be it further enacted*, That to secure depositors from loss by said company, the capital stock of said company, and all property owned by it, shall be subject to the debts and deposits of said company.

Capital stock subject to debts and deposits.

SEC. 6. *Be it further enacted*, That it shall be the duty of the association to receive for collection upon the usual terms, all promissory notes and bills of exchange, made payable at its office, or at any of the banks or banking offices in the city of Mobile, and for convenience the office of the association may be known as the City Savings Association, and all notes and bills of exchange, made payable at its office, shall be governed in all things by the law merchant as established in this State.

Receive for collection.

SEC. 7. *Be it further enacted*, That in order to enable the association to pay interest to depositors, and to discharge the other duties imposed hereby, they are empowered and authorized to lend its funds upon any public stock of this State, or of the Confederate States, or any State of the Confederacy, or any chartered bank or institution of this State, or upon bond and mortgage security, or upon personal security, and may purchase and sell stock of the banks and other chartered corporations of this State, or foreign and domestic exchange, notes, bills of exchange, drafts, bullion, and uncurrent notes and funds, and that it may acquire, hold and sell

May lend its funds.

real estate as a corporation, and erect buildings thereon for the use of the association, not exceeding twenty thousand dollars in value, and such other real estate, and other property, as may be acquired in the way of securing its debts or claims.

Capital not to exceed.

Proviso.

Limit of charter.

Must go into operation within one year.

SEC. 8. *Be it further enacted*, That the capital of said association may be increased to a sum not exceeding one hundred thousand dollars: *Provided*, That said association are not authorized to sell or purchase stocks on time, and that the charter hereby granted, shall be limited to the period of twenty years from the time said association shall be established, and the charter herein granted, shall be null and void unless it shall be put in operation in one year from the passage of this act.

Approved, November 11, 1861.

No. 135.]

AN ACT

To amend an act to incorporate the Southern Insurance Company of Mobile, approved February 8, 1858.

General marine, river and fire insurance.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the Southern Insurance Company of Mobile, be and it is hereby authorized to transact and do a general marine, river and fire insurance business, and the president and directors of said company shall have full power to make marine, river, fire and general insurances, upon all insureable property, and to fix premiums for the same, on behalf of said company, according to their charter and by-laws, as hereby amended.

Time for election of directors.

SEC. 2. *Be it further enacted*, That the election of directors of said company, shall be held on the second Tuesday of January of each year, and if, from any cause, such election is not made on that day, it may be made on any subsequent day that may be appointed for that purpose by the president and directors, ten days notice at least being given of such election, by advertisement in some newspaper, published in Mobile, and the president and directors shall continue in office until their successors are elected.

SEC. 3. *Be it further enacted*, That there shall be two general meetings of the directors, on the first Mondays of January and July of each year, at which times they shall examine the accounts and property of said company, and declare such dividends out of the profits and gains of said company, as a majority of those of them present may deem proper.

Approved, November 9, 1861.

No. 136. AN ACT

To amend the charter of the Alabama Insurance Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Alabama Insurance Company shall be authorized to make insurance upon the lives of white persons, either for life or for a shorter period, and to fix the premium thereon.

Approved, November 9, 1861.

No. 137.] AN ACT

To revive and amend an act, entitled an act to incorporate the Eufaula Marine and Fire Insurance Company, approved 9th February, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the act entitled an act to incorporate the Eufaula Marine and Fire Insurance Company, approved the 9th day of February, 1861, be and the same is hereby revived; and that all the privileges and powers therein granted to said corporation, may be exercised and enjoyed by said corporation, under the restrictions as provided for by said act, except as the same are hereinafter changed: *Provided*, That the subscriptions in said act provided for, shall be opened as in said act they are provided for,

between the first day of January, 1862, and the first day of January, 1863.

Sections 3 and 5
of former act
amended.

SEC. 2. *Be it further enacted*, That section 3 of said act, be and the same is hereby amended by striking out the name of E. D. Laney as therein used, and inserting in the place thereof the name of Charles D. Laney, and that the 5th section of said act be also amended by striking out the name of C. B. Laney, and inserting in lieu thereof the name of Charles D. Laney.

Certain proviso
repealed.

SEC. 3. *Be it further enacted*, That section 13 of said act, be and the same is hereby amended, by repealing the third and last proviso in said section.

Approved, December 9, 1861.

No. 138.]

AN ACT

To amend "An Act to incorporate the Eufaula Home Insurance Company," approved Feb. 8, 1861, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act, entitled an act to incorporate the Eufaula Home Insurance Company, approved Feb. 8, 1861, be, and the same is hereby amended by striking out the word two, in the second section of said act, and inserting in lieu thereof the word five, so as to increase the capital stock of said company to five hundred thousand dollars.

Former act
amended.

Number of di-
rectors increased

SEC. 2. *Be it further enacted*, That said act be further amended by increasing the board of directors of said company to twenty-five, instead of five as provided for by the 4th section of said act; and that five directors shall constitute a quorum to transact business, and that said board of directors shall have the power to fill vacancies occurring therein, between annual elections until the next regular election.

Quorum.

"Houses" for
"horses."

SEC. 3. *Be it further enacted*, That said act be further amended by striking out in the 6th section thereof, the word "horses," and inserting in the place thereof the word "houses."

Perpetuation of
powers, &c.

SEC. 4. *Be it further enacted*, That said act be further amended by perpetuating the powers and privileges

granted to said company—subject to forfeiture for such causes as are now provided for by law.

SEC. 5. *Be it further enacted*, That said act be further amended by repealing all that part of section 8 of the said act, which prohibits said company from the use of the bills and notes of foreign banks in the transaction of their business. Section 8 partially repealed.

SEC. 6. *Be it further enacted*, That all the franchises and privileges granted “The Mechanics Aid Association,” and “The Eufaula Savings Association,” by an act creating said associations, and “The Mechanics Aid Association, of Selma,” be, and the same are hereby granted to the Eufaula Home Insurance Company, upon the same terms and conditions as therein granted. Certain franchises and privileges granted.

SEC. 7. *Be it further enacted*, That all the privileges herein granted in the 5th and 6th sections of this act, shall enure to the benefit of the “Livingston Insurance Company,” in Sumter county; *Provided*, that the number of directors in said company shall be 5, one of whom shall be chosen president by the board; and provided, also, that the provisions of said 5th and 6th sections shall apply to the Greenville Insurance Company. Privileges in sections 5 and 6 extended to other companies.

Approved, December 9, 1861.

No. 139.]

AN ACT

To amend the charter of the Gainesville Insurance Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the notices for the election of officers, and the meetings of stockholders shall be required to be published in only one newspaper in the county of Sumter. Notice of election to be published.

SEC. 2. *Be it further enacted*, That all paper payable at the office of said company shall be subject to the commercial law, as to days of grace, transfer, protest and notice. Paper, subject.

SEC. 3. *Be it further enacted*, That said company may on vote of the stockholders, reduce its capital, to one hundred thousand dollars, dividing out the surplus, May reduce capital.

rateably to the stockholders, subject to the just claims of creditors and depositors.

Approved, November 11, 1861.

No. 140.]

AN ACT

To amend the charter of the Livingston Insurance Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all bills of exchange, promissory notes, and other evidences of debt made payable at the Livingston Insurance Company, shall be entitled to days of grace, and shall in all respects be governed by the law merchant.

Days of grace.

Approved, December 3, 1861.

No. 141.]

AN ACT

To amend an Act to incorporate Woodville Insurance Company, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "An Act to Incorporate the Woodville Insurance Company, approved 9th of February, 1861," be, and the same is hereby amended by striking out the figures "1862," and inserting in lieu thereof the figures "1863."

Former act amended.

Provisos.

SEC. 2. *Be it further enacted,* That the first and third provisos in the 10th section of said act be, and the same are hereby repealed.

Certain provisos in another act repealed.

SEC. 3. *Be it further enacted,* That section 4 of "An Act to amend an Act, approved 25th February, 1860, incorporating the Opelika Insurance Company, and for other purposes," be, and the same is hereby repealed so far only as the provisos contained in said act are concerned; and that the other provisos of said 4th section be, and the same are hereby continued in full force.

Others continued.

SEC. 4. *Be it further enacted,* That the time of open-

ing the books of subscription for stock in the said La Fayette Insurance Company be, and the same is hereby extended until the 1st day of March, 1863. Time for opening books extended.

SEC. 5. *Be it further enacted*, That "An Act supplemental to an Act to incorporate the Jacksonville Insurance Company, now pending in the General Assembly," approved February 23, 1860, be, and the same is hereby repealed. Certain other act repealed.

SEC. 6. *Be it further enacted*, That section 3 of an act "to incorporate the Troy Insurance Company, in Pike county, be so amended as to extend the time of opening the books of said company for the subscription to the stock thereof, to the first day of February, 1862; and that so much of section five of said act be repealed, as inhibits said company from receiving and paying out notes of foreign banks: and that section 1 of said act be amended by adding the names of U. J. Jones, Joel D. Murphree and Pressly Davis. For benefit of Troy insurance company.

Approved, December 9, 1861.

No. 142.]

AN ACT

To charter the Southern Direct Trading Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That A. R. Bell, Cyrus Phillips, Charles Linn, James Caldwell, J. D. Hutcheson, A. F. Given, I. W. Roberts and W. C. Bibb, of Alabama; Perine Brown and Thomas P. Flemming, of Georgia, and James Vance and Thomas Power, of Texas, their associates, successors and assigns are hereby created and made a body politic and corporate, by the name of the Southern Direct Trading Company, and by that name shall be capable in law of suing and being sued, in any of the courts of this State; to make and have a common seal, and the same to change, alter and renew at pleasure, and generally to do any act or establish such by-laws for the organization and regulation of said company as may be deemed necessary by the parties aforesaid, not inconsistent with the constitution of this State, or of the Confederate States, or repugnant to the stipula- Incorporators.
Body corporate.
Name.
Rights.

tions hereinafter set forth and enacted by the authority aforesaid.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of the Southern Direct Trading Company shall be one million of dollars, (or an equal amount in our own currency,) with the privilege of increasing the same to five millions of dollars, to be divided into shares of one hundred dollars each, and the same to be paid in the manner following: Twenty dollars per share at the time of subscription, or at the first meeting of the stockholders, or as the parties to the first section of this act may direct, and the residue at such times as the president and directors may direct. The said stock shall be deemed and held as personal property; and if any stockholder shall refuse to pay or neglect to make the payment as required, after ten days notice in a daily newspaper published where the domicil of the corporation is located, or that of any of its agencies nearest to the residence of the stockholder, or by written notice from the secretary, his stock may be sold by order of the president and directors, and such stockholder shall be liable for the balance due by him as stockholder to the corporation, as it becomes due; and may be sued in the courts of this State for the same:

Shares

How and when paid.

Remedy for non-payment.

Opening books.

SEC. 3. *Be it further enacted*, That the books of subscription shall be opened at any time after the passage of this act, at such place as a majority of the persons named in the first section of this act may direct; which books shall remain open until at least one hundred thousand dollars shall be subscribed for. When the books are closed, it shall be the duty of the aforesaid persons, or a majority of them, to call a meeting of the stockholders by giving them ten days notice, as directed in section 2 of this act, stating the purpose, hour and place of meeting. This meeting of stockholders shall proceed to the election of not less than nine directors, one-third of whom shall be elected for one year from the second Monday in January, 1862; one-third for two years, and one-third for three years; and who shall hold office until their successors are elected and ready for duty. The annual meeting of the stockholders shall be on the second Monday of January in each year, at which time they shall elect one-third of the directors, to serve for three years, or until their successors are elected and ready for duty.

First election of directors.

Term of office.

Time of annual meeting.

SEC. 4. *Be it further enacted*, That each stockholder in this corporation shall have one vote for every share of stock he holds, and a majority of stock represented shall constitute a quorum. Stockholders may be represented by proxy, and the power to vote for absent stockholders may be constituted by any written expression of the stockholder appointing a proxy to vote for him, providing no one not himself a stockholder shall be capable of acting as proxy for another.

One vote for each share.

Quorum.

Proxy.

SEC. 5. *Be it further enacted*, That the directors so elected in section 4 of this act, shall elect a president out of their own number, for a term of three years, or until his successor is elected and on duty. A majority of the directors shall constitute a quorum, and they shall have the power to fill any vacancy that may occur in their own body, and also appoint a president *pro tempore*, when the president is absent from their meetings; and if the president or any director shall be absent without leave, for five successive regular meetings of the board, a majority of the same may declare the place vacant, and proceed to fill the place, without notice to such absent president or director.

President.

Fill vacancies.

SEC. 6. *Be it further enacted*, That the president and directors of this corporation shall have the power to fix the places and mode of transfer of certificates of stock, as well as the payment of interest and dividends; to make and pass all such by-laws as they may deem necessary to carry this act into effect, and to execute and authorize the execution of all such bargains and contracts as may seem to them best for the interest of the corporation. They shall also have the power to open agencies at any place necessary for the transaction of business; they shall have the power and authority to appoint and remove at pleasure all officers and agents of said corporation, to fix their compensation, prescribe their duties, provide for the taking of bonds from them for the security of the corporation, and for the faithful performance of their duties.

Certain powers of board.

SEC. 7. *Be it further enacted*, That this corporation shall have the right to receive, buy and sell exchange, deal in money of all kinds, to borrow money on its bond, or on its own security, or others, to invest in money and property; and it may loan its money or other property to any person, or on any security which it may think proper: *Provided*, that the laws against usury

Deal in exchange &c.

Proviso.

apply to this corporation, and that none of the rights or powers herein granted be construed into a right to make and issue any note, payable on demand, as money in this State.

Insurance business. SEC. 8. *Be it further enacted,* That this corporation shall have the power to issue policies of insurance against losses by fire, or water, on all kinds of merchandize, goods, wares, chattels, steam boats, steamers, ships and water crafts of all kinds, and take all kinds of marine risks, at pleasure, and to act as agents for foreign insurance companies: *Provided* a semi-annual statement be made out for this department, showing the capital invested to secure the risks so taken, or to be taken, and duly qualified by the head officer of this department, and sent to the State department for endorsement and publication.

Proviso.

Own and sail ships, &c. SEC. 9. *Be it further enacted,* That this corporation shall have the right to own and sail ships, steamers or other water crafts, from any port or ports of this State, to any port or ports of the Confederate States, or to any of the ports of any foreign country.

Location. SEC. 10. *Be it further enacted,* That the domicil of this corporation shall be in the city of Montgomery in this State.

Liability. SEC. 11. *Be it further enacted,* That all the property and assets of the corporation shall be liable for its debts, and the stock subscribed in their individual capacities, in addition to the strict liability of the company as such.

Term of charter. SEC. 12. *Be it further enacted,* That this charter and all its rights, privileges and powers herein granted, shall continue in full force for thirty years, and when liquidated, it shall be under the president and directors, or according to law; and that the property, funds and business transactions of the corporation shall be subject to the same taxation imposed by law on the property and similar business transactions of individuals; and that all bonds, bills, promissory notes, or other securities made payable at the office of this corporation, or that of its agencies, shall have the same legal effect and be subject to the same legal remedies as if made payable at any bank of this State.

Subject to taxation.

Approved, December 10, 1861.

No. 143.]

AN ACT

To incorporate the Confederate States Express Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James R. Powell, B. C. Jones, Josiah Morris, George Cowles, Henry W. Farley, Charles P. May, Julius Norton and Benjamin F. Ficklin, their associates, successors and assigns, be and are hereby created and declared to be a body corporate under the name and style of the Confederate States Express Company, and by that name may contract, and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity whatsoever, and may make and have, and use a common seal, to be changed at pleasure.

Incorporators.

Body corporate.
Name.

SEC. 2. *Be it further enacted,* That said corporation shall be authorized and empowered to make and adopt, and the same at pleasure to alter and amend, all such rules, regulations and by-laws for the government and management of its affairs, and of those that may be therewith connected, as may be deemed necessary.

Rules, regulations,
&c.

SEC. 3. *Be it further enacted,* That said corporation shall have power and authority to convey, carry and transport, or have conveyed, carried and transported, goods, wares and merchandize, of all kinds, gold and silver coin, and bank notes, and generally all such other descriptions of property and things as may be required or advisable between the cities of New Orleans, and between such intermediate and other points and places within the limits of the Confederate States, and over all such routes, and for such rates of charges, as may be deemed expedient for the best interest of said company.

Character of business.

SEC. 4. *Be it further enacted,* That said corporation shall be further authorized and empowered to collect for commission or otherwise, and remit or otherwise make returns for notes, bills, bonds, claims and demands of all kinds, to employ all such officers, clerks, agents, and assistants of whatsoever kind, that may be found or thought necessary, to purchase and hold, and the same at pleasure to in any wise convey or dispose of all such property, real, personal and mixed, as may be found or thought necessary to its best interests, and generally to do and perform all such other acts and

Other rights.

things as may seem desirable, or as are or may be done or undertaken by other express companies, not repugnant to the laws of this State, or of the Confederate States.

Term of charter. SEC. 5. *Be it further enacted*, That said corporation shall exist for thirty years, and may engage in business at any time, after the sum of fifty thousand dollars shall have been subscribed to the capital stock, but not before, and shall have the right, power and authority to increase at will, or from time to time as may be desired, the sum of its said capital stock; *Provided, always*, that its aggregate capital stock shall never exceed five hundred thousand dollars.

Capital stock.

Shall not sell out to any other now existing.

Proviso.

Liability.

SEC. 6. *Be it further enacted*, That the powers and privileges hereby granted shall not be sold or transferred to the Adams Express Company, or the so-called Southern Express Company, or any other company now chartered or in existence, or any other person or persons whatsoever: *Provided, however*, that each stockholder in the company created or chartered by this act, shall be liable, out of his individual property, for all causes of action of every kind against said company, for an amount equal to the amount of his stock in said company.

Approved, December 10, 1861.

No. 144.]

AN ACT

To incorporate the Grand Commandery of Knights Templar, and the appendant orders, of the State of Alabama.

Incorporators.

Name.

Sue and be sued.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Richard T. Knott, Grand Commander; Sterling A. M. Wood, Deputy Grand Commander; James B. Harrison, Grand Generalissimo, and Peleg Brown, Grand Captain General of the said Grand Commandery, and their successors in office, be, and they are hereby incorporated by "the Grand Commandery of Knights Templar, and the appendant orders of the State of Alabama," and by that name shall have capacity to sue and be sued, implead and be impleaded in

any and all the courts of this State; to contract and be contracted with; to have a common seal, and to alter the same at pleasure; and its four principal officers above named shall have perpetual succession, and may grant dispensations and charters to subordinate Commanderies, to be subject to and under its knightly jurisdiction; and make, ordain and establish its constitution, statutes and regulations, not inconsistent with the constitution or laws of the State of Alabama, or of the Confederate States; and may acquire, hold and enjoy so much real estate as may be necessary for the erection of proper buildings for carrying on and conducting its business, and in the making of such buildings may erect store-rooms and offices in the lower stories thereof, and rent out the same, and collect the rent, and hold or loan the same as it may desire, subject to the regulations hereinafter prescribed.

Rights.

SEC. 2. *Be it further enacted*, That the said Grand Commandery of Knights Templar, and the appendant orders, shall have power to collect its revenue and to apply the same according to the ancient customs of the order, or may loan out the same for the purpose of aiding in benevolent enterprises, or for the purpose of accumulation: *Provided*, that the funds in money or choses in action shall not exceed in available assets the sum of fifty thousand dollars at any one time, and shall not be loaned upon usurious interest, nor shall the funds or accretions thereof be used otherwise than for the payment of the expenses of said Grand Commandery, and for charitable purposes, and being thus set apart, the same shall not be liable to taxation.

Collect revenue.

Proviso.

SEC. 3. *Be it further enacted*, That the three principal officers, to wit, the Commander, Generalissimo and Captain General of each subordinate Commandery, under the jurisdiction of the said General Commandery, and their successors in office, be, and the same are hereby created a body politic and corporate, so far as to enable them for each of their respective Commanderies, to reserve, hold and enjoy, possess and retain property both real and personal, not exceeding in value the sum of twenty-five thousand dollars, and to sell, alien, or lease the same in any manner deemed advisable by said subordinate Commanderies, and which said subordinate Commanderies shall be and are hereby incorporated in the name specified in the charter or dispensation granted

Body corporate.

Other rights and powers.

by the said Grand Commandery of Knights Templar, to each of them respectively; which said charter or dispensations, whether granted heretofore or hereafter, shall be evidence of the incorporation under this act in any court of this State, without further proof, and by such name said subordinate Commanderies may sue and be sued, plead and be impleaded, and do all things enjoined by the said Grand Commandery, not inconsistent with the constitution or laws of the land, and within the scope and purview of the powers hereby conferred upon the said Grand Commandery, and the said subordinate Commanderies respectively shall retain their said corporate powers, so long as the said Commanderies shall continue their respective charters or dispensations, but shall cease to possess any corporate existence when the charter or dispensation shall have been revoked or taken away by the said Grand Commandery, *when the charter* and all the effects of such subordinate Commanderies, as may forfeit its charter or dispensation, shall belong to the said Grand Commanderies, and each subordinate Commandery shall have the same power with respect to its assets, as are conferred by the second section of this act upon the Grand Commanderies.

Other powers.

SEC. 4. *Be it further enacted*, That the said Grand Commandery and each subordinate Commandery shall have respectively power to receive by gift, grant, contract, devise or donation by will, subscription or otherwise, any personal or real estate, not exceeding in value the sum hereinbefore mentioned as the maximum of their assets respectively, and shall have power to sell, alien or dispose of the same, and that no such gift, grant, contract or devise, or donation by will, subscription or otherwise shall fail by reason of any misconception of the name of such corporation, and that all contracts or agreements which may have been lawfully entered into by said subordinate Commanderies heretofore shall be binding upon them in their several corporate capacities under this act, and the same may be enforced by them respectively, and the property and effects owned by them being dedicated to charitable purposes only, shall be exempt from taxation.

This act a public act.

SEC. 5. *Be it further enacted*, That this act shall be deemed and taken as a public act, and notice thereof shall be taken in all the courts of justice and elsewhere

in this State, and shall be given in evidence on any trial of any issue or cause, without special pleading.

Approved, December 9, 1861.

No. 145.]

