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# ACTS

PASSED AT THE THIRTEENTH OR SPECIAL SESSION

OF THE

# GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

WHICH WAS BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF LITTLE  
ROCK, ON MONDAY, THE FOURTH DAY OF NOVEMBER, ONE THOUSAND,  
EIGHT HUNDRED AND SIXTY-ONE, AND ENDED ON MONDAY  
THE EIGHTEENTH DAY OF NOVEMBER, ONE  
THOUSAND, EIGHT HUNDRED  
AND SIXTY-ONE.

PUBLISHED BY AUTHORITY.

LITTLE ROCK:

JOHNSON & YERKES, STATE PRINTERS.

1861.

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ACTS OF ARKANSAS,

PASSED AT THE

SPECIAL SESSION,

1861.

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# ACTS

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OF THE

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### STATE OF ARKANSAS,

WHICH WAS BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF LITTLE  
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No. 1.

AN ACT *entitled An act to authorize the county and probate judge of Saline county, in the State of Arkansas, to hold an especial term of the probate court of said county: and to change the time of holding the probate court of said county.*

SECTION

1. Probate judge to hold special term—  
when.

SECTION

2. Terms of probate court changed—  
when held.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That the county and probate judge of Saline county, Arkansas, be authorised and empowered to open and hold a special term of the probate court of Saline county on the first Monday of December, A. D. 1861.

SEC. 2. *Be it also enacted*, That the general time of holding said court in the aforesaid county, be changed from the SECOND Mondays in January, April, July and October, to the THIRD Mondays of the same MONTHS.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with this act be, and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

APPROVED, November 12th, 1861.

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## No. 2.

AN ACT to change and regulate the time of holding the circuit courts in the third judicial circuit of Arkansas.

## SECTION

1. Circuit courts when held in third judicial circuit.
2. All executions, writs and process to be returned to the courts fixed by this act; persons under recognizances in civil or criminal cases to

## SECTION

- appear at said term. Sales by sheriffs to be made on the first day of next term.
3. Conflicting laws repealed, and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the circuit courts in and for the third judicial circuit of the State of Arkansas, hereafter be held at the following times, to-wit: The circuit court for the Augusta district, on the first Mondays of April and September.

The circuit court for Jacksonport district, in Jackson county, on the second Mondays of April and September.

The circuit court for the county of Lawrence, on the fourth Mondays of April and September.

The circuit court of the county of Randolph, on the second Mondays of May and October.

The circuit court of the county of Green, on the fourth Mondays of May and October.

The circuit court of the county of Craighead, on the second Mondays in June and November.

SEC. 2. *Be it further enacted*, That all executions, writs, subpoenas, and other process, whatever, issued out of said courts, be, and they are hereby made returnable to the respective courts from whence issued, at the time fixed by this act respectively, for holding said courts, with the same effect and force as they, by law, would have had, if returned at times heretofore fixed for holding said courts. That all recognizances taken for the appearances of parts in any case, civil or criminal, be taken and held for the appearance of the principals therein named, before the court in which the same was taken, at the time fixed by this act for holding the same, as fully and effectually as if the same had been so conditioned in the first instance, and subject to the same proceedings in every respect, and that all sales by the sheriff, be made on the first day of the term, at the time fixed by this act, with like force and effect as it might or could have been done, at the time heretofore fixed for holding said court, as if no change had been made.

SEC. 3. *Be it further enacted*, That all laws in conflict with this act, be, and the same are hereby repealed, and this act take effect and be in force from and after its passage.

APPROVED 12th November, 1861.



## No. 3.

AN ACT *Changing the times for holding the circuit courts of the sixth judicial circuit of this state.*

## SECTION

2. Fixing the terms of the circuit courts in the 6th judicial circuit of this state.

## SECTION

2. Conflicting laws repealed, and act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That hereafter the circuit courts in the counties composing the sixth judicial circuit of this state, be holden at the following times, to-wit: in the county of Union, on the first Mondays of March and September.*

In the county of Calhoun, on the third Mondays of March and September.

In the county of Ouachita, on the fourth Mondays of March and September.

In the county of Columbia, on the third Mondays of April and October.

In the county of Lafayette, on the second Mondays of May and November.

In the county of Hempstead, on the third Mondays of May and November.

SECTION 2. That all laws in conflict, or inconsistent with this act be and the same are hereby repealed, and that this act take effect and be in force from and after the 1st day of February, 1862.

APPROVED, November 12th, 1861.

No. 4.

AN ACT to change the time of holding the circuit courts for the Madison district, of the county of St. Francis.

SECTION

1. Fixing the time of holding the circuit courts for Madison district in St. Francis county.
2. All process shall be returnable to

SECTION

- the terms fixed by this act.
3. Conflicting laws repealed, and act in force from its passage.