AN ACT

To incorporate the Selma Chamber of Commerce.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles Lewis, C. E. Thames, J. R. John, T. W. Street, N. Waller, C. B. White, J. B. Harrison, J. L. Perkins, W. M. Byrd, T. N. Cunningham, T. C. Daniel, J. T. Hunter, W. A. Dunklin, H. H. Ware, J. C. Graham, W. J. Lyles, D. R. Purviance, J. N. McCure, W. S. Knox, M. J. A. Keith, J. E. Pres-
 tridge, Geo. O. Baker, J. M. Lapsley, P. J. Weaver, A. F. Wise, M. J. Williams, W. Y. Lundie, A. E. Baker, J. W. Blandon, J. D. Porter, Dent Lamar, J. W. Laps-
 ley, H. H. Bender, B. J. Duncan, W. B. Haralson, W. B. Milton, A. T. Jones, Jno. Robbins, F. S. Becton, W. R. Ditmars, A Boyle, E. Cason, S. F. Hobbs, R. C. Goodrich, Jno. M. Parkman, J. A. Sylvester, A. J. Goodman, G. W. Wilson, T. A. Hall, W. Johnson, N. Smith, Merritt Burnes, A. L. Haden, R. Hagood, W. P. Brown, W. B. Gill, W. R. Bill, and their successors in office, be and they are hereby created a body corporate and politic, by the name of the Selma Chamber of
 Commerce, and by that name shall have continual suc-
 cession, and may contract and be contracted with, sue
 and be sued, plead and be impleaded, and purchase and
 hold such property real and personal as may be needful
 for their lawful purposes and alien the same, the pur-
 poses and business of said company being hereby de-
 clared to be to form and maintain a chamber of com-
 merce in the city of Selma, in this State, do and perform
 all proper acts and business in relation to the regula-
 tion of commerce in said city, and in the adjustment of
 all difficulties arising in trade and business between
 merchants and traders in said city, and such other proper
 and lawful business and acts, as usually pertain to
 chambers of commerce in cities.

Incorporators.

Name.

Rights.

SEC. 2. *Be it further enacted,* That said corporation

Other rights.

may adopt and use, and alter at pleasure, a common seal, and may elect such officers for the transaction of business as they may deem needful and proper, and pass and repeal, or alter at pleasure all proper by-laws for the regulation and carrying on their business: *Provided*, said by-laws shall not be contrary to the constitution and laws of this State, or of the Confederate States of America: *And provided, further*, the Legislature reserve the right to alter or repeal this act at pleasure.

Proviso.

Approved, December 7, 1861.

No. 146.]

AN ACT

To incorporate the Chemical Manufactory.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Darby, W. C. Bibb, P. T. Sayre, and such other persons as may be associated with them for that purpose, and their successors, are hereby created a body politic and corporate, by the name of the "Chemical Manufactory," and by that name shall be capable of suing and being sued in all the courts of this State, of purchasing, holding and conveying property of all descriptions, to make, have and use a common seal, and the same to alter and renew at pleasure, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and constitution of this State or of the Confederate States.

Incorporators.

Name.

Rights.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of this corporation shall be thirty thousand dollars, to be divided into shares of twenty-five dollars each, and the same to be paid in cash at the time of subscription.

Opening of subscription books.

SEC. 3. *Be it further enacted*, That the books of subscription shall be opened at any time prior to the first day of May next, at such places in the cities of Montgomery and Auburn, as the persons named in the first section of this act may direct, and the same to be made public by advertisement in one of the newspapers of Montgomery. When the sum of thirty thousand dollars shall have been subscribed, such subscribers, or a ma-

majority of them, shall proceed to the election of five directors, and the said directors shall elect one of their own number president, and such president and directors shall have full power and authority to appoint and remove at pleasure all officers and agents of said corporation, to fix their compensation, prescribe their duties, provide for the taking bonds from them for the security of the corporation for the faithful discharge of their duties, to fill any vacancy in their own body, and also to appoint a president *pro tempore* when the president is absent from the meeting, and if the president or a director is absent without leave for five successive regular meetings of the board, a majority of the same may declare his place vacant, and proceed to fill it without further notice to such absent president or director.

SEC. 4. *Be it further enacted*, That the directors of the corporation shall be elected by the stockholders, and the president by the directors from their number, and when elected they shall hold their offices for one year, or until their successors are elected, and it shall be the duty of the president and directors to call an annual meeting of the stockholders to make such election, and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum, and the stock may be represented either in person of the stockholders or by proxy: *Provided*, the same be in writing and the person so acting be a stockholder.

SEC. 5. *Be it further enacted*, That said corporation shall have power to purchase and hold real and personal estate, and to do all other things necessary for the successful prosecution of the manufacture of chemicals.

SEC. 6. *Be it further enacted*, That said corporation shall be responsible to its creditors to the extent of its property, and the stockholders to the extent of their unpaid stock.

SEC. 7. *Be it further enacted*, That this charter and all the privileges and powers herein granted, shall continue in force for the full term of ten years from the subscription of the stock.

SEC. 8. *Be it further enacted*, That the president of said company hereby incorporated, shall and must on the first day of January of each year, make out under oath a statement of the condition of said company, which shall be submitted to the stockholders for their

inspection and approval, and if such statement be not satisfactory to the stockholders, they may require a new statement to be made out by a committee appointed by themselves.

When to go into operation.

SEC. 9. *Be it further enacted*, That said company shall be allowed to go into operation when the sum of ten thousand dollars shall be paid in.

Approved, December 9, 1861.

No. 147.]

AN ACT

To incorporate the Southern Salt Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That R. Thomassy, F. M. Gilmer, Jr., A. Given, and W. H. Rives, their associates, successors and assigns be, and the same are hereby declared incorporated and made a body corporate, under the name and style of the Southern Salt Manufacturing Company, and by that name are capable of suing and being sued in any of the courts of law or equity within this State, and shall have the right to have, possess and enjoy a common seal, and the same to alter, abolish or renew at pleasure.

Incorporators.

Name.

Powers as to government.

SEC. 2. *And be it further enacted by the authority aforesaid*, That the said corporation shall have power to organize its government and administration, through such by-laws and ordinances as it may seem best suited to the interests of the company, in the election of its officers, and the general management of its affairs, and the said by-laws, regulations and ordinances, to amend from time to time: *Provided, nevertheless*, That the same shall be consistent with the constitution and legal requirements of this State, touching corporations, and consistent with the constitution of the Confederate States, and not repugnant to the provisions of this charter as hereinafter set forth and enacted.

Capital stock may be increased

Shares.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall be one million dollars, with power to increase the sum to five million dollars, to be divided into shares of one hundred dollars each.

SEC. 4. *And be it further enacted*, That this company shall have power to purchase, own, hold and possess, such real estate upon the rivers, waters, bays and sea, or gulf shores of this State, as may be necessary for the manufacture of salt, and also have power to construct such inland passage ways, canals, or other modes or means of transportation, as shall be by it deemed necessary for its operations, and all such real estate and improvements to lease, re-lease, sell or otherwise convey at pleasure.

Powers.

SEC. 5. *Be it further enacted*, That this corporation shall establish convenient depots and agencies, for the sale and distribution of salt in the principal towns and populated districts of this State.

May establish depots and agencies.

SEC. 6. *And be it further enacted*, That upon the subscription of one hundred thousand dollars to the capital stock of this corporation, the same shall be organized in accordance with the by-laws authorized to be made for its government, due notice thereof being given in accordance with the laws of this State regulating corporations.

When it may organize.

SEC. 7. *And be it further enacted*, That this corporation shall have power to establish its principal place of business or domicile in any city of this State.

Domicil.

SEC. 8. *And be it further enacted*, That this charter shall last and continue for and during the period of thirty years, from and after the passage of this act.

Term of charter

SEC. 9. *And be it further enacted*, That this corporation is empowered to accept such powers and privileges not contrary to the constitution and laws of this State, as may be granted to it by any of the States of the Confederate States, it being the declared object of the Legislature of Alabama, to aid in the production of salt within the Confederacy, wherever the same can be most certainly, speedily and safely produced.

Accept powers from other states

Approved, December 3, 1861.

No. 148.]

AN ACT

To incorporate Wills Valley Coal and Leather Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That V. C. Lamore, J. L. Barnard, L. L. Thomasson, and A. F. Barnard, and their associates and successors, are hereby incorporated, under the style of the Wills Valley Coal and Leather Company, and by that name may have and use a common seal, sue and be sued, have perpetual succession, and generally have and enjoy all and singular the rights and privileges, and be subject to all the duties and liabilities of manufacturing companies, by the laws of Alabama.

Capital stock. SEC. 2. *Be it further enacted*, That the capital stock of said company may amount to two hundred and fifty thousand dollars, in shares of one hundred dollars each, and the said company, when the sum of thirty thousand dollars is subscribed, may organize and proceed to business.

When may organize.

Officers. SEC. 3. *Be it further enacted*, That the said company may, as soon as organized, as above prescribed, elect a president, secretary, and treasurer, and five directors, which officers shall be chosen biennially thereafter. The company shall be confined in its operations to the manufacture of leather and leather goods, and the mining of coal, and the sale of the same, and shall in no wise exercise banking powers or privileges, under the penalty of a forfeiture of this charter.

Character of business.

No banking powers.

Approved, November 11, 1861.

No. 149.]

AN ACT

To incorporate the Mobile Merchants and Traders Depository.

Incorporators. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Gorham Davenport, John W. Mann, J. C. Guinn, E. S. Chamberlain, James Tait, Joseph Field, D. O. Gray, W. P. Carter, George Elsworth, John Douglass, A. M. Elgin, F. H. Chamberlain, A. Allen, W. H. Weeks, J. B. Fellows, Rush Fuller, Price Williams, John Brown, O. B. Dickerson, Wm. H. George, J. P. Herpin, P. G. Maguire, Robert Adams, M. Robinson, Albert Golay, E. A. T. Williams, James Hill, A. M. Purdy, J. D. Spear, and J. C. McGuire, or such of them as shall become subscribers thereto, and their succes-

sors, be and are hereby created a body corporate, by and under the name and style of the "Merchants and Traders Depository" of Mobile, under which name said company may contract, sue and be sued, have a corporate seal, may acquire and hold real estate, not to exceed fifty thousand dollars, for the purposes of its business, and all other real or personal estate as may be taken or received by it for its debts or for the security thereof.

Name.

SEC. 2. The business of said company shall be to receive on deposit and safe keeping the earnings and savings of all persons who may wish to deposit their money therein, to be repaid to said depositors, on their call, order, or check, or at the election of said depositors, to remain on such interest to be paid by said company, as may be provided for in the by-laws of said company, and for the safety and security of all such deposits, the said company shall at all times keep strong and safe vaults, well secured and attended: *Provided*, said company shall not be required to receive a smaller deposit than five dollars at one time, nor to pay interest until the amount deposited shall amount to twenty-five dollars.

Business.

SEC. 3. That to secure the depositors from loss by said company, the subscribers composing the company, shall pay in on subscription, each the sum of three hundred dollars, and may continue to pay in as capital stock, such further sums in monthly payments, or otherwise, as may be provided for in the by-laws of said company, until the capital shall amount to \$200,000, but shall not exceed that sum: *Provided*, said company shall not commence business until the sum of ten thousand dollars is actually paid in, and suitable, strong and safe means are prepared for the keeping of said deposits.

Subscription,
what and when
paid.

Capital stock.

Proviso.

SEC. 4. That the common stock of said company may be invested in any stock issued by authority of the State of Alabama, or the Confederate States, or may be loaned on mortgage and security. And in order to further enable said company to pay interest to their depositors, and other necessary expenses of said company, as well as to compensate its members for the use of the common stock subscribed by them, the company is given power to purchase or discount notes and bills

Invest in stock.

Deal in exchange
&c.

of exchange, or to lend its surplus funds at interest, not exceeding the legal interest of this State.

Trustees.

SEC. 5. That the business of said company shall be conducted by seven trustees, chosen by its members annually, one of whom shall act as president, and the said trustees shall appoint a person to act as secretary, who shall give such bond and security as the trustees shall require, and receive such salary as they shall appoint, and be elected annually, and the trustees shall also form and adopt by-laws and regulations for the management of the business of the company and its government, for the transfer of stock, for the loan and collection of its surplus fund, and for all other purposes concerning its business, and common to such corporations, not inconsistent with the laws of this State or the Confederate States: *Provided*, That each member or stockholder of said company, shall at all times have access to the books and be at liberty to enquire into the affairs of said company, without hindrance on the part of said trustees or officers: *And provided, further*, That the Governor of the State of Alabama may appoint annually, three inspectors to examine the affairs of said company and report to him, which inspectors shall have full access to all the books and affairs of said company, and be paid by said company for their services, but such payment not to exceed fifteen dollars for each inspection and report.

Elected annually

Make necessary regulations, &c.

Proviso.

Further proviso.

Receive for collection.

SEC. 6. That it shall be the duty of the company to receive for collection, free of charge, all promissory notes and bills of exchange, made negotiable and payable at said company or at any of the banks of the city of Mobile, which may be left for that purpose as much as ten days before their maturity, and all notes and bills of exchange made negotiable and payable at the office, or business house of said company, shall be entitled to days of grace, and in all things governed by the law merchant, except so far as the same may be changed by the Code of Alabama.

Term of charter.
Proviso.

SEC. 7. That the privileges hereby granted shall continue for 20 years: *And it is also further provided*, That said company, by a vote of a majority of its members, may admit other or additional members, on their paying into the treasury of the company an amount equal to that paid in by each of those who are then members.

Approved, December 9, 1861.

No. 150.]

AN ACT

To amend the charter of the Mobile Wine Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever any installment, or any share of the capital stock of the Mobile Wine Company, shall have been called for and remain unpaid for more than six months after the proper time, when payment shall have been required, such share may be sold by order of the company at public sale and transferred to the purchaser, who will pay the amount in arrear and all installments due up to the time of sale with interest and expenses, who shall hold such shares as other shareholders, and subject to the same obligations: *Provided,* That not less than one month's previous notice of such intended sale shall be given by advertisement in some newspaper at or near the place of business of the company, and all surplus, if any, over the amount of installments due, interest and expenses of sale, to be paid to the defaulting shareholder: *And provided,* That each share shall be sold separately, and that no more shares be sold than needed to raise the amount due by the defaulting shareholder. And if no purchaser can be obtained at such sale, who will bid the amount in arrear on such share, interest thereon, expenses of sale, and all installments due up to the time of sale, then the company may declare such share forfeited, and all sums paid thereon by such defaulting shareholder, shall be perfected to the company, such forfeiture not to be declared before thirty days after such offer of sale, and if full payment be made at any time before the forfeiture is declared, then the defaulting shareholder shall be reinstated in all his rights: *And provided, further,* That this section shall not be so construed as to bar any action for the recovery of the installments due, if the company shall elect to sue for the same.

Remedy for non-payment of installments.

Proviso.

Another proviso

May declare share forfeited.

Proviso.

Approved, December 10, 1861.

No. 151.]

AN ACT

To amend an act, entitled an act to incorporate "the Alabama Direct Trade and Exchange Company," approved the 5th day of February, 1852, and the acts supplemental thereto.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the words "Confederate States" be substituted for the "United States," and the word "Confederacy" be substituted for the word "Union," wherever the same may appear in said act or its supplement.

"Confederate States" for "United States."

Sell exchange for certain purpose.

SEC. 2. *Be it further enacted,* That said company, in order to transfer the proceeds of sales, or funds arising from any source, from one point to another, may draw for the same and sell their exchange.

In what stock may be paid.

SEC. 3. *Be it further enacted,* That the stock subscribed may be paid in notes of any of the banks of Alabama, in Confederate notes and bonds, or State bonds.

Construction declared.

SEC. 4. *Be it further enacted,* That when ships or steam vessels are named in said act, it shall be so construed as to mean every class of water craft.

Titles to property.

SEC. 5. *Be it further enacted,* That the title of all property real or personal, purchased by said company, shall be conveyed to "the Alabama Direct Trade and Exchange Company," and when sold, shall be conveyed by the president and secretary of said company.

Approved, December 10, 1861.

No. 152.]

AN ACT

To amend the charter of the Mobile Omnibus Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the charter of said Mobile Omnibus Company, approved January 26, 1858, be so amended as to extend the corporate existence of said company, under the laws of the State of Alabama, for the term of thirteen years from and after the term provided by said original charter.

Term of charter extended.

SEC. 2. *Be it further enacted,* That said company be,

and it is hereby authorized, to extend its rail road from its present termination to Cottage or Spring Hill, or any intermediate point, either out of Dauphin street, or way, or on Government street road, as said company may see fit, and may continue its road eastwardly on Government street to Royal street, connecting said road on any street west of Ann street: *Provided*, That in any road that may hereafter be laid down, said company shall conform its said road to the conditions required by the general act authorizing the construction of rail ways in the city of Mobile: *Provided*, That said omnibus company shall first obtain the consent of the city authorities of Mobile to the extension of said rail road.

Its railroad extended.

Proviso.

Further proviso.

Approved, December 7, 1861.

No. 153.]

AN ACT

To amend an Act to Incorporate the Mechanics Aid Association of Mobile, approved February 24th, 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the said Association may invest its funds in any stock issued by the authority of the Confederate States of America, or of this, or any other State of the Confederate States of America; and it shall be lawful at all times for said Association to pay its depositors, and others dealing with it, with such funds as was deposited by them.

In what funds may be invested.

Pay out the funds deposited.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any member of said Association to sell, or in any other way dispose of his stock in said Association, without the consent of two-thirds of the stockholders, except to the Association, or a member thereof; such purchaser, or transferee, to have and enjoy all the rights and privileges in said Association that the vendor, or retiring member had according to the amount of stock owned; and no person shall be admitted a member of said Association, except by an affirmative vote of two-thirds of the stockholders, at a regular meeting thereof; said Association may deal in stocks, bullion, uncurrent money and bills of exchange, at the customary and

No sale without concurrence of two-thirds of the stockholders.

Exceptions.

Deal in stocks, exchange, &c.

current rates, and take and enforce mortgages on real or personal property, for any debt, or claim due or owing to said Association.

Approved, November 11, 1861.

No. 154.]

AN ACT

To amend an Act therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Act "entitled an Act to incorporate the Alabama Bible and Colporteur Society," approved February 8th, 1858, be, and the same is hereby so amended as to authorize the board of directors of said Society to transfer to H. W. Watson, W. W. Waller and W. P. Chilton, as trustees of the Alabama Baptist State Convention, and their successors, for the use of said Convention, the assets of said Society, consisting of books and other property appertaining to their depository in Selma: *Provided, always,* that said Society retain a sufficiency of assets to pay, satisfy and discharge all outstanding debts, liabilities or engagements against it, before making such transfer; and after that is done, said board of directors is fully authorized to make such transfer; *and, provided further,* that said Convention, by its trustees or agents appointed by it, shall have the authority to remove all the assets and property transferred to them from Selma, and to dispose of the same as such trustees, or agents, may see fit, for the benefit of said Baptist State Convention.

Approved, December 6, 1861.

No. 155.]

AN ACT

To legalize certain acts of the Courts of County Commissioners in this State, in making appropriations for equipping Volunteers, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

May transfer as-
sets, &c.

Proviso.

convened, That all appropriations of money which may heretofore have been made in good faith out of the county treasury, or appropriated by the court of county commissioners of any county in this State, by the county commissioners thereof, for supporting, clothing, arming, equipping, or fitting out any company of volunteers, or for finding troops in the service of this State, or of the Confederate States, for the public service in the existing war between the United States and the Confederate States, or for the aid of indigent families of such volunteers, or any county warrants issued for said purposes by any county, be, and the same is hereby legalized, except as to the tax levied by the court of county commissioners of Henry county, at the August term of said court, 1861; and any order or decree of any such court, imposing a tax for any such purpose, is also legalized.

Appropriations of money, &c., legalized.

Except in Henry county.

SEC. 2. *And be it further enacted*, That in all cases where any such appropriation out of moneys in any county treasury, shall have been made, it shall be the duty of such court to make a record of such appropriations, showing the amount thereof, when made, for what purpose, and to whom paid, and to record the evidence of such payment.

Court to make record.

Approved, November 9, 1861.

No. 156.]

AN ACT

To legalize the imposition of Taxes by the Court of County Commissioners, for the equipment of Volunteers and the support of their families.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That any order, ordinance or other act of the Court of County Commissioners in any county of this State, having for its object the equipment of volunteers for the service of the State, or Confederate States, or for the support of their families, heretofore adopted or passed in good faith, be, and the same is hereby legalized.

Orders, ordinances, &c., of commissioners court to equip volunteers legalized.

SEC. 2. *And be it further enacted*, That if any proceedings had in the Court of County Commissioners in any

Want of authority supplied.

county of this State, prior to the passage of this act, for the equipment of volunteers, or support of their families as aforesaid, there shall have been any want of authority, omission or irregularity, said court shall have full power to impose any tax, adopt any ordinance, pass any order or decree, or take any action necessary to carry out in good faith any obligation, promise, pledge, or assurance incurred or given, or which may have been by said court intended to be incurred or given for the purposes aforesaid.

Levies of taxes to equalize taxation legalized.

SEC. 3. *And be it further enacted*, That any taxes heretofore levied to equalize the burthen of taxation in any of the counties of this State, is hereby legalized.

Approved, November 30, 1861.

No. 157.]

AN ACT

To prevent the sale of Spirituous Liquors within one mile of Mulberry Academy, in Bibb county.

Within one mile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, no person or persons shall sell or dispose of spirituous or intoxicating liquors within one mile of the school, or academy, known as Mulberry Academy, in the county of Bibb.

Violation a misdemeanor.

SEC. 2. *Be it further enacted*, That any person or persons offending against the provisions of the first section of this act, or in any wise giving away, selling or disposing of spirituous liquors of any kind, except for medicinal purposes, with intent to evade the provisions of this act, shall be guilty of a misdemeanor, and shall be liable to indictment, and on conviction shall be fined not less than fifty, or more than one hundred dollars for each and every such offense; and for every conviction for offending against the provisions of this act, the solicitor's fees shall be twenty dollars.

Approved, November 29, 1861.

No. 158.]

AN ACT

To prevent the sale of Vinous or Spirituous Liquors within three miles of Scottville, in Bibb county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any person or persons to sell vinous or spirituous liquors within three miles of the town of Scottville, in Bibb county, Alabama, except for medical purposes.

Approved, December 3, 1861.

No. 159.]

AN ACT

To prohibit the sale of Spirituous Liquors within two miles of Harmony Church, in Franklin county, and the Presbyterian Church, near Pleasant Site in said county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be lawful for any person or persons to sell or offer for sale any vinous or spirituous liquors within two miles of Harmony Baptist Church, in the county of Franklin, except for medicinal or sacramental purposes. Within 2 miles.

SEC. 2. *Be it further enacted,* That any person or persons so offending, shall be subject to indictment, and upon conviction thereof, shall be fined not less than fifty dollars, for each and every such offence. Penalty for violation.

SEC. 3. *Be it further enacted,* That the provisions of this act are hereby made applicable in all respects to the Presbyterian Church, near Pleasant Site in said county of Franklin. Applied to another church.

Approved, November 27, 1861.

No. 160.]

AN ACT

To prevent the sale of Spirituous Liquors within one mile of Shorterville Church, in the county of Henry.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, no person or persons shall sell or dispose of any spirituous or intoxicating liquors within one mile of Shorterville Church, in the county of Henry.

Within one mile.

Violation a misdemeanor.

SEC. 2. *Be it further enacted,* That any person offending against the provisions of this act, or in any wise giving away, selling or disposing of spirituous liquors of any kind, except for medical or sacramental purposes, with intent to evade the provisions of this act, shall be guilty of a misdemeanor, and shall be liable to indictment, and on conviction shall be fined not less than fifty, nor more than one hundred dollars.

Approved, December 9, 1861.

No. 161.]

AN ACT

To prohibit the sale of Spirituous Liquors within two miles of Bethel Church, in Jefferson county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, no person or persons shall sell spirituous liquors or wines within two miles of Bethel Church, in Jefferson county, except for medical or sacramental purposes; and if any person or persons shall sell spirituous liquors or wines, in violation of this act, such person or persons shall be subject to indictment, and on conviction shall be fined in a sum not less than twenty-five dollars, or more than one hundred dollars, for each and every such offence.

Within 2 miles.

Penalty for violation.

Repealing clause

SEC. 2. *Be it further enacted,* That all laws, or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, December 9, 1861.

No. 162.]

AN ACT

To regulate the sale of Spirituous Liquors in the Danville district of Morgan county, Alabama

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, any person desiring to retail or sell spirituous liquors, in any quantities less than one gallon, in the election precinct in which Danville is located, in Morgan county, Alabama, before doing so, or obtaining license to do so, must file with the judge of Probate of said county, the written consent of a majority of the voters of said election precinct; and any person violating the above act, shall be subject to the laws now in force, for selling in less quantities than one quart, or without license.

Approved, December 9, 1861.

No. 163.]

AN ACT

To prohibit the selling or offering for sale any Vinous or Spirituous Liquors, within two miles of Spring Hill Church, in the county of Perry, or of Liberty Baptist Church, in the county of Pickens.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any person or persons to sell, or offer for sale, any vinous or spirituous liquors within two miles of Spring Hill Church in the county of Perry, or of Liberty Baptist Church, in the county of Pickens, except for medicinal or sacramental purposes.

SEC. 1. *And be it further enacted,* That any person or persons so offending, shall be subject to indictment, and upon conviction thereof, shall be fined not less than fifty dollars for each and every such offense.

Approved, November 11, 1861.

No. 164.]

AN ACT

To prevent the sale of spirituous liquors within one mile of Silver Run Church, in Russell county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any person to sell spirituous liquors, or wines, within one mile of Silver Run Church, situated in Russell county, except for medical purposes; and if any person shall sell spirituous liquors or wines in violation of this act, such person shall be subject to indictment, and on conviction, may be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, for each and every such offence.

Within one mile.

Penalty for violation.

Repealing clause

SEC. 2. *Be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 4, 1861.

No. 165.]

AN ACT

To prevent the vending of spirituous liquors within three miles of Friendship Church and Academy, in the county of St. Clair.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it be, and hereby is made unlawful, for any person to vend spirituous liquors within three miles of Friendship Church and Academy, in the county of St. Clair, any law to the contrary notwithstanding: *Provided,* That the provisions of this act shall not apply to physicians or druggists furnishing spirituous liquors *bona fide* for medicinal purposes.

Approved, December 4, 1861.

No. 166.]

AN ACT

To prevent the sale of spirituous liquors within two miles of Branchville, in St. Clair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it is made the duty of the sheriff of St. Clair county, upon the petition of ten householders residing in the beat in which the village of Branchville, in St. Clair county, is situated, to advertise and hold an election at the village of Branchville, for the purpose of ascertaining the sense of the citizens of said beat as to the prohibition of vending spirituous liquors within two miles of the village of Branchville, at which all the qualified voters in said beat shall be entitled to vote at said election to be conducted by the sheriff and two managers and clerks by him selected after the manner of holding elections for members of the General Assembly; of the time and place of holding said election, the sheriff shall give thirty days previous notice, posted at Branchville, and three other of the most public places in said beat.

Election to be held.

How conducted.

Thirty days' notice.

SEC. 2. *And be it further enacted,* That the voters at said election shall write upon their tickets "prohibition" or "no prohibition." If upon counting out the votes, it shall appear that there are a majority of votes for prohibition, the said managers and clerks shall certify and deliver the same together with one list of the scroll and tally sheet kept at said election, to the said sheriff or his deputy holding said election, as the case may be, whose duty it shall be to deliver the same within three days to the judge of probate, and it shall not be lawful for the said judge of probate thereafter to issue any license to any one to retail spirituous liquors in said beat within two miles of said village, nor shall it be lawful for any person to vend any spirituous liquors in any quantity, (except for medicinal purposes,) within two miles of said village. Any person knowingly violating the provisions of this law, shall be liable to indictment as a retailer without license, and subject to the same fines and penalties as such.

"Prohibition" or "no prohibition"

Duty of Judge of Probate.

Penalty for retailing.

SEC. 3. *And be it further enacted,* That any sheriff, manager, or clerk, refusing to act as required by the

Penalty of sheriff, &c., for refusing to act.

provisions of this act, shall upon notice and proof thereof, made before the judge of the circuit court for said county, be fined in a sum not exceeding fifty dollars as the judge may see proper; and any person voting in said election who is not a legal voter and citizen of said beat, may be indicted, and on conviction, fined fifty dollars.

Approved, December 7, 1861.

No. 167.]

AN ACT

To modify an act, entitled an act, approved December 17th, 1859, to prevent the sale of vinous or spirituous liquors in the town of Lexington, and in beat No. 2, in Tuskalooosa county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the citizens of New Lexington beat number 2, in Tuskalooosa county, or any one or more of them, who live within the distance of two miles of the town of New Lexington, are hereby privileged to sell spirituous liquors by the barrel, gallon, or quart, that may be manufactured by themselves in said beat: *Provided,* That all such persons who may avail themselves of the privileges of this act, shall be subject to all the pains and penalties for violating the law now in force regulating the retailing of spirituous liquors in this State, any law, usage or custom to the contrary notwithstanding.

Approved, December 10, 1861.

No. 168.]

AN ACT

To prevent the sale of spirituous liquors within two miles of the Alabama Presbyterian Male Academy at Lower Peach Tree, Wilcox county, Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be lawful for any person to sell spirituous liquors or wines at any point within two

miles of the South Alabama Presbyterian Male Academy, near Lower Peach Tree, in Wilcox county, except for medical or sacramental purposes; and if any person shall sell spirituous liquors or wines in violation of this act, such person shall be subject to indictment, and on conviction, may be fined in a sum of not less than one hundred dollars for each and every such offence.

Approved, December 9, 1861.

No. 169.]

AN ACT

To refund a certain sum of money.

WHEREAS, on the 8th day of February, 1861, an act was approved, appropriating the sum of two hundred dollars to compensate William Skinner and J. S. Clark, to be paid out of escheated estates; and whereas, on the 4th day of March, 1861, W. J. Greene, as Comptroller of Public Accounts, did in compliance with the provisions of said act, issue his warrant on the State Treasurer in favor of said Skinner and Clark for the said sum of two hundred dollars, which amount was paid thereon by the Treasurer before the fact was discovered that all escheated estates, then received into the Treasury, had been passed to credit of the educational fund and disposed of in its general distribution; whereupon, the State Treasurer returned said sum of two hundred dollars into the treasury from his private means and demanded its repayment of the said W. J. Greene, which repayment was made by him, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of two hundred dollars be, and the same is hereby appropriated to the said W. J. Greene, to be paid out of the educational fund; and that the Comptroller of Public Accounts is hereby required to draw his warrant therefor on the State Treasurer in favor of the said W. J. Greene.

\$200 appropriated to reimburse W. J. Greene, Comptroller.

Approved, December 3, 1861.

No. 170.]

AN ACT

To exempt the Medical superintendent of the Alabama Hospital for the insane, and his assistants, from the performance of military and road service, and from serving as jurors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the medical superintendent of the Alabama Hospital for the insane, and his assistants, be and they are hereby exempted from the performance of any military service or duty, and from all liability to perform any work or labor on any public road or highway and from serving as jurors in this State.

Approved, November 11, 1861.

No. 171.]

AN ACT

To require the Commissioner of Public Lands to issue a patent to Martha Carrol, of Calhoun county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Commissioner of Public Lands be, and he is hereby required to issue a patent to operate as a quit claim to Martha Carrol for the northwest quarter of the northeast quarter of the section three, in township 14, range 6, in the county of Calhoun.

Approved, December 9, 1861.

No. 172.]

AN ACT

To authorize the location of a Land Warrant, therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Dicey Dejarnett, of the county of Jefferson, or her assignee, be, and is hereby authorized to locate on any of the public lands in this State, subject

to entry land warrant No. 96,619, for one hundred and sixty acres of land, issued to the said Dicey Dejarnett by the government of the United States, on the 21st day of January, 1861.

SEC. 2. *Be it further enacted*, That the location of said warrant shall be governed by the same laws, rules and regulations governing the location of land warrants, issued by the government of the United States, prior to the 11th day of January, 1861. Rules governing.

Approved, December 9, 1861.

No. 173.]

AN ACT

In relation to the Selma and Gulf Rail Road Company.

Whereas by an act approved the 18th of February, 1860, entitled an act to appropriate the three per cent. fund, a loan of forty thousand dollars was made to the Selma and Gulf Rail Road Company, upon certain conditions in said act contained; and whereas said Selma and Gulf Rail Road Company have complied with all the conditions required of them, in order to obtain payment of the sum so loaned; and whereas said Rail Road Company, in the present condition of the country, are willing to postpone the payment to them of said sum of money, until the present war is ended; and whereas the Alabama and Mississippi Rivers Rail Road Company are now actively engaged in building a rail road from Selma via Uniontown and Demopolis, so as to unite at Meridian with the rail road now completed to Vicksburg, on the Mississippi river, with the Mobile and Ohio Road, and with the New Orleans and Jackson Road; and whereas, the Alabama and Mississippi Rivers Rail Road, forming a connection between the waters of the Alabama and Mississippi Rivers, with the North West, and with New Orleans, is essential to the government in the existing war, for the transportation of troops, munitions of war, provisions, and the public mails: Preamble setting forth certain facts.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That with the consent of the Selma and Gulf Rail Road Company, the payment to the said

The \$40,000 postponed.

To receive it after the war.

Condition.

Ala. and Miss. R. R. Co. to have the \$40,000 till peace is concluded.

Company of the said sum of forty thousand dollars be postponed until the end of the existing war, and the conclusion of peace; and that upon the ratification of a treaty of peace, said Selma and Gulf Rail Road Company shall be entitled to demand and receive from the State treasury, the said sum of forty thousand dollars so loaned, upon giving bond with good security, conditioned that said sum of forty thousand dollars shall be applied alone to the purchase of iron, and the laying of the same upon said rail road, and executing a first mortgage bond on said rail road and all its rights and fixtures to secure the repayment of said forty thousand dollars, at the expiration of five years thereafter, and the interest thereon, at the rate of six per cent. per annum.

SEC. 2. *Be it further enacted*, That in the meantime, and until a treaty of peace shall be concluded, the said sum of forty thousand dollars of the three per cent. fund be loaned to the Alabama and Mississippi Rail Road: *Provided* said rail road Company shall execute and deliver to the Governor its bond, with the most ample and satisfactory security, conditioned for the payment of the said sum of forty thousand dollars, with six per cent. per annum thereon, into the State treasury, within one month after receiving notice to make such payment, according to the terms of this act; such security to be personal, by deed of trust, or by mortgage with power of sale, as the Governor may require.

Approved, December 5, 1861.

No. 174.]

AN ACT

In relation to certain debts due Township 5, Range 22, in Coffee county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Superintendent of Public Education be, and he is hereby instructed to withdraw from suit, and cancel the following notes taken for the purchase of the south-west quarter of section 16, township 5, range 22, in Coffee county, to wit: four notes made

Certain notes to be withdrawn from suit.

by Elizabeth Brooks, as principal, and J. Brooks and Robert P. Brooks as securities, each for \$60 78; four notes made by Samuel Prince as principal, and Tyre Goins and John Prince as securities, each for \$28 28½; and four notes made by Alexander Wilkes as principal, and J. M. Carmichael and N. B. Peacock as securities, each for \$28 28½; all of which notes are dated February 5, 1859, and are payable in one, two, three and four years from said date: *Provided, however,* that proof shall first be made to the satisfaction of said superintendent, that said notes were given for said quarter section, after it had previously been sold to and fully paid for by another party than the purchasers at the sale on which said notes were given.

Description.]

Proviso.

Approved, November 29, 1861.

No. 175.]

AN ACT

To authorize the sale of the property of Township 16, Range 17.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. B. Bell, David J. Bunting and George M. Figh, or a majority of them, be, and are hereby authorized to sell the real estate in the city of Montgomery owned by township 16, and range 17: *Provided, however,* that the persons above named shall hold an election by giving twenty days notice, and the citizens of said township shall determine whether said property shall be sold or not.

Approved, December 9, 1861.

No. 176.]

AN ACT

To provide for the erection of a Building at Manassas, for the protection of the clothing, and other articles, of Alabama Volunteers, in the army of the Potomac.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

§1500 may be
drawn.

convened, That the quarter master of any Alabama regiment in the army of the Potomac, who may be designated by the Governor, be, and he is hereby authorized to draw on the treasurer for the sum of fifteen hundred dollars, or such less sum as may be necessary, to be used in the erection of a building at Manassas, Virginia, to shelter and protect the clothing, and other articles belonging to the volunteers from the State of Alabama in the army of the Potomac.

Approved, December 9, 1861.

No. 177.]

AN ACT

To authorize the appointment of a Surgeon-in-Chief to the State Hospital for sick soldiers of Alabama in the army of the Potomac.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That on the location of the hospital, by the agent who may be appointed under an act passed at the present session of the General Assembly, entitled "An Act to provide a Hospital for sick troops from Alabama in the army of the Potomac, and for other purposes," approved 9th November, 1861, the Governor shall be authorized to appoint a surgeon-in-chief to said hospital, whose duty it shall be to take charge of the same, and who shall, if not paid by the Confederate States, receive the same pay from the State, as is allowed by law to surgeons in the service of the Confederate States.

Approved, December 7, 1861.

No. 178.]

AN ACT

To provide for the sick and wounded Volunteers who may rendezvous at, or be sent to Florence.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of five thousand dollars be, and

the same is hereby appropriated, to be paid out of the military fund, under the control of the Governor, to provide for the necessities of the sick and wounded soldiers or volunteers who shall rendezvous at Florence, in compliance with the late requisition of General A. S. Johnson upon the Governor for twelve months volunteers.

Five thousand dollars appropriated.

SEC. 2. *Be it further enacted*, That Dr. James T. Hargraves, James W. Stewart, and Col. George W. Karsner and R. M. Patton are hereby authorized to superintend the arrangements necessary to be made, and to direct and control all expenditures made under this act, and upon their certificates or the certificates of a majority of them, that the sum or sums so certified to, were necessary and properly expended for the purposes of this act, the Governor shall order the same to be paid, and they shall furnish proper vouchers for said expenditures.

Names of persons to superintend arrangements.

Approved, December 9, 1861.

No. 179.]

AN ACT

To make Tuskalooosa and La Grange, or its vicinity, a military rendezvous, for certain purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor is hereby authorized to supply any artillery company now being raised, or that may hereafter be raised in the city of Tuskalooosa or its vicinity, with subsistence from the time the members of said company shall commence their rendezvous at Tuskalooosa until it is mustered into the service of the Confederate States, but the subsistence supplied under this act, shall not exceed one soldier's ration per day for each member of said company, nor shall such subsistence be supplied for a longer term than thirty days; but such subsistence may be provided for sixty days, if in the opinion of the Governor the public good would be thereby promoted.

Artillery company to receive subsistence.

Term.

SEC. 2. *Be it further enacted*, That the captain of any such company may, with the consent of the Governor, appoint a member of the company as quarter master,

Person to furnish the rations.

Bond required.

whose duty it shall be to provide and furnish rations to said company without charge for his services, and who, before entering on his duties, shall give bond payable to the State in such sum as the Governor may direct, faithfully to execute the duties of his office; and whose accounts, duly certified by him, and audited by the Comptroller, shall be paid on the Comptroller's warrant on the Treasurer, out of any moneys not otherwise appropriated.

Captain must first give bond.

SEC. 3. *Be it further enacted*, That the provisions of this act shall not be extended to any artillery company, until the captain, or some other officer or member of said company, or some one connected with or engaged in the raising of the same, shall give bond and security, to be approved by the Governor, in such amount as he may direct, payable to the State, and conditioned to refund to the State any sum paid by the State for subsistence, if the said company shall not be mustered into the service of the Confederate States within sixty days from the execution of the bond, provided for in this section, the parties to the bond shall not be held liable for the amount of subsistence furnished those who have been mustered into service, as aforesaid.

Enforcement of the bond.

SEC. 4. *Be it further enacted*, That judgment may be had against one or more of the obligors on said bond, or their personal representatives, by motion in the circuit or county court of Montgomery county, on twenty days notice; and on the trial, a copy of the bond certified by the Secretary of the State, and the account of the amount paid under the provisions of this act for subsistence, certified by the Comptroller, shall be presumptive evidence; the first of the execution of the bond, and the second of the amount paid.

Bonds, where to be filed.

Extended to La-Grange military school.

SEC. 5. *Be it further enacted*, That all bonds required under the provisions of this act, shall be filed in the Secretary of State's office: *Provided*, that the provisions of this act shall apply to the La Grange Military School, in Franklin county, or adjacent thereto.

Approved, December 3, 1861.

No. 180.]

AN ACT

To amend and explain an Act making Tuscaloosa and La Grange, or its vicinity, a military rendezvous, for certain purposes.

Whereas the 3d section of the above recited act, is obscure and unintelligible, in the concluding clause of said 3d section; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all after the words "Confederate States," where they first occur, in the 3d section of the above recited act, be, and the same are hereby stricken out, and the following inserted: *Provided,* in case of failure to raise the company, the members so subsisted, or any of them, shall attach themselves to other companies and be mustered into the service of the Confederate States, within sixty days after the execution of the bond, provided for in this section, the obligors in the bond shall not be held liable for the amount of subsistence furnished those who have been mustered into service, as aforesaid.

Proviso substituted in third section.

SEC. 2. *Be it further enacted,* That this act shall be construed as if this amendment had formed a part of the section of which it is explanatory, at the time of the passage and approval of the act.

Act, how construed.

Approved, December 9, 1861.

No. 181.]

AN ACT

To transfer the executorship of Robert Craig, deceased, from the probate court of Sumter county to the probate court of Dallas county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James D. Craig, who by the last will and testament of Robert Craig, deceased, late of Sumter county, was appointed executor of said last will and testament, and by its provisions was exempted from giving bond or security upon his qualifying as such executor, and who has qualified as such executor in the

May procure certified copy.

probate court of Sumter county, be and he is hereby authorized to procure from the said probate court of Sumter county, a certified copy of the said last will and testament of said Robert Craig, and of all orders, entries and proceedings had in said court in reference to said estate, and to file the same in the probate court of Dallas county.

File in Dallas.

Jurisdiction transferred.

SEC. 2. *Be it further enacted*, That the jurisdiction of the probate court of Sumter county over the estate of the said Robert Craig, deceased, be and the same is hereby transferred to the probate court of Dallas county, and the probate court of Dallas county is hereby invested with jurisdiction over said estate as fully as the probate court of Sumter county was before the passage of this act.

Former act repealed.

SEC. 3. *Be it further enacted*, That the act, entitled "an act to give the judge of probate of Dallas county, jurisdiction over the estate of Robert Craig, deceased, late of Sumter county," approved January 29th, 1861, be and the same is hereby repealed.

Approved, December 7, 1861.

No. 182.]

AN ACT

To enable Pleasant May to remove the personal property of his wards out of the county of Greene, and to rent land on which to employ it.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the probate court of Greene county be, and it is hereby authorized and empowered, upon the application of Pleasant May, guardian of Syd. May, Wm. S. May, Augustus M. May, Wiley C. May, and John F. C. May, minor heirs of John May, deceased, to grant him an order to remove the personal property of his said wards out of the county of Greene, and in the county to which they may be removed, to rent lands on which said property may be worked for the use of said wards: *Provided*, That he shall continue to account as guardian with the probate court of said county for the said property, and before such order, he procure the assent in writing of the securities on his guardian bond

Order to be granted.

Proviso.

that said property may be removed, and that such order, or removal, shall in no way impair their obligation on such bond, or execute a new guardian bond with satisfactory security.

Approved, December 4, 1861.

No. 183.]

AN ACT

To change the jurisdiction of the trust estate of Francis Durden.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the jurisdiction of the chancery court in the matter of the estate of Francis Durden, A. C. Baker being trustee thereof, be transferred from the 15th district of the Middle Chancery Division to the 40th district of the same Division.

Jurisdiction transferred.

SEC. 2. *Be it further enacted,* That the said trustee have full power to apply any portion of the trust funds for the support and use of the said *cestui que* trust, as he may think best under the direction of said court.

Trustee may apply any portion of fund.

SEC. 3. *Be it further enacted,* That the register in chancery of the said 15th district, be required to make out a certified transcript of all the records and proceedings had in relation to said trust estate in his court; and that he transmit the same together with all the original papers to the register of the chancery court of the 40th district, previous to the next June term thereof, and that the said trustee pay all the fees therefor out of the said estate for which he is trustee.

Certified transcript to be furnished.

SEC. 4. *Be it further enacted,* That the said chancery court for the said 40th district, shall take complete jurisdiction over said estate in every respect as fully as said 15th district now has.

New jurisdiction to be taken.

Approved, November 27, 1861.

No. 184.]

AN ACT

Authorizing the transfer of the estate of Margaret Burns, deceased, from Tallapoosa to Chambers county in this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of probate of Tallapoosa county be, and he is hereby authorized and empowered, to grant and make an order transferring and removing the execution of the will and estate of Margaret Burns, deceased, from the court of probate of Tallapoosa county, to the court of probate of Chambers county, and upon the executor of said will producing and filing in the said court of Chambers county, a full and complete transcript of all the orders and entries of said estate made in the court of probate of Tallapoosa county, and the original will and a certified copy of its probate, and the order transferring the said estate, thereupon the court of probate of Chambers county, shall have as full and complete jurisdiction of said will and estate as if the said decedent had died in the county of Chambers: *Provided,* That before this act shall take effect, the sureties on the official bond of said executor shall file their written assent to the provisions of this act in the probate courts of Chambers and Tallapoosa counties, or in default of such assent a new bond be given by said executor, to be approved by the judge of probate of Chambers county, and filed and recorded in the office of said judge.

Approved, November 28, 1861.

No. 185.]

AN ACT

To authorize the removal of the administration of the estate of John D. Smith, deceased, from the county of Mobile to the county of Wilcox.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the administration of John D. Smith, deceased, now pending in the court of probate of Mo-

Transfer order to
be granted.

Conditions.

Probate Court of
Chambers to
have jurisdiction

Proviso.