SECTION 1. *Be it enacted by the General assembly of the State of Arkansas,* That the circuit courts for the Madison district of the county of St. Francis be hereafter holden on the third Mondays after the fourth Mondays in March and September of each year.

SEC. 2. *Be it further enacted,* That all actions, processes, and other matters of whatever kind, now returnable pending or cognizable in said circuit courts, shall be returnable and recognizable at such other terms, in the same manner and with like effect as if no change had been made in the time of holding the same.

SEC. 3. *Be it further enacted,* That all laws in conflict with this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, November 12th, 1861.

## No. 5.

AN ACT to amend the road law of this state as applicable to the the counties of St. Francis and Poinsett.

## SECTION

1. Laws in relation to road tax repealed.
2. General road law revived. Taxes levied for 1861 may be collected.

## SECTION

3. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all laws, or parts of laws, authorizing the assessing, levying and collection of a road tax in the counties of St. Francis and Poinsett, be, and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That the general road law of the state, in force in said counties, before the passage of the laws in the preceding section alluded to, be, and the same are hereby revived. *Provided*, Nothing in this act contained shall prohibit the collection of the road tax assessed in said counties for the year 1861.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, November 12th, 1861.

## No. 6.

AN ACT to confer certain powers upon the county court of Crittenden county during the war.

## SECTION

1. County court authorized to suspend levee tax during the war, but may levy a less tax yearly for the same purpose.

## SECTION

2. Act not to affect levee law after the close of the war.
3. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That during the continuance of the war, now existing between the Confederate States and the United States of America, the county court of Crittenden county shall have power to suspend any LEVEE TAX now levied in said county; and may, in their discretion, levy such yearly levee tax as they may deem proper; Provided, however, That the said tax, so to be levied, shall be less than the tax now required to be paid by law in said county for levee purposes; and shall be assessed and collected as now required by law in said county.*

SEC. 2. That this act shall in no wise affect the levee law now in force in said county after the conclusion of the war aforesaid.

SEC. 3. That this act shall be in force from and after the 25th day of December, A. D. 1861.

APPROVED, November 12th, 1861.

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No. 7.

AN ACT *supplemental to an act, approved January 10th, 1861, entitled "an act to establish separate courts in the county of St. Francis."*

SECTION

1. In certain cases administration may be removed to the Cotton Plant district. How removed.

SECTION

2. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That where any person has taken out letters of administration on any estate in the county of St. Francis, such administration may be removed to the Cotton Plant district, of*



said county, in the same manner, and for the same causes, now provided for by law for the removal of administrations from one county to another in this state.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, November 12th, 1861.

No. 8.

AN ACT *for the relief of William A. Alexander, as sheriff and collector of the county of Hempstead.*

SECTION

PREAMBLE—its object.

1. William A. Alexander, sheriff of Hempstead county, allowed until the first day of February, 1862, to pay into the state treasury the

SECTION

- revenue due from him for the year 1860. Penalty for failing to settle.
2. Act to be in force when securities file written assent under seal to this act in auditor's office.

WHEREAS, William A. Alexander, as sheriff and collector of the county of Hempstead, has not, as yet, fully paid into the treasury of the State of Arkansas the taxes due from said county to the State of Arkansas, for the year 1860, as he was required to do by law; there remaining due from him as said sheriff and collector, as aforesaid, the sum of \$4,673 38—for which amount, together with the commissions allowed him, the said William A. Alexander, as such sheriff and collector, and the sum of twenty per centum thereon, with interest at the rate of five per centum per month on said amount of \$4,673 38, from the time the same ought to have been paid—a warrant of distress has been issued, against said Alexander and his securities, and is now in the hands of the coronor of said county of Hempstead, for execution; *And whereas*, The default so made, by

said Alexander, as such sheriff and collector, as aforesaid, was not so made with any view of defrauding the state, but was caused by the stringency of the times, and the existence of the present war; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the entire penalty incurred by William A. Alexander, as sheriff and collector of the county of Hempstead, through his default in not paying into the treasury of the State of Arkansas the taxes due from the county of Hempstead for the year 1860, at the time he was required to pay the same by law, released and remitted to him, and that he have until the first day of February next, 1862, to pay into the treasury the balance of the taxes due from said county of Hempstead for the year 1860; *Provided*, That if said William A. Alexander, as such sheriff and collector as aforesaid, shall fail to pay the full amount of taxes due to the state, from said county of Hempstead, for the year 1860, on or before said first day of February next, 1862, neither he nor his securities shall be in any wise released by this act from any penalty which has or may accrue against him on account of such default, or otherwise.