Administration
removed.

bile county, be and the same is hereby removed from the probate court of Mobile county to the probate court of Wilcox county; and the said court of probate of Wilcox, is hereby invested with full jurisdiction and authority over the said estate, and may make all orders and decrees in relation to the administration thereof, as if said letters had been originally granted in said county of Wilcox, and the judge of the said probate court of Mobile is hereby authorized and required to transfer to said probate court of Wilcox county, all the original papers on file in his office relating to said estate, together with copies of all orders and decrees duly certified under his hand and seal: *Provided*, That before this act shall take effect, the administrator of said estate shall make a full settlement of his administration in the probate court of Mobile, and shall file a new bond payable to, and approved by the judge of probate of Wilcox county, in such sum as the said judge may require according to law as in other cases of administration.

Probate Court of
Wilcox to have
jurisdiction.

Proviso.

Approved, December 3, 1861.

No. 186.]

AN ACT

To authorize the sale and distribution of the estate of James Hamilton, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the legal representative of James Hamilton, deceased, late of Dallas county, be and he is hereby authorized to sell, under the authority and by the direction of the probate court of Dallas county, all the property both real and personal, belonging to the estate of said decedent, and to distribute the same, in accordance with the last will and testament of the deceased, just as if the distributees were all resident citizens of the Confederate States of America.

Approved, December 6, 1861.

No. 187.]

AN ACT

For the benefit of the administrators of the estate of
John R. Berry.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles T. Abercrombie, of Russell county, and Thomas Berry, of Macon county, administrators of the estate of John R. Berry, late of the county of Macon, shall be authorized to remove the administration of said estate from the probate court of Macon county, to the probate court of Russell county, and the probate judge of Macon shall make out a complete transcript of all proceedings had in said court, relating to said administration, and shall, together with the original papers touching said administration, transmit it to the probate court of Russell county, and the said administration shall be proceeded with and continue in the last named county, as if it had originally been commenced therein: *Provided,* that said administration shall not be so changed, until the consent in writing of the securities on the bond of the said administrators, to said change, shall first be filed in the said court of probate of Russell county, and that the costs which shall have accrued in the probate court of Macon county shall also be first paid.

Approved, November 9, 1861.

No. 188.]

AN ACT

To authorize Wm. H. Coleman, guardian of the minor heirs of James H. Thompson, deceased, to purchase lands for the benefit of said minors.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William H. Coleman, guardian of the minor heirs of James H. Thompson, deceased, be, and he is hereby authorized to invest any monies he may now hold as guardian aforesaid, in lands in any county of this State, for the use and benefit of his wards aforesaid, on which he shall be authorized to work the slaves

Administration
to be removed.

What Probate
Judge of Macon
must do.

Proviso.

Guardian to invest
any moneys

belonging to him as such guardian; and he is further authorized to purchase for his wards all necessary mules, horses, provisions, corn, fodder and plantation utensils necessary for carrying on a plantation.

SEC. 2. *Be it further enacted*, That if the said guardian has not sufficient money on hand to pay for the lands so purchased, he is authorized to give his note or notes as such guardian, for the balance of the purchase money due, and such notes shall be a lien on said lands, and the guardian shall not be liable therefor in his individual capacity. May give his note.

SEC. 3. *Be it further enacted*, That this act shall not go into effect unless after satisfactory proof made, the judge of the probate court of Sumter county shall be of opinion that it will be to the interest of the minors to make the investment, and shall order the same to be made, and shall order the notes (if necessary) to be given by the guardian for the balance of the purchase money due. Satisfactory proof to be furnished.

Approved, December 7, 1861.

No. 189.]

AN ACT

To authorize the court of Probate of Madison county to grant letters of administration upon the estate of Arthur A. Acklin, late of Lawrence county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court of probate for the county of Madison have authority to take jurisdiction of the administration of the estate of Arthur A. Acklin, deceased, late of the county of Lawrence, to grant letters of administration thereon, and to do and perform all things necessary or proper to cause the estate of said decedent to be settled and distributed in accordance with the laws of this State, as fully and effectually as if the said decedent had been a resident citizen of the said county of Madison at the time of his death.

Approved, December 4, 1861.

No. 190.] *

AN ACT

In relation to the estate of Catherine Cockburn.

Relinquishment
by the State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the State of Alabama hereby relinquishes and grants to the Methodist Episcopal Church, South, at Montgomery, all right, title and interest in and to the estate of Catherine Cockburn, deceased, which now exists or might vest in said State by virtue of the law regulating escheats; and the said church at Montgomery is hereby authorized to demand, take and receive the estate of the said Catherine Cockburn, subject, however, to the rights of any creditor of said estate, and to the rights of any person who, by the laws of this State, may be entitled to said estate as heir, distributee or devisee.

Approved, November 29, 1861.

No. 191.]

AN ACT

To invest certain trust funds therein named.

Rives and Mar-
tin, guardians.

Invest $\frac{1}{4}$ in ne-
groes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William H. Rives, guardian of Joseph V. Allen, and Abram Martin, guardian of George E. Allen, are each of them respectively authorized to invest a portion of the trust fund in their hands belonging to their wards, not exceeding one-fourth thereof, in the purchase of negroes, for the benefit of their said wards.

Approved, December 7, 1861.

No. 192.]

AN ACT

To provide for holding special terms of the circuit courts in the 10th judicial circuit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That special terms of the circuit courts for the several counties composing the 10th judicial circuit of the State of Alabama, may be called at any time during the next twelve months by any circuit judge of this State, and at such special terms the said courts shall have and exercise the same authority, and transact the same business as at regular terms thereof, and the said special terms shall remain in session at the discretion of the presiding judge: *Provided*, That at least thirty days notice of the holding of such special terms shall be given by advertisement, published in some newspaper in the county where the court is to be held, or if there be no newspaper in the county, then in such paper as may be designated by the judge who orders the court.

Special terms allowed within the next 12 months.

Length of term at discretion of judge.

Notice to be published in paper.

SEC. 2. *Be it further enacted*, That when any such special terms shall be ordered, a grand jury shall be drawn and summoned for the same of the usual number and in the same manner as is provided by law in reference to grand juries for regular terms.

As to grand jury

Approved, November 9, 1861.

No. 193.]

AN ACT

To transfer the county of Conecuh from the second chancery district, of the Southern Division, to the seventh chancery district, of said Division, composed of the counties of Butler and Covington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county of Conecuh be, and is hereby transferred, from the second chancery district, composed of the counties of Conecuh, Monroe and Clarke, to the seventh chancery district, composed of the counties of Butler and Covington.

Conecuh transferred.

SEC. 2. *Be it further enacted*, That all causes now pending in the chancery court of said second district, at Claiborne, which would properly belong to the chancery court of the county of Conecuh, if there had been a separate chancery court for said county, be and the same are hereby transferred to the chancery court of the said seventh district, composed of the counties of Butler

All pending cases transferred.

and Covington. And it is hereby made the duty of the register of the said second chancery district, to deliver to the register of the said seventh chancery district, on application for the same, all papers belonging to any of said causes, together with a certified transcript of all orders and decrees made in such causes: *Provided*, That this section shall not apply to any causes or suits which might have been brought in the counties of Monroe and Clarke, if there had been separate chancery courts for said counties.

Register for 7th
district to apply
for papers.

SEC. 3. *Be it further enacted*, That it shall be the duty of the register in chancery for the said seventh district, to apply for and receive from the register in chancery for the said second district, all papers transferable to his office under this act.

Fees.

SEC. 4. *Be it further enacted*, That for any transcript required by this act to be made, the register of the said second district shall receive the same fees, as for a copy of bill and answer, to be charged as costs in the case.

Approved, December 9, 1861.

No. 194.]

AN ACT

To change the time of holding the chancery courts of the counties of Sumter, Marengo and Choctaw.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the terms of the chancery courts of the county of Sumter shall be hereafter held on the Tuesday after the first Monday in January and on the third Monday in July; of the county of Choctaw, on the Wednesday after the second Monday in July, and of the county of Marengo, on the fourth Monday in July, in each year, instead of the times now prescribed by law.

Approved, December 9, 1861.

No. 195.]

AN ACT

In relation to holding the Fall Term, 1861, of the chancery courts in certain counties.

WHEREAS, but little or no business could be done by holding the fall term of the chancery courts in the counties of Russell, Chambers, Tallapoosa, Coosa, Macon and Autauga, by reason of parties, witnesses and solicitors engaged in many of the causes in said counties being absent in the service of the country—Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the chancellor of the Middle Chancery Division shall not be required to hold said fall term of the chancery courts in the counties of Russell, Chambers, Tallapoosa, Coosa, Macon and Autauga, for the year 1861.

SEC. 2. *Be it further enacted,* That the chancellor of the Southern Chancery Division of the State, be not required for the same reasons, to hold the chancery court at the fall term, 1861, in the 10th district of said Division: *Provided, however,* solicitors of that court may at any time hereafter, before the spring term, 1862, thereof, submit their causes to the chancellor for decrees, by agreement of all parties to those causes so submitted, which decrees may be rendered at chambers, before said spring term, and entered upon the records of the said court, according to the chancellor's written direction, embraced in said decrees. The provisions of this section shall extend to the chancery district, composed of the counties of Dale and Henry, and Butler, Barbour and Pike.

Approved, November 6, 1861.

No. 196.]

AN ACT

To authorize L. W. Trawicke to erect gates across a public road in Butler county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That L. W. Trawicke be, and he is hereby

Authority.

Proviso.

authorized, to erect two gates across the public road, leading from Ridgeville, in Butler county, to James R. Yeldell's mill; *Provided, however,* That said gates shall be so constructed that they may be opened with ease by a man on horseback: *And provided, further,* That if said L. W. Trawicke shall at any time permit either of said gates to remain for one day in such condition as not to be easily opened by a person on horseback, then the privilege conferred by this act shall be forthwith rescinded, and said Trawicke shall be liable to be indicted for obstructing the public highway.

Approved, December 4, 1861.

No. 197.]

AN ACT

To divide the County of Butler into four commissioners' districts.

Shall divide.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Butler county shall, at their May term, 1862, proceed to lay off said county into four commissioners' districts, as nearly equal in population as practicable, without dividing any election precinct.

One commissioner for each dist.

SEC. 2. *Be it further enacted,* That hereafter at any election for county commissioners of said county, there shall be one commissioner elected for each of said districts, who shall be a resident citizen of the district for which he is elected, and who shall be voted for only by the citizens residing in that district; and no citizen of said county shall be entitled to vote but for one commissioner for said county, and the commissioner voted for shall be a citizen of the district in which the person offering to vote resides.

Certain laws amended

SEC. 3. *Be it further enacted,* That all laws relating to the election of county commissioners of Butler county, coming in conflict with this, be so amended as to conform to the provisions of this act.

Approved, Nov. 30, 1861.

No. 198.]

AN ACT

To authorize the Court of County Commissioners of Butler county to levy a special county tax for the support of families of indigent volunteers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Butler county are hereby authorized to levy a special tax in the said county of Butler, of twenty-five per cent. upon the State tax, as assessed for the present year in said county; which special tax, or so much of the same as may be necessary, shall be expended by said court of county commissioners in the support of families of indigent volunteers, in the event that the portion of the special State tax that may be appropriated to said county, under the act passed at the recent called session of the legislature, shall be insufficient to support said families as provided for by said act; and any of said special county tax, that may not be necessary for this purpose, is hereby required to be placed in the county treasury of said county, for county purposes.

Special tax of 25 per cent.

How to be expended.

SEC. 2. *Be it further enacted,* That there shall be a special term of said court in said county, on the first Monday in January next, for the purpose of authorizing the levy of a special tax in the county of Butler, herein provided; and the tax-collector is hereby required to collect said special county tax at the same time that he is collecting the special State tax, and the regular county tax, for said county, for the present year.

Special term of the court.

Approved, December 7, 1861.

No. 199.]

AN ACT

To authorize the Judge of Probate of Calhoun county to appoint a special tax collector for the years 1859 and 1860.

Whereas the tax collector elected for Calhoun county, on the first Monday in August, 1861, left a large amount of the taxes assessed against the citizens of said county, for the years 1859 and 1860, uncollected; therefore

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Present collector
to act.

That the present tax collector of said county be, and he is hereby authorized and required to collect all such taxes due the State of Alabama, in said county, for the years 1859 and 1861, not heretofore collected.

Bond to be given

SEC. 2. *Be it further enacted,* That the judge of probate shall require said officer to give bond, with securities, in such amount as may be determined on, and to be approved by him.

Shall proceed
forthwith.

SEC. 3. *Be it further enacted,* That said officer, upon accepting said appointment and qualifying as provided, shall proceed forthwith to collect all such taxes of the citizens of said county as were assessed against them for said years, and have not been heretofore collected; and for that purpose he is hereby invested with all the rights and powers of tax collectors elected and qualified under the laws of Alabama, and is liable to all the pains and penalties for failing to collect and pay over said taxes, that any other tax collector is subject to.

Liability.

To receive tax
books for 1859-60

SEC. 4. *Be it further enacted,* That said collector, when appointed, has a right to demand and receive the tax books as assessed, made out and delivered to the tax collector for said years; and for his services he shall receive the same commissions as is now provided by law for other tax collectors.

Not to interfere
with any legal
liability.

SEC. 5. *Be it further enacted,* That the provisions of this act shall in no wise interfere with any legal liability which the said tax collector of Calhoun county, whose term of office expired on the first Monday of August, 1861, and his securities for the faithful discharge of the duties of said tax collector, may have incurred; and before this act shall take effect, the sureties of said tax collector shall file with the Comptroller their written assent to the provisions of this act, and the present tax collector herein authorized to collect such taxes remaining uncollected, shall give bond with security for the faithful discharge of his duties, as in other cases of tax collectors.

Sureties to file
written assent.

Approved, November 11, 1861.

No. 200.]

AN ACT

To make W. W. Armisted, a liner between Monroe and Clarke counties, a citizen of Clarke county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William W. Armisted, who resides on the line between Monroe and Clarke counties be, and he is hereby declared to be a citizen of Clarke county, and liable to perform all the duties, and is entitled to all the privileges of a citizen of Clarke county, any law, usage or custom to the contrary notwithstanding; and the county boundary of said county of Clarke is hereby so far changed as to embrace the residence of the said William W. Armisted within its limits.

Approved, December 6, 1861.

No. 201:

AN ACT

To authorize the Commissioners' Court of Cherokee county to levy a special tax, in order to require each citizen of said county to bear a just proportion of expenses heretofore incurred for volunteers, and the support of their families, according to the amount of his or her taxable property.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of Cherokee county are authorized to levy a special tax on all the taxable property in said county, for the purpose of equalizing the expenditures made by the citizens of said county in fitting out and equipping volunteers, who have entered into the actual service of the State of Alabama, or the Confederate States of America, and for the support of the families of such volunteers.

Authority to levy
special tax.

SEC. 2. *Be it further enacted,* That it shall be the duty of the judge of probate of said county to give notice, for three weeks, in some newspaper published in said county, or by posting written notices at the places of holding justices' courts in the several beats of said county, making known the time when a special term of

Judge to give
notice.

said court will be held at the court-house in said county, for the purpose of ascertaining the amount expended for the purposes aforesaid, and for levying said tax.

Court may issue certificates.

SEC. 3. *Be it further enacted*, That upon satisfactory proof being made to the said court, they may issue such certificate or certificates to each individual for the amount he or she has so expended, and pursue whatever course may be necessary to require each citizen of said county to contribute for the purposes aforesaid, in proportion to his or her taxable property.

Duty of tax collector.

SEC. 4. *Be it further enacted*, That it shall be the duty of the tax collector of said county to collect said special tax, as other county taxes, and receive in pay for said special tax, the certified claims of individuals, under such restrictions and limitations as the said court may impose.

Approved, December 7, 1861.

No. 202.]

AN ACT

Th cause the Justices of the Peace in Coffee county to perform the duties of road apportioners, and for other purposes.

Justices to perform duties of road apportioners.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be the duty of the several justices of the peace in said county to do and perform all the duties of road apportioners in said county.

Constables to do road service.

SEC. 2. *And be it further enacted*, That the constables of the several beats in said county shall do road service, in working roads as other hands.

Approved, December 10, 1861.

No. 203.]

AN ACT

To legalize the act of the Commissioners' Court of Coffee county.

SEC. 1. *Be it enacted by the Senate and House of Repre-*

sentatives of the State of Alabama in General Assembly convened, That the proceedings of the commissioners' court of revenue and roads of the county of Coffee, in granting to John G. Cowan the right to establish a public ferry across Pea river, about three miles from Geneva, in said county, and about the same distance from the junction of said river, with the Choctahatchee river, where said ferry is now established, be, and the same are hereby legalized.

Approved, November 11, 1861.

No. 204.]

AN ACT

To repeal a certain special road law or laws for the counties of Conecuh and Monroe.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any and all laws heretofore enacted by the General Assembly of this State, making a special apportionment of all hands residing within one and a half miles to the former stage road dividing the counties of Conecuh and Monroe, to work upon said road, be, and the same is hereby repealed.

Certain laws repealed.

SEC. 2. *And be it further enacted,* That so long as said road may be continued, it shall be the duty of the court of county commissioners of Monroe to appoint overseers for the north-eastern half, and of the court of county commissioners of Conecuh county to appoint the overseers for the south-western half of said road.

Commissioners' court to appoint

Approved, December 3, 1861.

No. 205.]

AN ACT

To repeal an Act, entitled an Act to confer upon the Intendant of the town of Rockford the powers of a justice of the peace, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, entitled "an act to confer upon

Act Feb. 8, 1861,
repealed.

the intendant of the town of Rockford the powers of a justice of the peace," approved February 8, 1861, be, and the same is hereby repealed, and any law or laws repealed by the same are revived.

Charter of town
amended.

SEC. 2. *Be it further enacted*, That the charter of the town of Rockford, approved February 24, 1860, be so amended as to strike out all that pertains to the election of an intendant for said town, and that all the powers conferred upon the said intendant by the said act of incorporation, be, and the same are hereby conferred upon the justice of the peace for said town, who shall be ex officio the intendant of said town.

Sheriff to order
election for Jus-
tice of Peace.

SEC. 3. *Be it further enacted*, That the sheriff of the county of Coosa be required to order forthwith an election for a justice of the peace of said town of Rockford, who shall, when qualified, enter upon the discharge of his duties as justice, together with those of intendant hereby conferred: *Provided*, that the present intendant shall continue to exercise the functions of his office until such justice is qualified.

Approved, December 7, 1861.

No. 206.]

AN ACT

To repeal an act, entitled "an act to increase the pay of grand and petit jurors of Dale county," approved January 31st, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act, entitled an act to increase the pay of grand and petit jurors of Dale county, approved January 31st, 1861, be and the same is hereby repealed.

Approved, November 11, 1861.

No. 207.]

AN ACT

To reduce the fees of the county surveyor of DeKalb county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county surveyor of DeKalb county, from and after the passage of this act, shall receive two dollars per day, for each day he may be employed in surveying in said county, any law to the contrary notwithstanding.

Approved, November 9, 1861.

No. 208.]

AN ACT

To cause a registration of outstanding claims against the counties of DeKalb and Covington.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all persons holding claims against the county of DeKalb, which were made previous to the year 1856, be and they are hereby required to present the same to the county treasurer of said county for registration, within twelve months from the passage of this act, or upon failure to do so, their claims to be barred.

To be presented
within 12 months

SEC. 2. *Be it further enacted,* That the provisions of this act be, and are hereby extended and made applicable to Covington county, and to all claims against that county existing before 1st of January, 1858.

Provisions ex-
tended to Cov-
ington.

Approved, December 6, '1861.

No. 209.]

AN ACT

Amendatory of an act requiring certain duties of justices of the peace, in the county of Fayette, approved 2d February, 1858.

SEC. 1. *Be it enacted by the Senate and House of Repre-*

representatives of the State of Alabama in General Assembly convened, That section three of an act, entitled an act requiring certain duties of justices of the peace, in the county of Fayette, approved 2nd February, 1858, be so amended as to leave it optionary with the overseers therein named, whether or not they will set off to any hand his portion of the road as therein expressed; that if any overseer shall consider any person applying for his portion of a road to be set off to him as provided in said act, who in his judgment is not responsible and able to pay any fine that might accrue by default, then such overseer shall not be compelled to set off his portion of said road.

Approved, November 9, 1861.

No. 210.]

AN ACT

To repeal all laws or parts of laws contravening section 776 of the Code of Alabama, so far as the county of Franklin is concerned.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all laws or parts of laws contravening section 776 of the Code of Alabama, be and the same is hereby repealed, so far as the county of Franklin is concerned.

Approved, November 22, 1861.

No. 211.]

AN ACT

To repeal sections one and three of "an act to regulate the pay of grand and petit jurors in certain counties, the pay of jurors in the probate courts of the State, and to provide for the prompt payment of such jurors," approved February 6th, 1860, so far as said sections relate to the county of Franklin.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That sections 1 and 3 of "an act to regulate

the pay of grand and petit jurors in certain counties, the pay of jurors in the probate courts of the State, and to provide for the prompt payment of such jurors, approved February 6th, 1860, be and the same are hereby repealed, so far as said sections relate to the county of Franklin.

Approved, November 11, 1861.

No. 212.]

AN ACT

To enable the court of county commissioners of Greene, Autauga, and Sumter counties, to appoint overseers and apportioners of public roads in said counties, over the age of eighteen and under the age of sixty.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Greene county, Autauga county, and Sumter county, are hereby authorized and empowered to appoint all male persons over the age of eighteen years and under the age of sixty, in their counties, overseers and apportioners for public roads in said counties, except as are exempted by section 1140 of the Code: *Provided,* this act shall be in force for, and only during the present war, and twelve months thereafter.

Approved, December 7, 1861.

No. 213.]

AN ACT

To repeal an act therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, entitled an act to change the boundary line between the counties of Jefferson and Shelby, approved February 8th, 1861, be and the same is hereby repealed.

Approved, November 11, 1861.

No. 214.]

AN ACT

To regulate the pay of the members of the court of county commissioners of Lawrence county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the members of the court of county commissioners of Lawrence county, shall receive for each day's service in holding such, the sum of three dollars per day each, any law to the contrary notwithstanding.

Approved, December 3, 1861.

No. 215.]

AN ACT

To repeal an act therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, approved February 24th, 1860, entitled an act to regulate the working of a certain road in Madison county, be and the same is hereby repealed.

Approved, December 10, 1861.

No. 216.]

AN ACT

To repeal an act to compel the court of county commissioners of Marshall county, to levy a special tax for the purpose of paying the grand and petit jurors.

SEC. 9. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, entitled "an act to compel the court of county commissioners of Marshall county, to levy a special tax for the purpose of paying the grand and petit jurors," approved February 8th, 1858, be and the same is hereby repealed.

Approved, December 3, 1861.

No. 217.]

AN ACT

To amend section 796 of the Code of the State of Alabama, to apply to the county of Marion.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, any person or persons, notified by the judge of probate of Marion county, to meet at the county site of said county, as a committee to examine the books and vouchers of the county treasurer; if any person or persons, after being notified, should fail to attend and perform the duties assigned him or them, each defaulter shall forfeit twenty dollars to the use of the county: *Provided,* the judge of the probate court shall hear all reasonable excuses, within thirty days after such default; if no such excuse is heard, the judge of probate shall issue execution against all defaulters for said forfeit, and the officer collecting the same, shall pay it over to the county treasurer.

Penalty for failure to attend to examine books, &c., of county treasurer.

SEC. 2. *Be it further enacted,* That any person, who may serve on such committee, shall receive two dollars per day for each day he may be necessarily engaged in such service, to be paid out of any moneys in the county treasury not otherwise appropriated.

Compensation.

Approved, November 30, 1861.

No. 218.]

AN ACT

To amend the law in relation to public roads, in the county of Marengo.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners for the county of Marengo, or the judge of probate for said county in vacation, be and the same are hereby authorized to appoint any person in said county, who consents to accept such appointment, overseer over any portion of the public roads in said county, for a term not exceeding ten years, and assign to such person his or her

Authority to appoint.

- hands to work said road for and during such term: *Provided*, That such appointment may be revoked by said court or judge as soon as such overseer ceases to be a resident of the precincts in which such road is located.
- Proviso.
- SEC. 2. *Be it further enacted*, That such overseer shall be liable and subject to perform all of the duties now required of overseers of public roads by subdivisions 3, 4, 5 and 6, of section 1159 of the Code, and he or she shall have the same powers as are now conferred on overseers of public roads by sections 1162 and 1163 of the Code; and said subdivisions 3, 4, 5 and 6 of said section 1159, and said sections 1162 and 1163, are hereby made applicable to all overseers appointed and portions of roads assigned to them, under the provisions of this act.
- Liability of overseer.
- SEC. 3. *Be it further enacted*, That such overseer shall be required to work such roads with the hands aforesaid, ten days in the year, if such number of days work is necessary to keep the same in good repair.
- Number of days, roads to be worked.
- SEC. 4. *Be it further enacted*, That if any overseer under this act, permit a fallen tree, dead animal, or any other obstruction to travel, to remain in or across any part of the said road, for three days after notice thereof, or allows his said road to be out of repairs for more than ten days at one time, without a good excuse to be determined by the court, he or she shall be guilty of a misdemeanor.
- Overseer guilty of misdemeanor in certain cases.
- SEC. 5. *Be it further enacted*, That section 1182 of the Code, is hereby made applicable to all overseers under this act.
- Section 1182 of Code applicable.
- SEC. 6. *Be it further enacted*, That such overseers and their hands are hereby exempt from apportionment under the laws of this State, for and during the term of their appointment, or so long as they continue to act under the same.
- Overseers and hands exempt.
- SEC. 7. *Be it further enacted*, That section 1176 of the Code, is hereby made applicable to all roads over which overseers are apportioned under this act.
- Section 1176 of Code applicable.
- Approved, December 9, 1861.

No. 219.

AN ACT

To aid in the Harbor Defences of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary for the purpose, be, and the same is hereby appropriated, out of any money in the treasury of the State, to be applied to the construction of an iron clad gunboat and ram for the defence of the bay and harbor of Mobile.

\$150,000 appropriated.

SEC. 2. *Be it further enacted,* That L. J. Fleming, P. J. Pillans, Peter Hamilton and Duke W. Goodman, of Mobile, and Lieut. James D. Johnson, of the C. S. Navy, now stationed at Mobile, or his successor at that station, be, and are hereby appointed commissioners to undertake, manage and superintend the construction of said vessel; and the money hereby appropriated shall be paid out of the said treasury on the checks, or drafts, of the said commissioners, or such one or more of them as said commissioners by their writing, addressed to the Treasurer of the State, shall appoint and depute for that purpose; and may be drawn for by said commissioners, by drafts or checks on the Treasurer, from time to time, in such amount as may be needed in the purchase of materials for said gunboat and ram, and for the payment for work and labor thereon, as the work may progress, and the contract for such work and labor may mature and become due and payable: *Provided,* that, in the event of a vacancy in said board of commissioners by the non-acceptance, death, or resignation of either of said commissioners, the Governor shall have the right, and it is hereby made his duty, to fill such vacancy.

Commissioners.

Appropriation to be paid on their checks.

How drawn.

For what purpose.

SEC. 3. *Be it further enacted,* That the said commissioners, or such of them as may accept this commission, shall, before receiving any of said money, in writing signify their acceptance of this trust to the Comptroller of this State, and shall pledge their honor faithfully to apply the money so entrusted to them, and furnish vouchers therefor, to be deposited with said Comptroller, in order to be used to obtain re-imbusement from the Confederate government.

Commissioners to signify acceptance.

Furnish vouchers.

SEC. 4. *Be it further enacted,* That said commission-

Shall proceed at once.

ers, so complying with the provisions hereof, shall at once proceed to build, construct and fit out a boat to be propelled by steam, and able to carry not less than two guns of the calibre not less than sixty-eight pounds of solid shot; said boat shall also be coated with iron, to afford protection against enemy's shot, and shall be armed with an iron prow or ram, to enable it to crush in the side of any opposing vessel against which it may be thrust; said vessel shall be constructed of such dimensions as to be able to float in water of the depth of seven feet, with the armament above named.

May procure a vessel already built.

SEC. 5. *Be it further enacted*, That if said commissioners be able to procure, on reasonable terms, a vessel already built, capable of being converted into a ram, and armed so as to be efficient for the purpose herein proposed, then said commissioners are hereby authorized to purchase such vessel and convert it into a gunboat and ram; but in that case, said commissioners may limit the armament of said boat to one gun, of calibre not less than a 32-pound rifled cannon.

Duty as to the construction of the ram.

SEC. 6. *Be it further enacted*, That it shall be the duty of said commissioners, in discharging the duty hereby imposed on them, to have constantly in view the fitting out and equipping of a vessel that will be efficient as a ram, and with suitable battery for shell and shot, in all the waters of the bay of Mobile where an enemy's vessel can penetrate, for the purpose of either attacking fortifications or batteries, or throwing shells upon land, or for the purpose of landing troops, so as to defeat, as far as practicable, any attempt on the part of the enemy to make any lodgment in any part of the bay of Mobile; and said structure shall be so made as to meet the approval of the officer of the Confederate States navy in command of the naval defences in and about the bay of Mobile, both as to strength, buoyancy and efficient power.

Must meet approval of C. S. officer.

Discretion of the commissioners.

SEC. 7. *Be it further enacted*, That said commissioners are hereby authorized to proceed in the construction and fitting out of said vessel, either by contract with ship-builders, or by hiring workmen and mechanics, and building or fitting out, under the superintendence of competent master ship carpenters, as they see fit; but in all cases where they proceed by contract, in whole or in part, said commissioners shall require bond and sufficient security of said contractors for the faith-

ful and speedy performance of all the stipulations entered into by them. In exercising the discretion hereby confided to them, said commissioners shall have in view the speedy construction and fitting out of said vessel, and also the faithful and perfect construction of the said vessel, so as to be in all respects, so far as practicable, fitted for running into and destruction of the enemy's vessels, where she can be brought into close quarters, and also for destruction by heavy arms, where an engagement can be entered into only at a distance.

SEC. 8. *Be it further enacted*, That said commissioners are hereby directed to have said vessel prepared and fitted either at the city of Mobile, or at any point in the waters connected with the bay of Mobile, where the same can be most conveniently, safely, speedily and economically fitted out and prepared.

When to be prepared and fitted out.

Approved, November 9, 1861.

No. 220.]

AN ACT

To amend "An Act to aid in the defenses of Mobile," approved Nov. 9, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act approved Nov. 9th, 1861, be, and the same is so amended as to authorize the Governor to issue orders from time to time for the appropriation of \$150,000 therein made, directing the Auditor of the Treasury, or Comptroller of Public Accounts, to draw his warrants on the treasury therefor, payable out of either of the funds appropriated for the military defense of the State, by an act, entitled "An Act making appropriations for the military defense of the State," approved Feb. 6, 1861; and that the Auditor's or Comptroller's warrants, drawn in pursuance of such orders, shall be paid by the Treasurer out of the funds appropriated by the said last mentioned act, anything in either of said acts to the contrary notwithstanding.

Appropriation payable out of military fund.

Approved, December 7, 1861.

No. 221.]

AN ACT

To amend an Act, entitled an Act for the improvement of the Bay and Harbor of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the action of the court of commissioners of revenue for Mobile county, in making the assessment, under the fifth section of said act, and directing the tax collector of Mobile county to refrain from the collection of said assessment, until ordered by said court, be, and the same are hereby approved and legalized.

Action of commissioners' court approved.

Tax postponed.

SEC. 2. *Be it further enacted,* That the said court of commissioners of revenue be, and are hereby required to postpone the collection of the said assessment and tax until twelve months after the end of the war.

Said suspension no forfeiture, &c.

SEC. 3. *Be it further enacted,* That the suspension of said tax shall not be the cause of any forfeiture of the relinquishments, donations, authority or powers granted by the State of Alabama in said act, for the improvement of the bay and harbor of Mobile, but all of said forfeitures are hereby barred.

Moneys, where to be deposited.

SEC. 4. *Be it further enacted,* That all moneys collected for said harbor fund shall be deposited in the Bank of Mobile: *Provided,* the said bank shall pay interest thereon at the rate of four per cent. per annum.

Proviso.

Approved, November 11, 1861.

No. 222.]

AN ACT

To provide for the manufacture of certain arms for Mobile.

Preamble.

Whereas there is a threatened invasion of our State by those endeavoring to subjugate us; and whereas there is a great scarcity of arms, and the public safety requires weapons to be placed in the hands of our military, therefore

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of six thousand dollars be and

is hereby appropriated out of any unappropriated money in the treasury, to purchase one thousand Bowie-knife-shaped pikes, and one thousand Bowie knives for the use of the 48th regiment Alabama militia: *Provided*, that only so much of this appropriation shall be used as may be necessary to pay the actual cost of the manufacture of such arms.

\$6000 appropriated.

The purpose and the regiment. Proviso.

SEC. 2. *Be it further enacted, &c.*, That the said sum of money shall be paid to Alexander McKinstry, upon the warrant of the Governor, on his giving bond with sufficient security in double the amount, to be approved by the Governor, for the application of the same according to the provisions of this act.

To whom to be paid.

SEC. 3. *Be it further enacted, &c.*, That to fully complete the numbers of the said 48th regiment, any person residing out of the said regiment may enrol his name in any of the companies thereof, and shall thereupon be subject to military duty as a member of said regiment, and in no other.

To complete the regiment.

SEC. 4. *Be it further enacted, &c.*, That any volunteer companies in the county of Mobile may be attached to said regiment, on their application for such purpose to, and with the approval of the colonel.

Any volunteer corps may be attached.

SEC. 5. *Be it further enacted, &c.*, That upon the termination of the existing war, the said arms or weapons shall be delivered to the Governor of Alabama, for the use of the State.

The property of the State after the war.

SEC. 6. *Be it further enacted, &c.*, That the Governor of this State be, and he is hereby authorized to cause arms of a similar kind, with such improvements as he may direct, to be manufactured for any other regiment or battalion of militia, or other troops organized in conformity to the laws of this State, whenever he may deem it advisable, and to draw his warrant upon the treasury of the State.

Similar arms for any other regiment or battalion

Approved, November 27, 1861.

No. 223.]

AN ACT

To amend the Militia laws in the city of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Officers not to lose commissions by removing.

convened, That commissioned officers of the regiments, in the city of Mobile, holding commissions therein, shall not lose their commissions by removing, or having removed to any other part of the city, but shall not be eligible to an election in any beat, battalion or regiment, not being the beat, battalion or regiment of his residence, to wit: he shall be a resident of the beat, battalion or regiment he desires to be elected in.

How notice may be given.

SEC. 2. *Be it further enacted*, That, whenever any of the militia are called out under chapter xii. sections 1 and 2, they may be called on immediately, and orders published in any one of the city papers, or personal notice, shall either be sufficient notice.

Approved, November 11, 1861.

No. 224.]

AN ACT

To protect the elective franchise in Municipal elections in the City of Mobile.

Registration of electors before hand.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all municipal elections by the people to be held in the city of Mobile, the names of the electors, before being admitted to vote, shall have been registered at least ten days before the day of election.

Three commissioners to open a register.

SEC. 2. *And be it further enacted*, That three commissioners shall be appointed by the judge of the city court of Mobile; that they, or a majority of them, shall open a register of voters, and shall sit at the court house of Mobile county during ten days, from 9 o'clock, A. M. till 3 o'clock, P. M., on each day, to receive applications for registry; that they shall give public notice by publication in newspapers of the time when they will commence their sittings, and of the day when it shall end.

Names to be entered after examination.

SEC. 3. *And be it further enacted*, That said commissioners shall consider of all applications for registry, and if fully satisfied that the applicant is entitled and duly qualified in all respects to vote at the proposed election, shall enter his name in full as a voter in their register, with name, surname and middle name, if any, with the ward of his residence, and cause the applicant to sign the same with his name or mark; and said commission-

ers shall have power to examine the applicant on oath as to his qualifications, and also all others, and to examine all evidence they may deem necessary to ascertain the truth.

SEC. 4. *And be it further enacted,* That said commissioners shall return said register ten days before the proposed election, to the clerk of the city of Mobile for preservation, where it shall be kept for public inspection; and the said commissioners shall cause an alphabetical list of the names of all voters admitted to vote in each of the wards respectively, and return the same with the register; and the clerk of the city shall cause such lists to be delivered to the inspectors of each ward respectively on the day of election, for their government.

Register to be returned 10 days before election.

SEC. 5. *And be it further enacted,* That each elector shall vote in the proper ward of his residence, and the inspectors shall admit to vote those only whose names are found on their respective lists; and the right of the voter so registered, shall not be questioned, except that the inspectors shall be satisfied as to the identity of the voter with the name registered; and when the vote is given, the name shall be struck off in the list.

Electors to vote in their respective wards.

SEC. 6. *And be it further enacted,* That said commissioners shall be appointed at least thirty days before the proposed election; that their sessions shall commence not less than twenty-five days before the election; that they shall be duly sworn faithfully to discharge the duties of their office, and may appoint a clerk to aid them in the discharge of their duties, who shall be sworn in like manner; and the said judge of the city court shall fill all vacancies in the office of commissioner.

Appointment of commissioners.

SEC. 7. *And be it further enacted,* That in case of the absence or failure of the judge of the city court to appoint said commissioners, they shall be appointed by the judge of the probate court of Mobile county, and in case of his failure, then by the mayor or acting mayor of the city of Mobile; and if from any cause the registry shall not be had in proper time, then the mayor of Mobile shall postpone the proposed election till a day ten days after the registry shall be completed, not longer, however, than sixty days, if practicable.

Judge of Probate to appoint if the Judge of the City court fails.

SEC. 7. *And be it further enacted,* That the said commissioners and clerks shall be entitled to receive for their services compensation at the rate of three dollars each per day, while actually engaged in their duties, to be paid

Compensation of commissioners and clerk.

Penalty for malfeasance or non-feasance.

Penalty for false swearing.

Mayor may postpone next election.

out of the city treasury; and in case of malfeasance or non-feasance in the discharge of the duties of their office, respectively, shall be subject to indictment and to fine and imprisonment, at the discretion of the jury trying the same, not to exceed six months imprisonment, and one thousand dollars fine; and all persons convicted of swearing falsely before said commissioners, or before the inspectors of election in relation to the qualification to vote, or identity of the voter, shall be guilty of perjury and punished accordingly; and all persons causing their names to be registered as lawful voters, knowing that they have not the qualifications pretended, shall be subject to all the penalties which now or may then exist, or be in force for falsely voting at elections.

SEC. 9. *And be it further enacted*, That in order to carry this law into effect at the next municipal election, if need be, the mayor of Mobile shall by proclamation postpone such election till a day to be named by him, as early as practicable, when said registry shall have been completed, and returned ten days before such proposed election.

Approved, December 5, 1861.

No. 225.]

AN ACT

To suspend in part an act, entitled an act the more effectually to secure rents in the city of Mobile, approved 30th January, 1840.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the more effectually to secure the collection of rents in the city of Mobile, approved January 30th, 1840, be and the same is hereby suspended, so far as to exempt from seizure and sale as much household and kitchen furniture, as is now exempt from levy and sale by the general law of the State.

Approved, December 7, 1861.

No. 226.]

AN ACT

To amend an act regulating the time for holding court in Mobile, to hear and determine cases in admiralty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the fourth section of an act, entitled an act to repeal an act therein named, regulating the circuit and city courts of Mobile county, approved February 5th, 1858, be so amended as to read, that the first Monday in each month shall be return days for complaints filed in the city court, under section 2693 of the Code, in cases of admiralty, and the third Monday in each month shall be return days for like complaints filed in the circuit court of Mobile county, and the judges of said courts respectively, shall hold court on such days for the hearing and adjudication thereof, and may adjourn from day to day, if necessary.

Approved, November 9, 1861.

No. 227.]

AN ACT

To reduce and define the fees of notaries public, for the protest of notes, bills of exchange, or other paper, in the city of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first day of December, 1861, the fees for protesting notes, bills of exchange, or any other description of paper in the city of Mobile, shall be fifty (50) cents, where there is but one endorser, and seventy-five (75) cents, when there is more than one endorser. ^{Fees.}

SEC. 2. *Be it further enacted,* That all laws or parts of laws contravening the provisions of this act, be and the same are hereby repealed. ^{Repealing clause}

Approved, November 9, 1861.

No. 228.]

AN ACT

To compensate the inspectors, clerks, and returning officers of general elections held in and for the county of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of revenue commissioners of Mobile county, are hereby authorized and empowered to appropriate out of the county funds of said county, such sum as they may think proper, just, and expedient to compensate the inspectors, clerks and returning officers for their services in attending to and conducting general elections in said county, held by authority of law.

Inspectors, clerks,
&c., to be com-
pensated.

Apply to August
election, 1861.

Proviso.

SEC. 2. *Be it further enacted,* That the provisions of of the first section of this act apply to the general election held in August, 1861, and said commissioners are hereby empowered to make an appropriation accordingly: *Provided,* That not more than five dollars per day be allowed to any one inspector or officer at precincts within the city limits, at Whistler and Bayou Labatree, and not more three dollars per day to each inspector or officer at the other precincts in the county.

Approved, November 9, 1861.

No. 229.]

AN ACT

To authorize the commissioners' court of Monroe county to divide the county into four commissioners districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of Monroe county, shall have full power to divide the county of Monroe into four districts, each district to be represented by one commissioner, and the whole to be elected by the county at large.

SEC. 2. *And be it further enacted,* That all laws and parts of laws contravening the above, are hereby repealed.

Approved, November 8, 1861.

No. 230.] AN ACT

Providing adequate compensation for the county commissioners of Montgomery county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the members composing the court of county commissioners for Moutgomery county, shall receive as compensation for their services three dollars per day for each day's service, and five cents per mile traveled in going to and returning from court, to be taxed and paid as now provided by law.

Three dollars per
day and five cts.
per mile.

Approved, November 11, 1861.

No. 231.] AN ACT

To authorize James Porter to erect a gate, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, James Porter be, and he is hereby authorized, to erect a gate across the road leading from the city of Montgomery to Robinson's Springs, in the county of Autauga, all laws and parts of laws to the contrary notwithstanding: *Provided,* That the said gate be erected on the boundary line between the lands of the said Porter and Bolling Hall.

Approved, December 3, 1861.

No. 232.] AN ACT

Requiring retailers to pay the same license that is paid in the city of Montgomery.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the probate judge of Montgomery county, shall not issue a license to any person

Retailers within three miles of the city to pay same as within the city

or persons to retail vinous, spirituous or malt liquors, within three miles of the corporate limits of the city of Montgomery, until such person or persons shall have paid unto the said probate judge for such license, the same sum of money which retailers in the said city of Montgomery are now or may hereafter be required by the city authorities to pay for the privileges of retailing within said city in addition to the State tax.

Penalty for violation.

SEC. 2. *Be it further enacted*, That any person or persons who shall retail vinous, spirituous or malt liquors, without first having obtained the license as provided for in the first section of this act, shall on conviction, be fined in a sum not less than five hundred dollars, (\$500.)

Penalty for said retailers keeping open on Sunday.

SEC. 3. *Be it further enacted*, That any person or persons, after having obtained the license as provided for in the first section of this act, who shall keep open his, her, or their place of retailing on Sunday, shall be indicted therefor in the circuit court of Montgomery county, and shall on conviction be fined not less than one hundred dollars.

Penalty for selling on Sunday.

SEC. 4. *Be it further enacted*, That any person or persons, licensed as provided for in the first section of this act, who shall on Sunday sell to any person or persons any spirituous or vinous liquors, shall on conviction be fined not less than one hundred dollars.

Solicitor's fees under this act.

SEC. 5. *Be it further enacted*, That the solicitor's fee on all convictions under the second and third sections of this act, shall be thirty dollars, and all convictions under the fourth section, shall be twenty-five dollars, and a conviction under one section, shall be no bar to a conviction under the other.

Approved, December 3, 1861.

No. 233.]

AN ACT

To repeal "an act to change the manner of appointing overseers and apportioners of roads, in the county of Russell," approved January 8, 1858.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act, entitled "an act to change the

manner of appointing overseers and apportioners of roads, in the county of Russell," approved January 18, 1858, be and the same is hereby repealed.

Approved, November 29, 1861.

No. 234.]

AN ACT

To allow appeals to the county superintendent of free public schools, in the county of Russell.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in the county of Russell, any person dissatisfied with the action of the trustees of free public schools, in the township in which he may reside, in locating and establishing schools, shall have the right to appeal annually from the same to the county superintendent. Right of appeal.

SEC. 2. *Be it further enacted,* That any person desiring so to appeal, shall within two months from the time of the establishment of such free public school or schools in his township, file with the county superintendent a written notice of the same, setting forth the ground and cause of such appeal, and the county superintendent as aforesaid, shall thereupon fix a day not more than ten nor less than twenty days therefrom, at which he shall proceed to hear and determine the same according to the fairest, most impartial and best interest of all the inhabitants of said township. The decision of said superintendent as aforesaid, shall be final and conclusive for the year in which it may be made. How to proceed.
Duty of county superintendent.

SEC. 3. *Be it further enacted,* That before the county superintendent as aforesaid, shall proceed to hear and determine said appeal or appeals, he shall in all cases require the person appealing to serve a copy of the notice set forth in the second section of this act, on a majority of the trustees of the township whence the appeal arose, at least five days beforehand. Copy of notice to be served.

SEC. 4. *Be it further enacted,* That the provisions of this act shall apply to all the counties of this State. Act general.

Approved, December 9, 1861.

No. 235.]

AN ACT

Exempting apportioners and overseers of roads, in Shelby county, from road duty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That apportioners and overseers of roads, in the county of shelby, who have held their office for two years consecutively, shall be entitled to a certificate of exemption from road duty for the next two years after such time is served out, any act to the contrary notwithstanding.