SEC. 2. *Be it further enacted*, That this act take effect and be in force whenever the securities of the said W. A. Alexander shall file in the office of the auditor of public accounts, their written assent, under their hands and seals to the provisions of this act.

APPROVED, November 13th, 1861.

## No. 9.

AN ACT to be entitled an act for the relief of Wm. Reasoner.

## SECTION

1. Auditor to draw warrant for \$612, in favor of William Reasoner, for transporting troops.

## SECTION

2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the auditor draw his warrant upon the treasurer for the sum of six hundred and twelve dollars in favor of William Reasoner, for services due him from the state for transporting troops from Spadra Bluffs to Fort Smith, at the date of the seizure of said fort by the state.*

SEC. 2. That this act be in force from and after its passage.

APPROVED, November 13th, 1861.

## No. 10.

AN ACT to be entitled an act to authorize the clerk of Desha county to make out and transmit to the clerk of the county court of Drew county a copy of the assessment of all property taxed in that portion of Desha which was attached to the county of Drew, by act of the 21st January, 1861, and for other purposes.

## SECTION

PRAMBLE—its object.

1. Clerk of Desha county to make copy of assessment of certain property and transmit it to the clerk of

## SECTION

Drew county; duty of the clerk and sheriff of Drew county.

2. Act to be in force from its passage.



WHEREAS, By an act of the legislature of the State of Arkansas, approved the 21st day of January, 1861, all that portion of the then county of Desha, which included township 11 south, ranges 5 and 6 west, township 10 south, ranges 5 and 6 west, and township 9 south, ranges 5 and 6 west, was attached to and formed a part of the county of Drew; *And whereas*, prior to the passage of said act, the assessor of Desha county included in his assessment for the present year all the taxable property in that portion of Desha county so attached to Drew county, and the same now stands charged against the sheriff of Desha county, in the tax books of 1861, and not embraced in the assessment of Drew county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the clerk of the county court of Desha county be and is hereby required to make out and transmit to the clerk of Drew county a certified copy of the assessment of all property in the townships and ranges aforesaid, which was attached to Drew county, by act of the 21st of January, 1861, and the clerk of the county court of Drew county shall make out a copy of the assessment, so furnished him by the clerk of Desha county, and shall extend the taxes, at the rate per cent. fixed by law, and the order of the county court of Drew county against all property embraced in such assessment according to its assessed value; and shall deliver the same to the sheriff and collector of Drew county, who shall proceed to collect the same at the time and in the manner prescribed by law.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, November 13th, 1861.



## No. 11.

AN ACT to be entitled an act supplemental to an act to aid the cause of education in Bradley, Prairie and Fulton counties, approved January 19th, 1861.

## SECTION

1. Act of 19th January, 1861, amended.

## SECTION

2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the word "congressional," be, and the same is, hereby inserted in the act to aid the cause of education in Bradley, Prairie and Fulton counties, approved January 19th, 1861, preceding the word "township," wherever the same may occur in said act, so that in each instance it shall read congressional township or townships.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, November 13th, 1861.



## No. 12.

AN ACT to amend an act passed at the last session of the General Assembly of the State of Arkansas, entitled "An act to protect all lands in Chicot county," which are subject to overflow, approved January 10th, 1861.

## SECTION

1. Section 11 of act of 10th January, 1861, amended.
2. Section 13 of act of 10th January, 1861, amended.
3. Section 14 of act of 10th January, 1861, amended.
4. Board failing to have work done—members of the board shall have

## SECTION

- the work done in his district—how and by whom—penalty for not working when called on.
5. Board may make rules to harmonize act—may annul rules not in conflict with this act or laws of the state, etc.
6. Act to take effect from its passage

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That section 11 of said act be [so] changed, that a majority of the board therein named, shall constitute a quorum to transact business.

SEC. 2. *Be it further enacted*, That section 13 of said act be so changed that said board, after the next general election thereof, may fix the rate of tax therein authorized to be levied and collected, without regard to the limit therein contained.

SEC. 3. *Be it further enacted*, That section 14 of said act be so changed that said board may appoint its own assessor and collector, fix the time for assessing and collecting, the pay of its assessor and collector, and the time of selling land for the taxes due thereon; *Provided*, That notice of such sale be published in some newspaper printed in said county, if any be printed therein, and if none be printed therein, then in some newspaper printed in this state, once a week for four weeks, immediately preceding such sale.