Approved, November 11, 1861.

No. 236.]

AN ACT

To compensate returning officers of the general elections, in the county of Shelby.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the returning officers of general elections, in the county of Shelby, shall be allowed one dollar and fifty cents per day for making such returns, and five cents per mile traveling to and from the court house of said county, to be paid out of any money in the county treasury, not otherwise appropriated.

Approved, November 11, 1861.

No. 237.]

AN ACT

To amend section 499 of the Code of Alabama, so far as the county of Sumter is concerned.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That instead of the compensation now allowed by section 499 of the Code, or by any other law, to the members of the court of county commissioners of

Sumter county, each member of said court of county commissioners of said county, shall be entitled to receive five dollars for each day's service at the regular and special terms of said court, and mileage at the rate of five cents per mile on the nearest public road going to and returning from each term of said court, to be paid as prescribed by said section 499.

Five dollars per day and five cts per mile.

Approved, November 11, 1861.

No. 238.]

AN ACT

To authorize Mrs. Lucy Little, of Sumter county, to erect gates across a certain public road.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mrs. Lucy Little, of Sumter county, be, and she is hereby authorized to erect and keep one or more gates across the public road leading from Warsaw in said county, to Coopersville in Mississippi, where the same passes upon and across her land: *Provided,* that she shall keep the same at all times in good order and repair, so as to be easily opened by the public.

Approved, December 10, 1861.

No. 239.]

AN ACT

To repeal, in part, an Act for the preservation of game in the counties of Sumter and Shelby.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of said act, as approved February 8th, 1861, as relates to the county of Shelby, be, and the same is hereby repealed.

Approved, November 6, 1861.

No. 240.]

AN ACT

To authorize the Commissioners' Court of Talladega county to levy a special tax, for purposes therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of Talladega county, be, and is hereby authorized to levy a special tax for the purpose of relieving the central committee of said county of any liabilities they may have incurred in furnishing necessary outfit and equipments for volunteers in the Confederate army from said county; for providing for the wants of indigent families of such volunteers, over and above the amount that has come into the hands of M. H. Cruikshank, their secretary and treasurer, out of the volunteer tax resolved to be raised by a public meeting of the citizens of said county, held in April, 1861.

SEC. 2. *Be it further enacted,* That M. H. Cruikshank, secretary and treasurer of said central committee, or his successor in office, be required to make an exhibit of his receipts and disbursements as such secretary and treasurer, to the commissioners' court of said county, in order that said commissioners' court may ascertain what still remains due from said committee, not provided for by any means in his hands as such treasurer: *Provided,* that no persons engaged in the actual military service of this State, or of the Confederate States, shall be liable to pay any tax levied under the provisions of this act.

Approved, November 29, 1861.

No. 241.]

AN ACT

To amend an Act to authorize Dennis Springer to construct a turnpike across Sipsie river, approved February 21, 1860.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 5 of the above recited act be

amended by striking out all after the enacting clause, and insert the following words, "That this act shall be in force for fifty years only, unless extended or renewed" by the proper authority.

Approved, November 29, 1861.

No. 242.]

AN ACT

The better to secure the payment of the fees of the Clerk of the Circuit Court of Walker county in State cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all State cases which may be tried in

the circuit court of Walker county, if the defendant shall be convicted and found insolvent, the fees and costs of the clerk of said court shall be paid by the county treasurer out of the fine and forfeiture fund of said county, if there be a balance sufficient for that purpose, upon the certificate of the clerk, setting forth the amount of his said fees and costs in each case, and the insolvency of the defendant; but before the clerk shall certify the insolvency of the defendant, an execution must have been issued and returned by the proper officer, no property found.

In State cases where conviction is had, fees and costs to be paid by county treasurer.

SEC. 2. *Be it further enacted,* That if at any time after the said fees and costs shall be paid to the said clerk as herein provided, the defendant shall pay the same, or any part thereof, it shall be the duty of the clerk or sheriff collecting the same, to pay it over to the county treasurer, who shall place it to the fine and forfeiture fund of said county.

To be refunded to county when defendant pays.

Approved, December 9, 1861.

No. 243.]

AN ACT

To exempt Ministers of the Gospel from road duty in the county of Walker.

SEC. 1. *Be it enacted by the Senate and House of Repre-*

sentatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, ministers of the gospel shall be and are hereby exempt from road duty in the county of Walker, any law to the contrary notwithstanding.

Approved, December 5, 1861.

No. 244.]

AN ACT

To authorize the Commissioners' Court of Walker county to allow and pay off certain claims against said county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners, together with the probate judge of Walker county, is hereby authorized to allow and pay off any and all county claims now outstanding that have been barred by non-compliance with the provisions of an act, requiring the presentation of claims against Walker county, approved, February 6, 1858: *Provided,* claims herein provided for, shall be presented to said court within six months from the passage of this act; otherwise they shall be forever barred; any law, usage or custom to the contrary notwithstanding.

Proviso.

Approved, December 9, 1861.

No. 245.]

AN ACT

To authorize the legal voters of Walker county to elect the Assessor and Tax Collector, when vacancy occurs in said county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter when a vacancy shall occur in the office of tax-assessor and collector in Walker county, either by death or resignation, or otherwise, it shall be the duty of the sheriff of said county, immediately on receiving notice of such vacancy, to advertise an elec-

Election to be held in certain contingency.

tion by putting up written notices at each precinct in said county, giving at least twenty days notice of said election; and all the qualified voters in said county shall be entitled to vote in said election.

SEC. 2. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repealing clause

Approved, December 10, 1861.

No. 246.]

AN ACT

To amend Section 1056 of the Code, so far as Walker county is concerned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 1056 of the Code of Alabama, so far as Walker county is concerned, be so amended as to require of the person proposing to take out a license for the retail of spirituous liquors in said county, to obtain the recommendation therein required from a majority of the tax-payers in the town or precinct where it is proposed to do such retail business, instead of the number required by said section.

Approved, December 10, 1861.

No. 247.]

AN ACT

To authorize the Judge of the Probate Court of Wilcox county to make advertisements in a paper published in an adjoining county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the probate judge of Wilcox county, when there is no newspaper published in said county, to advertise all notices pertaining to, or growing out of the business in said probate court, in any newspaper published in an adjoining county, having

the largest circulation in Wilcox county, without regard to distance.

Approved, November 27, 1861.

No. 248.]

AN ACT

To divide the County of Winston into four Commissioners' Districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That as soon as practicable, after the first Monday in January next, the commissioners' court of Winston county shall divide said county into four commissioners' districts, as nearly equal as may be in point of population; and at the regular elections for members of the court of county commissioners, the voters in each of said districts shall vote for a commissioner residing within their said respective districts, and none other; and in the event of a vacancy in any one or more of said districts, the same shall be filled by the votes of the qualified electors of said district, or districts, in which said vacancy occurs.

SEC. 8. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, November 9, 1861.

No. 249.]

AN ACT

To provide compensation to Col. J. W. Echols for services rendered in purchasing stores and provisions for the troops of the State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized to cause to be allowed to Col. J. W. Echols, out of any money in the treasury not otherwise appropriated, the sum of twenty-two hundred dollars, in full for all services rendered by him, as the agent of the

State, in the purchase of provisions and stores for the troops of the State, under an appointment by the Governor, exclusive of the actual expenses incurred and paid by said agent: *Provided, however,* that if the said Col. J. W. Echols is indebted to the State, or has money in his hands justly due the State, to an amount equal to the said sum of twenty-two hundred dollars, or greater, the said sum hereby directed to be allowed, shall not be paid, but shall be allowed to him as a set-off.

Proviso.

Approved, December 9, 1861.

No. 250.]

AN ACT

For the relief of sick soldiers from Alabama in the army of the Potomac.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of this State be, and he is hereby authorized to establish at, or in the neighborhood of Manassas Junction, in the State of Virginia, to be changed in location, within his discretion, a medical depot, to which all medicines and all supplies pertaining to the medical necessities of the army, intended for the benefit of the sick soldiers in the various regiments from this State, sent by individuals, associations, or the State government, or otherwise, shall be sent, or carried, to be thence distributed to the various regiments, companies, or individuals to whom they may be sent or addressed, or for whom they may be intended, upon the requisition of the surgeons of regiments, or hospital stewards.

Medical depot to be established.

Purpose.

SEC. 2. *Be it further enacted,* That the Governor be, and is hereby authorized and required, forthwith to appoint an efficient and skillful medical man, a citizen of Alabama, to be agent for the State, in the management and control of said depot, whose duty it shall be to reside at Manassas Junction aforesaid, or in the neighborhood thereof, to receive said supplies into said depot, take proper care of them, and distribute them faithfully and impartially, according to the directions he shall receive concerning them, as well as at the earliest moment possible, after their reception.

Governor to appoint an agent.

His duties.

Rank and pay of
the agent.

SEC. 3. *Be it further enacted*, That the agent shall have the rank, and receive the pay of major in the army, and that he be paid monthly, on warrant of the Comptroller issued by the Governor's direction, out of any moneys not otherwise appropriated remaining in the treasury.
Approved, December 9, 1861.

No. 251.]

AN ACT

For the relief of certain volunteers.

Conditions ne-
cessary.

Duty of the court

When nol pros.
shall be entered.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if, on the trial of any person for a criminal offence committed in this State before the approval of this act, or when the case is called for trial, it shall be made to appear to the court or jury trying the case, that the accused was a man of good character before the commission of the offence, that he has served as a volunteer in the army of the Confederate States, and that he has a certificate from his commanding officer to the effect that he has been a faithful soldier, or that he has been honorably discharged from service, it shall be the duty of the court or jury trying the case, to consider these facts in connection with the main facts of the case, and either to mitigate the fine or other punishment provided for in the case, or acquit and discharge the accused altogether, any law to the contrary notwithstanding; and if the accused be only charged with an assault, assault and battery, or affray, or with gaming, or carrying concealed weapons, the court or solicitor shall enter a *nol. pros.*

Approved, December 7, 1861.

No. 252.]

AN ACT

For the benefit of the Soldiers' Home in the city of Montgomery, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the sum of ten thousand dollars be, and the same is hereby appropriated for the benefit of the Soldiers' Home of the city of Montgomery, a place already established for the purpose of receiving the sick or wounded soldiers in the service of the State or Confederate States, and where they may be properly cared for.

Ten thousand dollars for "Soldiers' Home."

SEC. 2. *Be it further enacted*, That the said sum of ten thousand dollars be placed under the control of the Governor, who is hereby authorized to pay over the same, or any part thereof, from time to time, as he may deem best, out of any moneys in the treasury not otherwise appropriated, to the proper officer of said "Soldier's Home," and said officer shall furnish to the Governor the vouchers for all amounts expended under this act.

Under control of the Governor.

How to be paid.

SEC. 3. *Be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated to aid the Humane Ladies' Association at Huntsville, in aid of said association in providing for and taking care of sick and wounded soldiers, now under the care, and hereafter to be taken in care of said association; and that said sum of five thousand dollars be placed under the control of the Governor, who is hereby authorized to pay over the same, or any part thereof, from time to time, as he may deem best, to the proper officer of the Humane Ladies' Association at Huntsville; and it shall be the duty of said officer to furnish the Governor vouchers for all sums expended under this act.

Five thousand dollars for the "Humane Ladies' Association" at Huntsville.

Under control of the Governor.

How to be paid.

Approved, November 28, 1861.

No. 253.]

AN ACT

For the benefit of the Military Aid Society of Mobile, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of twenty thousand dollars be, and the same is hereby appropriated, for the benefit of the Military Aid Society of Mobile, a society already established for the purpose of receiving the sick and wounded soldiers in the service of the State and of the

\$20 000 appropriated.

Confederate States, and where they may be properly cared for.

Under control of
the Governor.

SEC. 2. *Be it further enacted*, That the said sum of twenty thousand dollars be placed under the control of the Governor of the State, who is hereby authorized to pay over the same, or any part thereof, from time to time, as he may deem best, out of any moneys in the treasury not otherwise appropriated, to the proper officer of said Military Aid Society of Mobile; and such officer shall furnish to the Governor the vouchers for all amounts expended under this act.

Approved, November 30, 1861.

No. 254.]

AN ACT

For the relief of the 1st Alabama cavalry regiment.

\$20,000 loaned to
the Colonel for
six months.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the State of Alabama hereby loans for the term of six months to Col. James H. Clanton, Col. of the 1st Alabama cavalry regiment of this State, the sum of twenty thousand dollars, upon such conditions and security as the Governor of the State may require, for the purpose of buying winter clothing for the said regiment.

When bond giv-
en money to be
paid.

SEC. 2. *Be it further enacted*, That upon the said Col. James H. Clanton, Col. as aforesaid, giving the security contemplated by the first section of this act, the Comptroller of Public Accounts shall draw his warrant on the State Treasurer for the sum of twenty thousand dollars in favor of the said James H. Clanton, for the benefit of the regiment as aforesaid, to be paid out of any money in the treasury not otherwise appropriated. Said loan to be without interest for six months only.

Without interest

Approved, December 7, 1861.

No. 255.]

AN ACT

To amend an act for the relief of the 1st Cavalry Regiment.

Whereas, there is a deficiency of means now in the treasury to meet all the appropriations made at the extra and present sessions of the General Assembly; and whereas, the said deficiency has been caused by acts making appropriations, approved since the 8th day of November, 1861, all of which will not be immediately called for: Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That an act, entitled "an act for the relief of the 1st cavalry regiment," approved December 7, 1861, be and the same is hereby so amended as to take precedence over all acts making appropriations, approved since the said 8th day of November, 1861, and that the comptroller's warrant for the loan of twenty thousand dollars, proposed to be made thereon, shall be paid by the treasurer, out of any moneys in the treasury not otherwise appropriated, on the said 8th day of November, 1861, anything in the acts making appropriations, approved since that day, to the contrary notwithstanding.

Appropriation to take precedence.

Approved, December 9, 1861.

No. 256.]

AN ACT

For the relief of executors, administrators, trustees, and guardians.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for executors, administrators and guardians, to hire out any slaves or to rent any lands belonging to the estates or wards they may represent, for cotton or other produce; such hiring or renting, to be conducted either publicly or privately, as the proper court of probate may direct, so as to secure the best interests of such estates or wards.

May hire out the slaves or rent lands.

How conducted.

SEC. 2. *Be it further enacted,* That no executor, ad-

No liability.

ministrator, trustee, or guardian, shall be liable in any way for not selling, or for not applying for an order to sell, any property of an estate, or trust property committed to him, before the ratification of a treaty of peace between the Confederate States and the United States, unless the persons interested in the estate or trust property are adults and request a sale.

Approved, December 9, 1861.

No. 257.]

AN ACT

For the relief of N. W. Riddle, administrator of Z. O. Riddle.

Preamble.

Whereas, Z. O. Riddle died in Mobile county, in this State; and whereas, letters of administration were granted upon his estate by the probate court of Mobile county to N. W. Riddle, who resides in Marengo county, in this State; and whereas, further, a portion of the estate of said Z. O. Riddle is in the said county of Marengo, and the widow and children of said Z. O. Riddle are now residing in said county of Marengo:

Administration transferred.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the administration and settlement of the estate of said Z. O. Riddle be transferred and removed from the probate court of said Mobile county to the probate court of Marengo county, and to this end, that the judge of the probate court of Mobile county, upon the application of the said N. W. Riddle and the payment of all fees due him from said administrator, make out and certify to the probate court of Marengo county, a full and complete transcript of the administration bond of said administrator, and of all the orders, returns and decrees, that have been made in relation to the said estate, as they appear among the files, or on the records of said probate court of Mobile county, which transcript shall be paid for by the said N. W. Riddle.

Duty of Judge of Probate of Mobile.

SEC. 7. *Be it further enacted,* That upon the filing of said transcript in the probate court of said Marengo county, and the filing of the written consent of the securities of the said N. W. Riddle on his bond as ad-

What necessary prior to Judge of Probate of Marengo taking jurisdiction.

ministrator in said court, the cause shall be docketed in the said probate court of Marengo county, and the said court shall become invested with as full and complete jurisdiction over the said estate, as if letters of administration had been originally granted by the said probate court; and the said probate court of Marengo county, shall make all orders, settlements, and decrees, and issue all process and execute all the provisions of the law, in the same manner and to the same extent and effect, as if said court had had original jurisdiction of said estate.

Approved, November 6, 1861.

No. 258.]

AN ACT

For the relief of the administrator of the estate of James B. Sherrod, deceased.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That authority be and is hereby given to the court of probate of Pickens county, to grant an order to M. L. Stansel, as administrator of the estate of James B. Sherrod, deceased, late of said county, to employ and work any of the slaves of said estate upon the farm of said deceased, lying in the county of Noxubee, in the State of Mississippi, and to continue any of said slaves upon said farm, upon satisfactory proof made to said court that the same is to the interest of said estate.

To work the slaves in Mississippi.

Approved, December 7, 1861.

No. 259.]

AN ACT

For the relief of Oliver H. Prince, as executor of the last will and testament of Edmund Prince, deceased.

Whereas, Edmund Prince, late of the county of Tus-
kaloosa, deceased, by his last will and testament, di-
rected Oliver H. Prince, as the executor of his said last
will, to sell his plantation in the county of Marengo at
the end of the year, 1861; and whereas, a sale of said

Preamble.

plantation at said time, cannot be effected without manifest prejudice to the interests of the devisees of said testator, many of whom are infants: Therefore,

Not liable for not
selling.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the said Oliver H. Prince shall not be liable to the devisees and heirs at law of the said Edmund Prince in any manner, or to any other person for not selling said plantation at the time provided for in said last will and testament.

Approved, November 27, 1861.

No. 260.]

AN ACT

For the relief of R. A. Moody and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the probate court of Choctaw county, in this State, on proof that it is for the interest of the legatees of the estate of Martin Moody, to grant an order to R. A. Moody, the administrator with the will annexed of said Martin Moody, to divide the property of said estate among the legatees thereof, as nearly as may be in accordance with the will of said Martin Moody in such manner as shall be most conducive to the interest of the legatees, and especially to the interest of such of them as shall be minors, whether all of the said legatees shall have arrived at the age of twenty-one years or not.

Approved, December 7, 1861.

No. 261.]

AN ACT

For the relief of the minor heirs of LeGrand Parker, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the guardian in Louisiana of the minor heirs of LeGrand Parker, deceased, be and he is

hereby authorized to remove the property of his said wards in this State to the State of Louisiana, where said minors now reside, upon his application to the judge of probate of Monroe county, and upon his compliance in all things with the provisions of section 2033 of the Code of Alabama.

Approved, December 9, 1861.

No. 262.]

AN ACT

For the relief of Jesse McCoy, of the county of Chambers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Jesse McCoy, a minor of the county of Chambers, be and he is hereby authorized to manage and transact all business connected with his estate, and that all contracts which he shall make after the passage of this act, shall be as legal and as of full effect as though he were twenty-one years of age, and he is hereby fully authorized to settle with the guardian of his wife, and receive the property coming to his said wife from her guardian as fully as though he were of age.

May manage his own business.

Approved, December 7, 1861.

No. 263.]

AN ACT

For the relief of John R. Moss.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John R. Moss, of Montgomery county, in said State, notwithstanding his minority, be and he is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate, and if necessary, give receipts and acquittances therefor, to purchase and convey real or personal estate, and to do all things as fully and to all intents

and purposes as effectually as though he were twenty-one years of age.

Approved, December 9, 1861.

No. 264.]

AN ACT

For the relief of Mrs. Martha L. Carter, of Montgomery, and Mrs. Mary C. Easters, of Pike county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the provisions of "an act for the relief of Frederica Ludecus, and other persons therein named," approved Feb. 8, 1861, be and are hereby extended and made applicable to Mrs. Martha L. Carter, of Montgomery county, and Mary C. Easters, wife of Minus B. Easters, of Pike county.

Approved, December 9, 1861.

Make free dealers.

265.

AN ACT

For the relief of Cornelia J. Wyatt.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Cornelia J. Wyatt, the wife of William R. R. Wyatt, of Autauga county, be, and she is hereby authorized to exercise all the powers, and discharge all the duties that devolved upon her said husband as trustee under the last will and testament of his mother, Mrs. Ann S. R. Wyatt, in relation to the property given by said will to the said Cornelia J. Wyatt and her children.

Take charge of her own property.

SEC. 2. *And be it further enacted,* That the said Cornelia J. Wyatt be also authorized to exercise all the powers and discharge all the duties that had devolved upon her said husband as the trustee under the marriage contract made between her and her said husband of the date of the 7th day of April, 1843, in relation to the property thereby settled upon her.

Clothed with the powers conferred on her husband by marriage contract.

SEC. 3. *And be it further enacted,* That in the charac-

ter of trustee appointed as aforesaid, the said Cornelia J. Wyatt shall have the right and power to deal generally with said trust property, and to make contracts in relation thereto, and to sue and be sued on said contract in her own name alone, as trustee aforesaid, as if she were sole and unmarried.

Make contracts,
sue and be sued.

SEC. 3. *And be it further enacted*, That the said Cornelia J. Wyatt shall have the authority to enforce all contracts made by, or with her said husband as said trustee, in relation to said trust property, and its rents, proceeds or profits by suit, in her own name alone, as trustee as aforesaid, and successor of said William R. R. Wyatt, in any court having jurisdiction of the subject matter, and all orders, judgments or decrees made in any such suit, shall be as valid as if the proceedings were in the name of said William R. R. Wyatt.

May enforce the
contracts of her
husband.

Approved, December 9, 1861.

No. 266.]

AN ACT

For the relief of Pleasant A. Cumby, of Cherokee county, and Isaac B. Cannon, of Butler county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Pleasant A. Cumby, of Cherokee county, and Isaac B. Cannon, of Butler county, be, and they are each hereby released from all the liabilities and penalties imposed by law on persons against whom divorces have been granted, and are each hereby authorized to contract marriage.

May contract
marriage.

Approved, December 10, 1861.

No. 267.]

AN ACT

For the relief of Marion Lyles, of Randolph county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Marion Lyles, of Randolph county, be,

and he is hereby relieved from all disabilities imposed by law on persons against whom a divorce has been obtained.

Approved, November 22, 1861.

No. 268.]

AN ACT

For the relief of James R. Norris.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James R. Norris, of the county of Pike, be, and he is hereby relieved from the disabilities imposed by law upon persons against whom a divorce has been obtained.

Approved, November 22, 1861.

269.]

AN ACT

For the relief of Georgia Ann Wood, late of Covington, but now of Choctaw county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Georgia Ann Wood, late of Covington county, but now of Choctaw county, be, and she is hereby relieved from all the penalties and disabilities imposed by law on persons against whom a divorce has been granted.

Approved, December 9, 1861.

No. 270.]

AN ACT

For the relief of William Nolen, Tax Assessor of Marion County.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the present tax-collector of Marion

county, be, and he is hereby authorized and required to make certain payments to William Nolen, tax-assessor of Marion county, for the years 1858 and 1859, in accordance with the provisions of an act entitled "an act to legalize and confirm certain payments by the tax-collector to the tax-assessors of Marion county," approved January 25th, 1860; and that the receipt of the said William Nolen shall be a sufficient voucher on a settlement by the said tax-collector with the treasurer of said county, any law to the contrary notwithstanding.

Approved, December 9, 1861.

No. 271.]

AN ACT

For the relief of the Tax Assessor of Pickens county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court for the county of Pickens, be, and they are hereby authorized to allow such compensation to the tax assessor for said county for any services rendered by him in regard to the assessment of the county taxes of said county for the year 1861, as said court may deem just and reasonable.

Approved, December 10, 1861.

No. 272.]

AN ACT

For the relief of William Johnson, and other tax collectors.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in any case where suit has been commenced against any collector of State taxes in this State for failing to pay the taxes for the fiscal year 1860-61, and may be now pending, or in which judgment has been rendered, if such collector shall pay the taxes for which he is properly accountable or legally liable, into the State treasury, within sixty days from the passage of this act, and shall also pay the costs of any suit

so pending, or in which judgment has been rendered, such tax collector shall be released from the payment of interest and damages prescribed by section 2632 of the Code; and if any tax collector may have paid interest on any taxes assessed for the past fiscal year, such interest paid shall be refunded: *Provided* each tax collector claiming the benefit of this act, shall, before being entitled thereto, file with the Comptroller of Public Accounts the written assent of his securities to the delay allowed by this act; and, *provided further*, no suit pending against any such tax collector shall be discontinued until the provisions of this act are fully complied with.

Approved, December 7, 1861.

No. 273.]

AN ACT

For the relief of Thomas B. Bowling, tax collector for the county of Washington.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas B. Bowling, tax collector of Washington county, shall have until the first day of March, 1862, to make final settlement of his accounts as such tax collector, with the Comptroller of Public Accounts: *Provided*, that he shall first obtain the written consent of the securities on his official bond for such extension, and file the same in the office of the Comptroller of Public Accounts before this act shall take effect.

Approved, November 27, 1861.

No. 274.]

AN ACT

To refund to Andrew J. Crawford, tax collector of Marengo county, a certain amount of money paid into the State Treasury by mistake.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the Comptroller of Public Accounts be authorized to issue his warrant on the State Treasurer in favor of Andrew J. Crawford, tax collector of Marengo county, for the sum of ninety-one dollars and twenty-five cents, being amount paid by him into the treasury, in excess of the taxes assessed against R. R. Pickering, in the year 1860, and paid into the State treasury, without having been collected by the collector, to be paid out of any money in the treasury, not otherwise appropriated.

\$91 25 appropriated for over-payment.

Approved, November 8, 1861.

No. 275.]

AN ACT

For the relief of David Deshler.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of eighty-nine dollars be, and the same is hereby appropriated to reimburse David Deshler, of Franklin county, the said Deshler being overcharged with that amount in his State tax for the year 1860.

\$89 appropriated for over-charge of State taxes.

SEC. 2. *Be it further enacted*, That the Comptroller of Public Accounts is hereby required to draw his warrant on the State Treasurer for the above amount, out of any money in the treasury not otherwise appropriated.

Comptroller to draw his warrant for it.

Approved, November 27, 1861.

No. 276.

AN ACT

For the relief of James Maherg, late Tax Collector of Calhoun county.

SEC. 9. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby required to draw his warrant on the State treasurer in favor of James Maherg, late tax collector of Calhoun county, for the sum of four hundred

\$499 77 appropriated for damages

\$150 68 appropriated for interest.

and ninety-nine dollars and seventy-seven cents, being the amount of damages obtained against him on his official bond as a defaulting tax collector of said county, for the year 1859, paid by said tax collector and his securities, as defaulting to pay said tax according to law, and the further sum of one hundred and fifty dollars and sixty-eight cents interest that accrued thereon.

Approved, December 9, 1861.

No. 277.]

AN ACT

For the relief of B. F. Seale, of Choctaw county.

Comptroller to release certain taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller be, and he is hereby authorized and required to enter a release and full discharge on the books of his office of the amount of taxes charged against B. F. Seale, as tax collector of Choctaw county, returned in a supplemental abstract of assessment of lands in said county, for the year 1858, as assessed against the Mobile and Ohio Rail Road Company, and that he be released and discharged from the payment to the State treasury of the amount of said taxes.

\$55 50 appropriated as compensation and expenses.

SEC. 2. *Be it further enacted,* That the Comptroller draw a warrant on the State treasury in favor of B. F. Seale, for the sum of fifty-five dollars and fifty cents, to compensate him for services as tax collector of Choctaw county, in 1858, and for expenses incurred by him in the legal prosecution of the duties of his said office, in advertising certain lands of the Mobile and Ohio Rail Road Company, supposed to be subject to taxation, and in defending a chancery suit in relation thereto.

Approved, December 9, 1861.

No. 278.]

AN ACT

For the relief of W. P. Spinks, late tax collector of Choctaw county.

Whereas, W. P. Spinks, tax collector of Choctaw county for the year 1860, bid off lands for the State, under the provisions of section 464 of the Code, to the amount of five hundred and forty dollars and fifty-five and one-half cents, (\$540 55½,) but omitted to deliver a certificate of purchase to the comptroller at the time required by said section, whereby he is accountable for said sum on settlement with the comptroller, therefore, for the relief of the said W. P. Spinks,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if the said W. P. Spinks will, within ten days from the date of the approval of this act, deliver to the comptroller of this State a certificate of the purchase of the lands by the State, which were sold by him as tax collector of said Choctaw county for the year 1860, showing the amount bid to be \$540 55½ or any other sum, the comptroller shall receive such certificate and the said W. P. Spinks shall be released from accounting for taxes due from him, as such tax collector for said year, to the extent of the amount shown by the certificate to have been bid for the lands specified in the certificate.

Within ten days.

To be released.

Approved, November 29, 1861.

No. 279.]

AN ACT

For the relief of Levi F. Warren and others.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required to make a settlement with Levi F. Warren, William J. Thompson, Alva Ashford and George W. Gray, securities for William F. Rose, late tax collector for Lawrence county, and in such settlement to allow said securities a credit for all amounts due by insolvents on the assess-

Comptroller to make settlement

Must allow.

ments of taxes in said county, as shall appear by the certificate of the court of county commissioners for the county of Lawrence; also to allow said securities a credit for any amount erroneously collected from them in any settlement made heretofore, or for any amount erroneously rendered against them by any judgment on the official bond of said collector, and collected of them; also a credit for all commissions on any amount paid in by said securities as aforesaid, and not returned to them as provided by this act: *Provided*, The said comptroller in such settlement shall deduct from the amounts so allowed, such amount as may have been necessarily expended by the State in any suit against said tax collector and his said securities; and on such settlement the comptroller shall draw his warrant on the treasurer in favor of such securities for such sum as may be found justly due them.

Proviso.

Approved, December 9, 1861.

No. 280.]

AN ACT

For the relief of Willis Farriss, sheriff of Winston county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby required, to draw his warrant upon the State Treasurer in favor of Willis Farriss, sheriff of Winston county, for the sum now allowed by law for like services, for conveying one Frederick F. Price to the penitentiary, and who the warden or lessee refused to take charge of, in consequence of some apparent informality in the certificate of the clerk of the circuit court of Winston county, directing the warden to take charge of said convict.

Comptroller to draw his warrant

The reason.

Approved, November 27, 1861.

No. 281.]

AN ACT

For the relief of George Field, sheriff of Greene county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized, to draw his warrant on the State Treasurer in favor of George Field, sheriff of Greene county, for the sum of eighty-four dollars to be paid out of any moneys not otherwise appropriated, for keeping State prisoners in the jail of said county during the year of 1861. \$84 appropriated

Approved, December 10, 1861.

No. 282.]

AN ACT

For the relief of Richard Hudson, sheriff of Jefferson county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required, to draw his warrant on the treasurer in favor of Richard Hudson, sheriff of Jefferson county, for the sum of forty-five dollars, to compensate him for going at the order of the circuit court of Jefferson county, to Lebanon, in DeKalb county, after one Henry Ellis, who was confined in the jail of the latter county by virtue of a capias issued from the circuit court of the said county of Jefferson. \$45 appropriated

The reason.

Approved, December 9, 1861.

No. 283.]

AN ACT

For the relief of Washington Brakefield, jailor of Chambers county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the Comptroller of Public Accounts be, and he is hereby authorized and required, to draw his warrant on the Treasurer of the State in favor of Washington Brakefield for the sum of sixteen dollars, to pay the guard summoned to guard William Holmes, removed from the jail of said county on account of his health.

\$16 appropriated

Approved, December 9, 1861.

No. 284.]

AN ACT

For the relief of John P. Howard, jailor of Butler county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized and required, to draw his warrant on the State Treasurer for the sum of two hundred and ninety-six dollars and eighty cents, in favor of John P. Howard, jailor of Butler county: *Provided*, That the said Howard, before he shall be entitled to draw said sum, shall file in the office of the comptroller his affidavit or other proof, that the persons fed by him and set forth in his account are insolvent.

\$296 80 appropriated.

Proviso.

Approved, November 28, 1861.

No. 285.]

AN ACT

For the relief of Fielding Love, jailor of Calhoun county, and other persons therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby required, to draw his warrant on the State Treasurer in favor of Fielding Love, jailor of Calhoun county, for the sum of four hundred and ninety dollars and sixty cents, due him for feeding prisoners in said jail.

\$497 60 for F. Love.

\$75 for J. Helton

Also in favor of James Helton, of Henry county,

the sum of seventy-five dollars, for pursuing and arresting William Burnham, a fugitive from justice.

Also in favor of Thomas J. Coen, jailor of Pickens county, for the sum of three hundred and ninety-three dollars and thirty cents, for feeding prisoners in the jail of said county. \$393 30 for T. J. Coen.

Also in favor of Andrew Lawson, sheriff of Talladega county, for the sum of ninety-seven dollars and ninety-five cents, for bringing John W. Evans, a prisoner, from Russell county to Talladega county for trial. \$97 95 for Andrew Lawson.

Approved, December 9, 1861.

No. 286.]

AN ACT

For the relief of W. B. Livingston, jailor of Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be authorized to draw his warrant on the Treasurer of the State in favor of W. B. Livingston, jailor of Perry county, for the sum of four hundred and forty-two dollars and forty cents, to be paid out of any money in the treasury not otherwise appropriated. \$442 40 appropriated.

Approved, November 29, 1861.

No. 287.]

AN ACT

For the relief of William Owens, jailor of Randolph county.

Whereas, William Owens, jailor of Randolph county, has victualed William Anderson, an insolvent convict, from the 6th day of March, 1861, to the 6th day of September, 1861; and whereas, the fall term, 1861, of the circuit court for said county has not been holden, so that the said William Owens could have his account proven and certified to according to law: Preamble.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General*

\$73 60 appropriated.

Assembly convened, That the sum of seventy-three dollars and sixty cents be allowed the said William Owens, to be paid out of any money in the treasury not otherwise appropriated, and the Comptroller of Public Accounts is hereby authorized to draw his warrant on the treasurer for the above amount in favor of the said William Owens.

Approved, December 7, 1861.

No. 288.]

AN ACT

For the relief of A. Scogin, jailor of Dallas county.

\$601 80 appropriated.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller be, and he is hereby authorized and required, to draw his warrant on the treasurer in favor of A. Scogin for the sum of six hundred and one dollars and eighty cents, to be paid out of any moneys in the treasury not otherwise appropriated.

Approved, December 6, 1861.

No. 289.]

AN ACT

For the relief William D. Walker, jailor of Marshall county.

\$191 60 appropriated.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required, to draw his warrant on the State Treasurer for the sum of one hundred and ninety-one dollars and sixty cents in favor of William D. Walker, jailor of Marshall county.

Approved, December 9, 1861.

No. 290.]

AN ACT

For the relief of Griffin White, jailor of Marion county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller be, and he is hereby required, to draw his warrant on the treasurer in favor of Griffin White for the sum of one hundred and twenty and eighty hundredths dollars, to be paid out of any moneys in the treasury not otherwise appropriated. <sup>\$120 80 appro-
priated.</sup>

Approved, December 5, 1861.

No. 291.]

AN ACT

For the relief of A. G. Mabry.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and is hereby authorized to issue a patent to A. G. Mabry, of Dallas county, for the east half of the north-west quarter of section sixteen, township twenty-one, range three, west, in Sumter county; and the east half of the north-east quarter of said section, with the exception of five acres thereof, reserved by the commissioners of said township for the site of a school house, upon satisfactory proof being made that said Mabry has paid for said land, and that he is the owner thereof. <sup>Patent to be is
sued.</sup>

Approved, November 22, 1861.

No. 292.]

AN ACT

For the relief of William O. Royer and George F. Guiser, trustees of Township 3, Range 14, of the county of Franklin

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred and nine dollars and two cents, which the same is hereby appro- <sup>\$109 20 appro-
priated.</sup>

For tuition.

riated to William O. Royer and George F. Guiser, in payment of the tuition of eighty-four scholars, the number ascertained by the enumeration for said township for the year 1860.

Out of Educational fund of 1861.

SEC. 2. *Be it further enacted*, That the Comptroller shall draw his warrant for the said sum of money on the treasury, to be paid out of the appropriation for the State educational fund for the year eighteen hundred and sixty-one.

Approved, December 9, 1861.

No. 293.]

AN ACT

For the relief of certain parties therein named.

Patents to be issued by commissioner of public lands.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the land commissioner be and is hereby authorized to issue a patent to James Hoge, of De Kalb county for the N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of S. 13, T. 9, R. 7; Jacob Otten, of Cherokee county, for the S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of S. 3, T. 10, R. 11; Ezra Atteway, of Cherokee county, for S. W. $\frac{1}{4}$ of S. W. of S. 28, T. 10, R. 11; James Furinage, of Cherokee county, S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of S. 11, T. 12, R. 6; James R. Wilson, of Cherokee county, for S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of S. 3, T. 11, R. 8; Philip Archer, of Talladega county, N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of S. 21, T. 13, R. 6; Benj. F. Nickols, of Talladega county, N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of S. 19, T. 23, R. 3; Samuel L. Dickson, of Cherokee county, N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of S. 27, T. 8, R. 10; Thosias W. Williamson, of Talladega county, S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of S. 17, T. 21, R. 6; all lying in the Coosa land district, being subject to entry under an act of congress, approved August 11th, 1848.

In case of death to legal representatives.

SEC. 2. *Be it further enacted*, That, in the event of the death of any of the above named parties, that the land commissioner is hereby authorized to issue patents to the legal representatives of said parties.

Comptroller to put \$350 23 in the treasury.

SEC. 3. *Be it further enacted*, That the Comptroller of Public Accounts is hereby authorized to place in the treasury of the State of Alabama three hundred and

fifty-nine dollars and twenty-three cents, the amount of the entrance money of the above described lands.

Approved, December 9, 1861.

No. 294.]

AN ACT

For the relief of the citizens of Township No. twelve and Range twenty-two, in the county of Pike and State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners of Township No. twelve, and Range No. twenty-two, be, and they are hereby authorized to advertise and sell, according to the provision of the law regulating the sale of lands in sixteenth section—that part of the sixteenth section in township No. twelve, and Range No. twenty-two, originally bought by one James Clarkston, who failed to comply with the law, in paying therefor.

To sell a certain part of section sixteen.

Approved, December 7, 1861.

No. 295.]

AN ACT

For the relief of A. L. Montgomery, of Lawrence county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State be, and he is hereby authorized to issue a patent to A. L. Montgomery, of Lawrence county, to the north half of the north-east quarter, and the south half of the north-east quarter, in section 16, township 7, and range 8, west, in the county of Lawrence, State of Alabama, upon satisfactory proof being made that said land has been paid for, and that the said Montgomery is the proper owner of the same.

Patent to issue.

Proof to be made

Approved, November 22, 1861.

No. 296.]

AN ACT

For the relief of William H. Coleman.

§335 appropriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of three hundred and thirty-five dollars be paid to William H. Coleman, of Sumter county, to reimburse him in the amount that he expended in arresting Robert J. Allison, a fugitive from justice in Texas, on the requisition of the Governor of this State, and bringing him back to Sumter county in this State, where he was indicted for felony; which said sum shall be paid to said Coleman out of any money in the treasury not otherwise appropriated.

Approved, December 10, 1861.

No. 297.]

AN ACT

For the relief of William Huggins, of Pike county.

§65 appropriated

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be authorized to draw his warrant on the State Treasurer in favor of William Huggins, of Pike county, for the sum of sixty-five dollars, for expenses in apprehending William A. Mize, charged with the murder of D. J. Everett, to be paid out of any money in the treasury not otherwise appropriated.

Approved, December 5, 1861.

No. 298.]

AN ACT

To compensate W. J. Matthews, and others.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. J. Matthews, Hugh Caperton and Thomas Gipson shall be entitled to receive as compensation for their services, in bringing to justice thieves

James Penland, Morgan Ashburn and John Ashburn, the sum of seventy-seven dollars, and that the Comptroller of Public Accounts be, and he is hereby required to draw his warrant on the State Treasurer, in favor of W. J. Matthews, Hugh Caperton and Thomas Gipson, for the amount specified in this act. \$77 appropriated

Approved, December 6, 1861.

No. 299.]

AN ACT

For the relief of John Camp, of Jefferson county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Camp, of Jefferson county, be, and is hereby relieved and exonerated from any penalty or penalties heretofore incurred by the violation of "An act to regulate the sale of spirituous liquors in the town of Elyton," approved December 16th, 1851, and of "An act amendatory of said act," approved January 25th, 1860. Relieved from certain penalties

SEC. 2. *Be it further enacted,* That this act shall not be held to apply to any penalty heretofore imposed by the circuit court of said county upon the said John Camp, for the violation of the above mentioned acts. Act not to apply to certain penalties.

SEC. 3. *And be it further enacted,* That to entitle the said John Camp to the relief provided by this act, he shall pay all costs that may have heretofore accrued in his prosecution for the violation of said acts of 1851 and 1860. Must pay all the costs.

Approved, December 10, 1861.

No. 300.]

AN ACT

To relieve the citizens of Pine Level, in the county of Montgomery.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "An act to prevent the

Act of 1858 re-
pealed.

retail of spirituous liquors within two miles of the Baptist church, near Pine Level, in the county of Montgomery," approved January 25th, 1858, be, and the same is hereby repealed.

Intendant con-
stituted Justice
of Peace.

SEC. 2. *And be it further enacted*, That the intendant of the corporation of Line Level, in the county of Montgomery, be, and he is hereby constituted, ex officio, a justice of the peace, upon his giving bond and complying in all respects with the law in relation to justices of the peace.

Approved, November 30, 1861.

No. 301.]

AN ACT

For the relief of insane convicts in the Penitentiary.

Physician to re-
port.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the physician of the penitentiary shall report to the Governor the names of all the insane convicts that are now or may hereafter be imprisoned in the penitentiary, as often as such cases shall occur.

Physicians to ex-
amine and re-
port.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Governor, when any case of insanity is reported to him, as provided for in the first section of this act, to appoint three physicians of skill and experience, of whom the physician of the penitentiary shall be one, to examine the persons reported to be insane, and report to him the result of such examination; and if said board of physicians shall report such person insane, and a fit subject for the hospital for insane persons, it shall be the duty of the Governor to cause such person to be removed to the hospital for insane persons at Tuscaloosa, at the cost of the State.

Disposition of in-
sane convicts.

SEC. 3. *Be it further enacted*, That if such insane convict be in indigent circumstances, he shall be supported, while in the hospital, as now provided for by law for other indigent insane; and if he should be restored to his proper mind before his term of imprisonment expires, he shall, upon the order of the Governor, be returned to the penitentiary, or discharged, as to the Governor shall seem most proper.

Approved, December 9, 1861.

No. 302.]

AN ACT

For the relief of certain slaves therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Jack, Ellen, Nicholas, Susan, Napoleon, otherwise called Bonaparte, and Mary, the slaves of the estate of Albert G. Abercrombie, deceased, be, and they are hereby respectively authorized to choose masters, by and with the consent of the executor of said estate, so far as to enable them to remain in slavery in the State of Alabama.

Names of slaves.

Authority to choose masters.

SEC. 2. *Be it further enacted,* That should it be the desire of the above named slaves to remain in slavery, it shall be their duty to file an application in writing in the probate court of Montgomery county, setting forth their wishes and desire in the premises; whereupon it shall be the duty of the judge of probate to examine the parties making said application, in such manner as he may deem best, as to their true wish and desire to remain in slavery; and if said judge of probate is satisfied that the statements set forth in the application are true, it shall be the duty of said judge of probate to require of the person so selected, or chosen as master, to file his assent in writing to become the master of said slaves; and if upon the examination of the said negro slaves, the executor of said estate, and the master so chosen, the judge of probate is satisfied that the master chosen is of good moral character, and that the arrangement is satisfactory to all parties concerned, it shall be the duty of said judge of probate to approve the same, and to decree said slaves to be the slaves of the person or persons so chosen by them respectively, including their children and increase, and that thenceforth they shall be the slaves of the person so chosen by them: *Provided,* said slaves and their descendants shall not be sold under any legal process for the debts or liabilities of the master or mistress they may choose, or their heirs or distributees.

Necessary proceedings.

SEC. 3. *Be it further enacted,* That it shall be the duty of the said judge of probate to make a record of all the proceedings in the case, and that either party shall have the right to appeal from the decision of the court, under the law now in force regulating appeals from the deci-

Duty of Judge of Probate.

ions of the probate courts. The said judge of probate shall receive ten dollars for his services, and the other officers such fees as are now allowed by law to be paid by the master or mistress so chosen.

Approved, November 29, 1861.

No. 303.]

AN ACT

To relieve certain tax payers of Mobile.

Whereas, the tax collector of Mobile county, has in sundry cases collected of merchants in Mobile county a harbor tax, under an act, entitled "an act for the improvement of the bay and harbor of Mobile," on the gross amount of their sales; and whereas, the supreme court of Alabama has since decided, that said merchants were not liable under said act to pay said tax.

SEC. 1. *Therefore be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases where the tax collector of Mobile county has collected a harbor tax, on the gross amount of the sales of any merchant, or other person, selling goods or other property in Mobile, he shall return to such tax payer the amount so collected on such amount of sales, or if he has settled with the commissioners' court of Mobile, or deposited the same in bank to their credit, said commissioners shall return to the tax payers said tax on the amount of sales so made.

Approved, December 4, 1861.

No. 304.]

AN ACT

To authorize John W. Posey and M. M. Posey to have voting privileges in Blount county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John W. Posey and M. M. Posey be allowed voting privileges in the county of Blount, and in precinct elections in the Village Spring precinct in said county, and the county boundary is hereby so changed

as to include the persons aforesaid within the county of Blount.

Approved, November 30, 1861.

No. 305.]