SEC. 4. *Be it further enacted*, That in case said board shall, at any time, fail to let out any contract for any work which it is authorized to have done, after complying with said act in relation to letting out contracts of work, for the want of some person or persons to take such contract, and such board shall consider it proper, it shall make an order, directing such member thereof to have any such work as may be required in his district, done by calling (out) every male slave subject to road duty in his district, whose owner is subject to taxation under said act, and any such owner, or his agent, who shall refuse or fail to obey such call shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than five dollars per day for each slave not sent, to be applied when collected to carrying out the object of said act, and each owner shall be entitled to one dollar and a half per day for each slave sent, upon the certificate of the commissioner to the number of days that each slave shall be kept from his masters private work on account of working as above required.

SEC. 5. *Be it further enacted*, That said board may make any rule necessary to harmonize this act and the one it is intended

to change and annul, and any rule not in conflict with either of said acts, nor the laws and constitution of this state, that may be necessary to carry out the object of said acts.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

APPROVED, November 13th, 1861.

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### No. 13.

AN ACT *to be entitled an act to provide for collecting taxes of Phillips county.*

## SECTION

1. Sheriff authorized to collect taxes of 1860 and 1861. Compensation—Failure to give bond by 10th of January, 1862, governor to order election to fill vacancy.

## SECTION

2. Qualified voters to elect sheriff at general election—and every two years thereafter. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the present sheriff of Phillips county, be, and he is hereby authorized to collect the taxes of the aforesaid county, for the years 1860 and 1861; *Provided*, He will collect said taxes for the salary of fifteen hundred dollars per annum, as provided for by an act which become a law on the 22d of December, 1860; but in case he shall fail or refuse to give the proper bond for the faithful discharge of the duties of collector, before or on the tenth of January, 1862, then it shall be the duty of the governor to order an especial election to fill said vacancy.

SEC. 2. *Be it further enacted*, That the qualified voters of Phillips county shall elect at their general election, and every general election thereafter a collector of taxes, who shall hold



his office for two years and until his successor is elected and qualified. This act to be in full force and effect from and after its passage.

APPROVED, November 14th, 1861.

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No. 14.

AN ACT *to be entitled An act to incorporate the Helena Insurance company.*

SECTION	SECTION
Preamble. Its object.	2. Original and amendatory act in force for 99 years from its passage.
1. Number of commissioners increased.	

WHEREAS, The distracted state of the country has intervened to prevent a majority of the commissioners incorporated under the name of the Helena Insurance company from organizing, therefore

SEC. 1. *Be it enacted by the General Assembly of the State of Arkansas, That H. P. Coolidge, T. M. Jacks, J. C. O. Smith and L. Cage, be, and are hereby added to the original commissioners, as additional commissioners to the aforesaid insurance company.*

SEC. 2. *Be it further enacted, That the original and this amendatory act shall be in force from and after its passage, for the period of ninety-nine years.*

APPROVED, November 14th, 1861.



## No. 15.

AN ACT to provide for the election of a tax assessor and collector in the county of Hempstead.

## SECTION

1. An assessor and collector of taxes to be elected on 2d Monday of December, 1861; shall hold the office until next general election. His successor to be elected for two years.
2. Provisions of sections 2, 3, 4 and 5

## SECTION

- of an act to provide for the election of a tax assessor and collector in Poinsett and Independence counties, approved 19th January, 1861, to apply to the assessor and collector of Hempstead.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the qualified voters of the county of Hempstead shall on the 2d Monday in December next, 1861, elect an assessor and collector of taxes for said county of Hempstead, who shall hold his office until the next general election, and until his successor shall be elected and qualified; such successor being elected at the next general election, to hold his office during two years.

SEC. 2. *Be it further enacted,* That the provisions of sections 2, 3, 4 and 5 of an act entitled an act to provide for the election of a tax assessor and collector in the counties of Poinsett and Independence, approved January 19th, 1861, be and the same are hereby made to apply to the tax assessor and collector in the county of Hempstead.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

APPROVED, November 14th, 1861.

No. 16.

AN ACT to authorize the Register of the land office at Little Rock, Arkansas, to appoint a deputy.

SECTION	SECTION
1. Register of land office at Little Rock, authorized to appoint a dep-	uty. 2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the register of the land office at Little Rock, be, and the same is hereby fully authorized to appoint one deputy, and the deputy so appointed shall take the oath now required by law and such letter of appointment shall be filed with the secretary of state and the register shall be responsible on his official bond for all the acts and conduct done and performed by said deputy in the performance of his duties.

SEC. 2. *Be it further enacted,* that this act shall be in force from and after its passage.

APPROVED, November 14th, 1861.

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No. 17.

AN ACT to be entitled an act amendatory of an act entitled an act amendatory of the law concerning schools and school lands, in the counties of Columbia and Prairie, approved January 21st 1861.