AN ACT

For the relief of E. John Kirksey.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter when it becomes necessary for E. John Kirksey to take the oath required in reference to dueling, it shall be in point of time confined to the 1st of January, 1860.

Approved, December 10, 1861.

No. 306.]

AN ACT

For the relief of John McMay, of Pike county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John McMay, a citizen of Pike county, be and is hereby authorized and allowed to peddle for the sale of drugs, medicines and dry goods within said county of Pike alone, until this act shall be repealed, upon his payment into the State Treasury directly, of a license tax of ten dollars for the privilege, and taking the treasurer's receipt therefor.

Approved, December 10, 1861.

No. 307.]

AN ACT

For the relief of Robert E. Harwood and William G. Pearson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Robert E. Harwood and William L.

Relieved from
certain penalties

Pearson, druggists, doing business in Gainesville, in this State, under the firm of Pearson & Harwood, be and they are hereby relieved from all the penalties and disabilities they may have incurred under section 980 of the Code of this State, previous to the passage of this act.

Provisions ex-
tended to W. J.
Nichols.

SEC. 2. *Be it further enacted*, That all the provisions of this act shall inure to the benefit of William J. Nichols, druggist in the town of Livingston, Alabama.

Approved, November 9, 1861.

No. 308.]

AN ACT

For the relief of the Editors of the Montgomery Advertiser.

\$55 appropriated

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized and required, to draw his warrant on the State Treasurer in favor of the Editors of the Montgomery Advertiser for the sum of fifty-five dollars, being the amount for printing 500 copies of the State Constitution and stationery furnished the State, out of any moneys in the treasury not otherwise appropriated.

Approved, December 10, 1861.

No. 309.]

AN ACT

For the relief of W. B. & A. R. Bell & Co.

\$461 93 appro-
priated.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized and required, to draw his warrant on the State Treasurer for the sum of four hundred and sixty-one dollars and ninety-three cents in favor of W. B. & A. R. Bell & Co., of Montgomery, for articles purchased of them for the use of the Capitol.

Approved, December 9, 1861.

No. 310.]

AN ACT

To provide for compensating Richard F. Cook, and Willis W. Jackson, and E. H. Gordy, for copying maps for the use of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Treasurer of the State be, and he is hereby authorized, to pay to Willis W. Jackson, upon the warrant of the Commissioner of Public Lands, the sum of two hundred and nine dollars for copying for the use of the State two hundred and nine maps in the land office at Center; and that the treasurer be authorized, upon the warrant of the commissioner, to pay to Richard F. Cook the sum of three hundred and forty-five dollars, for copying for the use of the State two hundred and thirty maps at the land office at Elba; and to E. H. Gordy, of Washington county, one hundred and sixty-five dollars, for like services, at the land office at St. Stephens.

Appropriates
\$209 for Jackson.

Appropriates
\$345 for Cook.

Appropriates
\$165 for Gordy.

Approved, December 7, 1861.

No. 311.

AN ACT

For the relief of Thos. F. Parker and others.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required, to draw his warrant on the State Treasurer in favor of Thomas F. Parker for the sum of two hundred and sixty-five dollars and fifty cents; in favor of Benjamin B. Davis for the sum of eighty-eight dollars and forty-five cents; in favor of W. B. & A. R. Bell for forty-four dollars and forty-two cents; in favor of Lehman & Bros. for the sum of two dollars and twenty-five cents, to be paid out of any moneys in the treasury not otherwise appropriated.

Appropriates
\$265 50 for Parker.

Appropriates
\$88 45 for Davis.

Appropriates
\$44 42 for Bell & Co.

Appropriates \$2
25 for Lehman & Bro.

Approved, December 9, 1861.

No. 312.]

AN ACT

For the relief of John Powell, of Montgomery county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and is hereby authorized and required, to draw his warrant on the State Treasurer for the sum of five hundred and fourteen dollars and forty cents, in favor of John Powell.

Approved, November 11, 1861.

No. 313.]

AN ACT

For the relief of White, Pfister & Co.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller be, and he is hereby authorized and required, to draw his warrant on the treasurer in favor of White, Pfister & Co. for the sum of nine hundred and eighty-three dollars and eighteen cents, the same being the amount of their account for stationery.

Approved, December 9, 1861.

No. 314.]

AN ACT

For the relief of James M. Wright, superintendent of the Glennville Military Institute.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized, to issue a warrant on the Treasury of the State in favor of James M. Wright, superintendent of the Glennville Military Institute, for the sum of ninety-one dollars and ninety cents, to be paid out of any money now in the treasury not otherwise appropriated.

Approved, December 10, 1861.

Appropriates
\$514 40.

Appropriates
\$985 18.

Appropriates
\$91 90.

No. 315.]

AN ACT

Making an appropriation to repay a certain loan therein mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That such sum as shall be sufficient to repay the loan of one hundred thousand dollars obtained from the Central Bank of Alabama, under an act approved the 25th January, 1861, and the interest accrued thereon, be, and the same is hereby appropriated to repay the loan of one hundred thousand dollars, to the said bank, together with all the interest that shall have accrued thereon at the time when such repayment shall be made, out of the taxes of 1861, when the same, or a sufficiency thereof for that purpose, shall have been received at the State treasury.

Approved, December 3, 1861.

JOINT RESOLUTIONS.

JOINT RESOLUTION

Providing that the Legislature, at this session, fill the vacancy in the representation of Alabama in the Provisional Congress, occasioned by the resignation of Hon. John Gill Shorter.

WHEREAS a vacancy has occurred in the representation of this State in the Provisional Congress of the Confederate States, which may materially endanger the interests of the country, and particularly of this State, so far as Congressional influence and legislation is concerned: *Whereas*, it will not do to leave anything to chance in a crisis so important as this; *and, whereas*, since we believe we possess in this respect the same power we are capable of conferring on the people, and for the purpose of saving the trouble and expense of further legislation by us and of an election by the people, which we believe they would almost unanimously deprecate; therefore, we jointly resolve,

That on Saturday next, the 23d instant, the Senate and House of Representatives meet in the hall of the House, at 12 m., and proceed to the election of a representative to fill the said vacancy occasioned by the resignation of the Hon. John Gill Shorter of his seat in the Provisional Congress of the Confederate States.

Approved, November 22, 1861.

JOINT RESOLUTIONS

In relation to the Fourth Regiment of Alabama Volunteers.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama convened, That whilst Alabama, in common*

with the whole Confederacy, rejoices in the triumph of the Confederate arms in the many battles fought for the defence of their liberties, it becomes the General Assembly of the State to place on permanent record the emotions of gratitude and pride with which Alabamians view the noble achievements of the 4th Alabama regiment on the memorable field of Manassas.

2d, *Resolved*, That whilst hereby receiving the condolence of the whole State, the relations of the fallen brave who spent their heart's blood on that glorious day, must be consoled with the pleasing reflection, that to have belonged to the Alabama 4th, erects a monument of undying fame in the affections of a grateful people, and gives a patent of republican nobility to the surviving heroes of the fight.

Approved, November 6, 1861.

JOINT RESOLUTION

In testimony of the ability, patriotism and fidelity of Andrew B. Moore, Governor of the State of Alabama:

WHEREAS his excellency, Andrew B. Moore, Governor of the State of Alabama, during his term of service—now about to expire—has been surrounded by extraordinary circumstances, producing unforeseen exigencies and unusual responsibilities;

And, whereas, he has provided for those exigencies, and met those responsibilities, with a determination, sagacity and patriotism highly commendable, and deserving the thanks of the people of this State;

And, whereas, the cause of Southern liberty and independence has been greatly promoted and advanced by his bold and daring action in seizing the forts, arsenals and arms within the State; and also by his judicious and energetic efforts to feed, clothe and arm the soldiers engaged in the defence of our rights;

And whereas he has been untiring in his efforts to sustain the State in the extraordinary circumstances which followed her secession from the government of the United States; therefore

Be it resolved, with the concurrence of the Senate, That the present Governor of the State of Alabama, under the trying circumstances which have befallen his administration, has so acted as to demonstrate his devotion to his country, and the cause of Southern independence, and has exhibited a courage and capacity adequate to

the emergencies surrounding him, and deserving the thanks of the State he has served with such marked fidelity.

Approved, December 3, 1861.

JOINT RESOLUTIONS

For the relief of Jas. H. Witherspoon, and others.

WHEREAS James H. Witherspoon, of Lauderdale; Thomas J. McClellen, of Limestone; Adolphus A. Hughes, of Franklin; Canada Butler, of Madison, and George W. Malone, of De Kalb county, members of the House of Representatives of this State, have been absent from their seats since the first instant, with leave of this House, on business of a public nature,

SEC. 1. *Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James H. Witherspoon, Thomas J. McClellen, Adolphus A. Hughes, Canada Butler, and George W. Malone, members of the House of Representatives of this State, be, and they are hereby authorized to receive the same amount of compensation as if they had continued in their seats until the close of the present session.

SEC. 2. *Be it further resolved,* That S. C. Posey, of Lauderdale county, be authorized to receive the compensation authorized by these resolutions to be paid to each of the members mentioned in the foregoing resolution, and his receipts therefor shall be good vouchers for such payment.

Approved, December 9, 1861.

JOINT RESOLUTIONS

To provide for the printing and distribution of the Military Code of Alabama, and for other purposes.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State be, and he is hereby authorized, to have three thousand copies of the Military Code of Alabama, and the several amendments thereto, to be printed, and that he distribute the same to the military officers in the several counties in this State, through the probate judge of each county, apportioning the number of copies to each county in proportion to population.

2. *Be it further resolved*, That he distribute among the members of the General Assembly of the State of Alabama, copies of the proceedings and debates of the State Convention, to each member one copy.

Approved, December 10, 1861.

JOINT RESOLUTION

Authorizing the printing of twenty-five hundred copies of the Act to Regulate Judicial Proceedings, for distribution.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That twenty-five hundred copies of the act, entitled an act to regulate judicial proceedings, be printed in separate sheets as early as practicable, for distribution, and that the Secretary of State be instructed to transmit said copies to the several probate judges, in proportion to the representation from each county.

Approved, December 10, 1861.

JOINT RESOLUTION

Requiring the Secretary of State to furnish for distribution copies of the Ordinances and Constitution of the State of Alabama, with the Constitution of the Provisional Government, and of the Confederate States of America.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Secretary of State be and he is hereby required to deliver to each member of the Senate and of the House of Representatives, ten copies of the "Ordinances and Constitution of the State of Alabama, with the Constitution of the Provisional Government, and of the Confederate States of America," as now published, to be delivered to the judges of Probate in each county, for distribution among the proper officers of the State.

Approved, December 10, 1861.

JOINT RESOLUTIONS

To the Provisional Congress.

WHEREAS there is an obvious and unjust inequality between the salaries of commissioned officers and the pay of non-commissioned officers and privates in the provisional army of the Confederate States of America,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it is the sense of this General Assembly, that the pay of non-commissioned officers and privates should be increased.

SEC. 2. *Be it further enacted,* That the members from the State of Alabama be, and they are hereby requested to bring the subject matter of these resolutions to the consideration of the Provisional Congress now in session in the city of Richmond, and to exert their influence in favor of the passage of a law in accordance with the principles declared in the first resolution.

SEC. 3. *Be it further enacted,* That his excellency, the Governor, be, and he is hereby requested to transmit a copy of these joint resolutions to each one of the members from this State in the Provisional Congress of the Confederate States.

Approved, December 10, 1861.

 JOINT RESOLUTIONS

Authorizing the Governor to ascertain the value of the steamer Florida, taken for the public use, and make compensation therefor.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor be, and he is hereby authorized to ascertain from such proofs as may be furnished him, or from such as he may be able to obtain, the value, on the 16th of July, 1861, of the steamer Florida, one of the passenger steamers formerly of the New Orleans and Mobile mail line, which on that day was taken possession of for public use, under the order of the Governor, and is now in the service of the navy of the Confederate States; and upon ascertaining such value, to pay the same to the owners of said vessel out of any money in the treasury not otherwise appropriated: *Provided,* the sum paid shall not exceed in amount, or terms, the offer made by the own-

ers to sell the same vessel to the public authorities of the State of Louisiana.

Approved, December 10, 1861.

SECRETARY OF STATE'S OFFICE,
MONTGOMERY, ALABAMA, February 5, 1862. }

I hereby certify, that the foregoing Acts and Joint Resolutions are correct copies, from the original rolls deposited in this office.

P. H. BRITTAN,
Secretary of State.

TABLE

OF THE RATES OF INTEREST IN THE SOUTHERN AND CONFEDERATE STATES

Compiled in pursuance of an act approved February 18, 1862.

Maryland..... 6 per cent. North Carolina..... 6 " " Tennessee..... 6 " " Alabama.. 8 " " Virginia..... 6 " "		South Carolina..... 6 per cent. Kentucky..... 6 " " Georgia..... 8 " " Florida..... 8 " "
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Arkansas—Legal interest, 6 per cent.; conventional interest 10 per cent.

Texas—Legal interest, 8 per cent.; conventional interest 12 per cent.

Missouri—Legal interest, 6 per cent.; conventional interest, 10 per cent.

Mississippi—Legal interest, 8 per cent.; on lent money, 10 per cent.

Louisiana—Legal interest, 5 per cent.; bank interest, 6 per cent.; conventional interest, 10 per cent.

SECRETARY OF STATE'S OFFICE, }
 MONTGOMERY, ALABAMA, FEBRUARY 5, 1862. }

Certified to be correct.

P. H. BRITTAN,
Secretary of State.

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LEGISLATURE OF ALABAMA.

SECOND CALLED SESSION, AND REGULAR SESSION, 1861.

List of Senators, with their Post Offices and Districts.

SENATORS.	POST-OFFICE.	DISTRICTS.
R. M. Patton, President.	Florence.	Lauderdale.
M. Taul, Secretary.	Talladega.
W. W. Screws, Assistant Secretary.	Montgomery.
W. H. Barnes.	Chambers Court-house.	Chambers
G. E. Brewer.	Rockford.	Coosa
J. M. Calhoun.	Richmond.	Dallas and Wilcox.
L. L. Cato.	Eutaw.	Barbour.
W. E. Clarke.	Dayton.	Greene and Marengo.
A. J. Coleman.	Millport.	Fayette and Marion.
J. P. Coman.	Athens.	Limestone and Morgan.
W. N. Crump.	Little Warrior.	Blount and St. Clair.
De W. C. Davis.	Andalusia.	Coffee, Conecuh and Covington.
B. W. Groce.	Mumford.	Talladega.
F. L. Hammond.	Huntsville.	Madison.

LIST OF SENATORS, WITH THEIR POST OFFICES AND DISTRICTS—Continued.

SENATORS.	POST OFFICE.	DISTRICTS.
F. M. Hardwick	Cedar Bluff	Cherokee
E. Harrison	Montgomery	Lowndes and Butler
R. S. Heflin	Wedowee	Randolph
J. A. Hill	Jasper	Lawrence, Walker and Winston
W. M. Jackson	South Florence	Franklin
R. Jemison, jr.	Tuskaloosa	Tuskaloosa
O. S. Jewett	Gainestown	Baldwin, Clarke and Monroe
R. F. Ligon	Tuskegee	Macon
J. A. Lewis	Girard	Russell
W. D. Matthews	Youngsville	Tallapoosa
E. H. Moren	Centreville	Bibb and Perry
J. P. Morgan	Montevallo	Jefferson and Shelby
E. L. McIntyre	Troy	Pike
T. Reavis	Gainesville	Choctaw, Sumter and Washington
F. Rice	Princeton	Jackson
S. F. Rice	Montgomery	Autauga and Montgomery
L. M. Stone	Carrollton	Pickens
T. L. Toulmin	Mobile	Mobile
T. A. Walker	Jacksonville	Calhoun
W. Wood	Open Pond	Dale and Henry

List of Representatives, with their Counties and Post Offices.

COUNTIES.	REPRESENTATIVES.	POST OFFICE.
Butler	W. H. Crenshaw, Speaker.....	Manningham.....
Montgomery.....	A. B. Clitherall, Principal Clerk.....	Montgomery
Talladega	B. Eason, Assistant Clerk.....	Talladega.....
Macon.....	S. Lanier, Engrossing Clerk.....	Tuskegee.....
Randolph.....	James Aikin	Wedowee.....
Blount	E. Alldrige.....	Brooksville.....
Montgomery.....	T. M. Arrington.....	Montgomery
Conceh.....	W. A. Ashley.....	Sparta.....
Tallapoosa.....	J. G. Bass.....	De Soto.....
Greene.....	A. Benners.....	Greensboro'
Tallapoosa.....	W. R. Berry.....	Dadeville
Mobile	W. Boyles.....	Mobile.....
Coosa.....	D. W. Bozeman.....	Central Institute.....
Shelby.....	S. Brasher.....	Columbiana.....
Cherokee.....	A. R. Brindley.....	Blue Pond.....
Lowndes.....	N. L. Brooks.....	Hayneville.....
Butler.....	T. J. Burnett.....	Greenville.....
Madison.....	C. Butler.....	Berkley.....
Madison.....	S. D. Cabaniss	Huntsville.....
Bibb	H. D. Calhoun.....	Scottsville.....
Talladega.....	C. Carter.....	Talladega.....
Calhoun.....	S. M. Caruth.....	Fair Play.....
Fayette.....	Alex. Cobb.....	Fayette C. H.....
Greene.....	W. Coleman.....	Eutaw

LIST OF REPRESENTATIVES, WITH THEIR COUNTIES AND POST OFFICES—Continued.

COUNTIES.	REPRESENTATIVES.	POST OFFICE.
Jackson.....	T. T. Cotnam.....	Stevenson.....
Marshall.....	B. S. Clapp.....	Henrys ville.....
Dale.....	D. B. Creech.....	Sylvan Grove.....
Coosa.....	A. Crumpler.....	Rockford.....
Marion.....	M. L. Davis.....	Detroit.....
Randolph.....	A. W. Denman.....	Chula finnee.....
Blount.....	R. Ellis.....	Blountsville.....
St. Clair.....	J. Foreman.....	Branchville.....
Choctaw.....	J. T. Foster.....	Butler.....
Walker.....	W. Gravelee.....	Gap.....
Marshall.....	W. M. Griffin.....	Warrenton.....
Wilcox.....	G. S. Gullett.....	Camden.....
Clarke.....	W. J. Hearin.....	Suggsville.....
Barbour.....	E. M. Herron.....	Louisville.....
Tallapoosa.....	J. J. Holly.....	Dadeville.....
Coffee.....	H. K. H. Horn.....	Victoria.....
Franklin.....	A. A. Hughes.....	Burleson.....
Tuskaloosa.....	W. H. Jemison.....	Tuskaloosa.....
Chambers.....	W. A. Johnson.....	Fredonia.....
Macon.....	J. C. Judkins.....	Cuba Hatchee.....
Mobile.....	C. C. Langdon.....	Mobile.....
Jackson.....	J. Latham.....	Trenton.....
Talladega.....	L. W. Lawler.....	Talladega.....
Dale.....	J. P. Lee.....	Newton.....

LIST OF REPRESENTATIVES, WITH THEIR COUNTIES AND POST OFFICES—Continued.

COUNTIES.	REPRESENTATIVES.	POST OFFICE.
Monroe.....	F. H. Liddell.....	Buena Vista.....
Cherokee.....	W. W. Little.....	Goshen.....
Sumter.....	B. B. Little.....	Livingston.....
Marion.....	J. W. Logan.....	Thorn Hill.....
De Kalb.....	L. W. Lynch.....	Van Buren.....
Marengo.....	F. S. Lyon.....	Demopolis.....
Dallas.....	A. G. Mabry.....	Selma.....
De Kalb.....	G. Malone.....	Lebanon.....
Calhoun.....	W. B. Martin.....	Jacksonville.....
Jefferson.....	A. Martin.....	Elyton.....
Macon.....	W. W. Mason.....	Tuskegee.....
Coosa.....	A. D. Maxwell.....	Nixburg.....
Fayette.....	J. Middleton.....	Fayette C. H.....
Cherokee.....	J. D. Miller.....	Gaylesville.....
Perry.....	W. S. Miree.....	Perryville.....
Lowndes.....	H. C. McCall.....	Lowndesboro'.....
Baldwin.....	R. McDonald.....	Tensaw.....
Calhoun.....	S. D. McClellan.....	Alexandria.....
Limestone.....	T. J. McClelland.....	Madison Station.....
Pickens.....	A. L. Neal.....	Providence.....
Franklin.....	O. O. Nelson.....	Tuscumbia.....
Morgan.....	J. C. Orr.....	Dauville.....
Barbour.....	E. S. Ott.....	Eufaula.....
Pike.....	Fr. Park.....	Orion.....
Barbour.....	C. A. Parker.....	Mt. Andrew.....

LIST OF REPRESENTATIVES, WITH THEIR COUNTIES AND POST OFFICES—Continued.

COUNTIES.	REPRESENTATIVES.	POST OFFICE.
Henry.....	L. Parish.....	Abbeville.....
Chambers.....	T. L. Penn.....	Cusseta.....
Lawrence.....	R. O. Pickett.....	Moulton.....
Lauderdale.....	S. C. Posey.....	Florence.....
Autauga.....	D. Pratt.....	Prattville.....
Pike.....	J. H. Rainer.....	Bruceville.....
Henry.....	C. J. Reynolds.....	Abbeville.....
Mobile.....	T. J. Riley.....	Mobile.....
Montgomery.....	W. H. Rives.....	Montgomery.....
Covington.....	J. G. Robinson.....	Brooklyn.....
Winston.....	C. C. Sheets.....	Basham's Gap.....
Limestone.....	J. Shelton.....	Mt. Rozell.....
Lawrence.....	F. W. Sykes.....	Courtland.....
Washington.....	J. B. Slade.....	New Wakefield.....
Dallas.....	W. M. Smith.....	Selma.....
Cherokee.....	A. Snodgrass.....	Centre.....
Tuskaloosa.....	J. C. Spencer.....	Tuskaloosa..... [Died.]
Pickenas.....	M. L. Stansel.....	Carrollton.....
Pike.....	A. W. Starke.....	Troy.....
Jackson.....	J. B. Tally.....	Stevenson.....
Choctaw.....	J. A. Thompson.....	Bladon Springs.....
Macon.....	B. Thompson.....	Tuskegee.....
Randolph.....	C. J. Ussery.....	Hickory Flat.....
Talladega.....	G. S. Walden.....	Talladega.....
Perry.....	J. N. Walthall.....	Newbern.....

LIST OF REPRESENTATIVES, WITH THEIR COUNTIES AND POST OFFICES—Continued.

COUNTIES.	REPRESENTATIVES.	POST OFFICE.
Shelby.....	J. P. West.....	Montevallo.....
Russell.....	J. Wilkerson.....	Uchee.....
Russell.....	W. G. Williams.....	Opelika.....
Lauderdale.....	J. H. Witherspoon.....	Waterloo.....
Mobile.....	S. Wolf.....	Mobile.....