SECTION	SECTION
1. Act of the 21st January, 1861, concerning schools and school lands in Prairie and Columbia counties	amended. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That if any of the townships of Columbia county shall fail to organize and elect treasurers (as provided by said act concerning schools and school lands, so far as relates to Columbia county, approved, January 1861,) by the 15th-day of August, 1862, as therein provided, then the county court of said county shall appoint treasurers in all such townships, which may fail to organize, as therein provided, who shall execute bond, and in all things be governed by the law in the same manner as the treasurers of the townships regularly organized under said act. This act to take effect from and after the 15th day of August, 1862.*

APPROVED, November 14th, 1861.

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No. 18.

AN ACT *to strike out certain words wherever they occur in the laws of this state, and insert others in lieu thereof.*

## SECTION

1. Amendatory of the laws of Arkansas.

## SECTION

2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That wherever the words "United States" occur in any of the laws of this state, that they shall be considered obsolete and the words "Confederate States," be substituted in their stead.*

SEC. 2. *Be it further enacted, That this act be in force from and after its passage.*

APPROVED, November 14th, 1861.

No. 19.

AN ACT to be entitled an act to amend revenue laws of this state.

SECTION

1. So much of ordinance passed on 1st day of June, 1861, as requires one-third of the state taxes to be paid in coin, or past due coupons, repealed.
2. Collectors to receive war bonds, treasury notes and coupons of the state, and Confederate bonds and treasury

SECTION

- notes of the Confederate States in payment of taxes.
3. Treasurer to pay interest on war bonds, in the bonds and treasury notes of Confederate States, or in any moneys in the treasury not otherwise appropriated.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That so much of an ordinance concerning revenue, adopted and passed on the first day of June, 1861, as requires the collectors of the public revenue of this state to demand of the tax-payers one-third of their taxes in coin or overdue coupons, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the collectors of state taxes or revenue, in the several counties of this state, are hereby authorized and required to take in payment of all taxes due the state, the bonds and treasury notes of the Confederate States, and war bonds, coupons, treasury notes and warrants of this state.

SEC. 3. *Be it further enacted,* That the state treasurer be and he is hereby authorized to pay all interests which may become due on the war bonds of this state in bonds and treasury notes of the Confederate States of America, or any other moneys in the treasury not otherwise appropriated.

APPROVED, November 14th, 1861.



## No. 20.

AN ACT *to be entitled an act for the benefit of certain volunteer companies of Carroll county.*

SECTION	SECTION
PREAMBLE—its object. 1. Military board to audit and adjust the claims of the companies mentioned in the preamble. Captains	to certify the accounts of his company. 2. Act in force from its passage.

WHEREAS, William C. Mitchell, of Marion county, was appointed, by the military board, mustering officer at Carrolton, Arkansas; *And whereas*, the said William C. Mitchell was soon thereafter elected colonel of a regiment in Marion county, and appointed in good faith Joseph B. Bains, of Carroll county, to receive and muster into service a regiment at Carrolton, in his stead; *And whereas*, the said Joseph B. Bains, in pursuance thereof did receive and muster into service two companies, one commanded by B. H. Hobbs, and one commanded by Benjamin Pearce, which companies remained in the service of the state one month or thereabout, and was discharged; *And whereas*, no report of the said companies can be found in the office of the military board; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the military board be authorized and requested to audit and adjust the claims of said companies in like manner and in all respects as if said companies had been legally mustered into service, and reported as such, whenever such accounts shall be duly certified by the captains of said companies.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

APPROVED, November 16th, 1861.

No. 21.

AN ACT *making certain appropriations for the current fiscal year.*

SECTION	SECTION
1. Sums appropriated.	copying the laws, etc.
Item 1st. To pay balances for printing laws, etc.	Item 4. To pay salaries of secretaries, clerks, page and door-keepers.
“ 2. To pay contingent expenses of executive department.	“ 5. The appropriations to be paid in war bonds.
“ 3. To pay secretary of state for	

*Be it enacted by the General Assembly of the State of Arkansas,* That the following sums of money be, and the same are hereby respectively appropriated out of any money in the treasury not otherwise appropriated; *First,* To pay balance due on printing, stitching and distributing the Acts, the Journals of the Senate, and for printing stitching and distributing the Journals of the House of the late session, and the acts and journals of this present session of the General Assembly, the sum of *ten thousand dollars.* *Second,* To pay the contingent expenses of the executive department, including only the offices of governor and secretary of state; and the governor shall determine when it shall be proper to draw upon said fund in discharge of his duties, or protect the interest and enforce the laws of the state; and the auditor shall issue warrants upon the orders of the governor; and the secretary of state shall certify accounts for the contingent expenses of his office, and when so certified, the auditor shall issue warrants to pay them, the sum of *four thousand dollars.* *Third,* To pay the secretary of state for copying the laws and resolutions passed at the present session of the General Assembly, furnishing the same to the public printer, reading proof sheets thereof, and distributing the acts and journals of this session, the sum of *two hundred dollars.* *Fourth,* The different *clerks* and *secretaries* of the House of Representatives and Senate, the *door-keeper* of either house, and the *page* of the House, shall receive the *same compensation* as fixed by the general appropriation act of the last ses-

sion, per diem; and the principal clerk and secretary, the same rate for copying the journals. Fifth, That the appropriations herein made shall be paid in war bonds and treasury warrants.

APPROVED, November 16th, 1861.

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No. 22.

AN ACT for the benefit of actual settlers on the tract of land known as the Cherokee Reserve, in Pope county.

## SECTION

1. Pre-emption to actual settlers on the Cherokee reserve, granted to them. May enter 160 acres within 12 months, at \$5 per acre. Proof, how made, when occupant is in

## SECTION

the military service. Register and Receiver to withhold the tract from sale for 12 months, when proof filed with them.

*Be it enacted by the General Assembly of the State of Arkansas,* That actual settlers and cultivators, and persons having an improvement upon the tract lately surveyed and to be offered for sale under the provisions of the 4th section of the ordinance of the convention, adopted on the 27th day of May, 1861; known as the *Cherokee Reserve, in Pope county,* shall have a preference or pre-emption right to enter the same within twelve months from the passage of this act, at five dollars an acre, said pre-emption right to extend to one hundred and sixty acres, upon proof of actual residence upon the tract claimed, or of cultivation of, and upon the same being filed in the office of the register, at Clarksville, he shall withhold the tract claimed from public sale and permit the pre-emptor to enter the same within a year from the date of the approval of this act; at the end of which time if the pre-emptor fails to pay for said tract, it shall



revert to the state and be held subject to entry. If the pre-emptor shall be in military service, the pre-emption proof required may be made by any credible person for him. The pre-emptor, or if he be in the military service aforesaid, some person for him may file a declaration, setting forth his occupancy or cultivation of the tract claimed, and his intention to enter the same under the provisions of this act, and said declaration, so filed, shall be authority to the register and receiver to withhold said land from sale until said pre-emptor, or his next friend, shall make proof and payment for said land, or until the year from the date of the passage of this act shall have expired.

APPROVED, November 16th, 1861.

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No. 23.

AN ACT *to be entitled An act declaring Black Fish bayou a navigable stream, and for other purposes.*

SECTION

1. Black Fish bayou declared a navigable stream.
2. Provisions of 1st section shall not

SECTION

- affect the price of swamp land on its banks.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That Black Fish bayou, be, and is hereby declared a navigable stream from its mouth or conjunction with the Saint Francis river to the mouth of Frenchman bayou.*

SEC. 2. That the preceding section hereof, declaring said bayou navigable, shall not operate to raise or otherwise affect the price of swamp lands upon the banks of said bayou.



SEC. 3. That this act shall be in force from and after its passage.

APPROVED, November 16th, 1861.

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No. 24.

AN ACT to authorize R. C. Campbell, present sheriff of Carroll county, to collect the taxes in said county, for the year 1861.

## SECTION

1. R. C. Campbell, sheriff of Carroll county, to collect taxes for the year 1861.
2. To give bond in \$20,000, and take the same oath that he would be required to take if acting as assessor and collector, and be subject to like penalties

## SECTION

3. When the said Campbell shall comply with the provisions of this act, the bond of David Smith shall be deemed cancelled,
4. That all laws conflicting with this act are repealed. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That R. C. Campbell, present sheriff of Carroll county, be, and he is hereby authorized and required to collect the taxes in said county, for the year 1861.

SEC. 2. *Be it further enacted,* That before the said Campbell shall proceed to discharge his duties as such collector, he shall take the same oath, and give the same bond, and be subject to the same penalties, as though he had been the original assessor and collector of said county; that the bond, so required, shall not be in a less sum than twenty thousand dollars.

SEC. 3. *Be it further enacted,* That whenever the said Campbell shall comply with the provisions of this act, and David Smith, the present collector shall make full and complete settlement with the county court of said county, which settlement shall be made at the first term of the said court, after the pas-

sage of this act, then the bond of the said David Smith shall be deemed as cancelled.

SEC. 4. *Be it further enacted*, That all laws in conflict with this act be, and the same are hereby repealed, and that this act take effect from and after its passage.

APPROVED, November 16th, 1861.

No. 25.

AN ACT *to incorporate the trustees of the Presbyterian Church, at Marlbrook, Hempstead county, Arkansas.*

SECTION

1. Certain named persons incorporated by the name and style of "The Trustees of the Marlbrook Presbyterian Church," for fifty years. Powers, duties and objects of the incorporation.

SECTION

2. Trustees to have and enjoy the same rights and privileges as now granted to religious corporations for educational purposes.  
3. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Edward Cross, sr., Minto W. McGill, and Lodowick Wade, elders of the Marlbrook Presbyterian church, in township ten south, of range twenty-four west, in Hempstead county, and the successor or successors, of any one or more of them, be, and the same are hereby created and constituted a body corporate by the name and style of "The Trustees of the Marlbrook Presbyterian Church," with succession for fifty years, and as such body corporate, in said name and style, they may sue and be sued, plead and be impleaded, receive legacies, gifts and donations of money, real estate, or other property, and maintain and recover by suit, such damages as may be sustained on their buildings, burial ground or

other property. *Provided always*, That said corporation shall not hold property to an amount exceeding fifty thousand dollars.

SEC. 2. *Be it further enacted*, That it shall not be necessary to plead this act specially in any suit, and said elders hereby incorporated as trustees, shall have the same powers and enjoy the same privileges now granted by law to corporations, for educational or religious purposes.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its passage.

APPROVED, November 16th, 1861.

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## No. 26.

### AN ACT in relation to the Marine Hospital at Napoleon in the county of Desha.

## SECTION

## SECTION

1. Marine hospital at Napoleon placed under control of the governor.
2. Governor to audit and adjust claims of citizens for necessaries furnished

- hospital; \$3,000 appropriated to pay such claims. Governor to draw same.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the marine hospital, located at Napoleon, in the county of Desha, be, and the same is hereby placed under the control of the governor, to be used by him for such purpose as he may think proper, so long as said hospital shall remain the property of this state.

SEC. 2. *Be it further enacted*, That the governor is hereby authorized to audit and adjust all claims of citizens for necessaries furnished said hospital, and the sum of three thousand dollars is hereby appropriated, out of any money in the trea-



surely not otherwise appropriated, to pay said claims, and that the governor be authorized to draw, by his order, on the auditor of public accounts for the said amount, or so much thereof as may be necessary.

SEC. 3. *Be it further enacted*, That this act take effect from its passage.

APPROVED, November 16th, 1861.

No. 27.

AN ACT *for the relief of Newton S. Love, clerk of Clark county, and to legalize the acts of his deputies.*

SECTION	SECTION
PREAMBLE—its object.	ordinance of the convention. Acts
1. Allowed until the 1st day of January to take the oath prescribed by ordi-	of deputies legalized.
	2. Act in force from its passage.

WHEREAS, Newton S. Love, clerk of Clark county, was absent in the State of Mississippi on the 21st day of May, 1861, and has, until recently, been detained there by severe illness, rendering it impossible for him to appear and take the oath, as prescribed in the ordinance of the convention, of that date, entitled "An ordinance prescribing an oath to be taken by all military and civil officers in the service of this state, and for other purposes," and the business of the office of said clerk has, in the meantime, been attended to by deputies; therefore,

*Be it enacted by the General Assembly of the State of Arkansas,*

SECTION 1. That it shall, and may be lawful for said clerk; on or before the first day of January next, to take the oath of office prescribed as aforesaid; and that all and singular the acts of any deputies of said clerk, or acting for him, shall be deemed and taken to be, in all things, lawful and valid.



SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, 16th November, 1861.

No. 28.

AN ACT to repeal the 2d section of an ordinance of the State Convention, entitled "An ordinance to provide revenue for the State of Arkansas.

SECTION

1. Second section of an ordinance passed 28th May, 1861, entitled "An ordinance to provide revenue for the State of Arkansas, not to affect money on hand.

SECTION

2. All laws in force before the adoption of ordinance revived and declared to be in force.  
3. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the 2d section of the ordinance adopted and passed in, and by the state convention, May 28th, 1861, entitled "An ordinance to provide revenue for the State of Arkansas," be, and the same is hereby repealed; *Provided*, That nothing contained in this act shall be so construed as to repeal the provisions in said section which make money on hand subject to taxation.

SEC 2. That all laws relative to the rates of taxation in force previous to the adoption and passage of said ordinance, be revived in full force and virtue as though said 2d section of said ordinance had never been adopted and passed.

SEC. 3. That this act take effect and be in force from and after its passage.

APPROVED, November 16th, 1861.

No. 29.

AN ACT *providing for the election of a tax collector in the county of Columbia.*

SECTION

1. Tax collector provided for in Columbia county. His compensation and duties prescribed.
2. Election provided for on the first Monday of August, 1862. A vote

SECTION

to be taken "for collector" or "no collector." Act to be in force if a majority vote for collector, otherwise to be inoperative.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That at the next general election, the qualified voters of the county of Columbia shall elect a tax collector in and for said county, who shall give bond, and be governed by all the laws and ordinances now in force in regard to the collection of revenue in this state, and shall receive the same compensation for his services; and that from and after the passage of this act the sheriff of the county of Columbia shall cease to be the collector of the revenue, from and after the election and qualification of said tax collector.

SEC. 2. *Be it further enacted,* That an election shall be held in said county on the first Monday in August, 1862, by the qualified voters of said county, who shall write on their tickets, "collector" or "no collector," and should a majority of the votes polled be for "collector," this act shall be in force, but should a majority vote "no collector," this act shall be inoperative, and such election shall be governed by existing laws.

APPROVED November 16th, 1861.

## No. 30.

AN ACT to repeal an ordinance of the State Convention entitled  
 “An ordinance to authorize the levy of a tax for military and  
 other purposes.”

SECTION	SECTION
1. Ordinance of convention, passed May 11th, 1861, to levy a tax for military and other purposes, repealed.	2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the ordinance adopted in, and passed by the state convention, May 11th, 1861, entitled “An ordinance to authorize the levy of a tax for military and other purposes,” be, and the same is hereby repealed.*

SEC. 2. This act shall take effect from and after its passage.

APPROVED, November 16th, 1861.

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 No. 31.

AN ACT for the relief of the people of Phillips county.

SECTION	SECTION
1. Prohibiting the levy of a levee tax, in Phillips county, of more than one-eighth of one per cent., except	for the construction of new levee work. Act in force from its passage.

*Be it enacted by the General Assembly of the State of Arkansas, That from and after the passage of this act there shall not be levied, in the county of Phillips, a tax for levee purposes, exceeding one-eighth of one per centum, except for the construction of new levee work, and in that case it shall be at the discretion of the county court of said county; Provided, That said*



court shall be governed by existing laws in relation to levying such tax, and this act shall take effect from its passage.

APPROVED, November 16th, 1861.

No. 32.

*AN ACT to be entitled an act conferring on justices of the peace exclusive original jurisdiction in certain misdemeanors.*

SECTION

1. Jurisdiction of assault and battery conferred on justices of the peace.
2. Jurisdiction of justices of the peace defined in criminal cases.
3. Justices of the peace to issue warrant on complaint; in what cases; warrant to be served by sheriff or constable or special deputy.
4. When justice to issue writ without complaint or oath; how and by whom offenders may be arrested, and penalty for obstructing process.
5. Justices to hear and determine cases arising under this section in a summary manner.
6. Justices may postpone cause; defendant to give recognizance for appearance.
7. If the defendant fails to give recognizance, justice to commit him to jail.
8. Breach of recognizance, to be certified to circuit court, and how proceeded in there.
9. When a case is not cognizable before justices, the trial shall stop, and be proceeded in as other criminal cases cognizable in circuit court.
10. Duty of justices in cases arising under this act; who shall be summoned; how compelled to attend.

SECTION

11. Trials before justice to be by jury, if demanded; fine not less than \$5 nor more than \$200.
12. Name of prosecutor to be entered on docket, may be adjudged to pay costs; in other cases of discharge or acquittal, costs to be paid by county.
13. In cases of conviction, justice to enter judgment against defendant for fine and costs; may commit defendant until judgment is satisfied.
14. Defendant, after ten days' imprisonment, may take benefit of insolvent laws; how discharged from prison; when costs a privileged debt.
15. When fine is more than \$10, party may appeal to circuit court; appeal how taken; what the defendant must do.
16. Appeals taken fifteen days before term of circuit court, returnable to first term—but if less than fifteen days, then it shall be returnable to the second term.
17. When appeals are taken; duty of justice.
18. Clerk to enter appeal on docket. In what cases caused to be heard on its merits; may be continued for



SECTION	SECTION
good cause; costs to abide the event of the suit.	23. Duty of justice when conviction is had and no appeal taken; duty of constable; duty of county court.
19. Appeals when to be perfected, or judgment affirmed.	24. When officers to be guilty of misdemeanor; penalty for neglect. Penalty for refusing to assist in arresting offenders when summoned.
20. When judgment confirmed in circuit court, or defendant convicted, judgment to go against defendant and securities.	25. Fines and penalties under this act how recovered.
21. Judgment in circuit court not satisfied in 30 days, execution to issue.	26. Conflicting laws repealed, and act in force from its passage.
22. Cases not provided for in this act, to be proceeded in as civil cases.	

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That hereafter no assault, assault and battery, or affray, shall be indictable; but all such offences shall be prosecuted in a summary manner by presentment of a constable, or any other person, before justices of the peace, as hereinafter provided.

SEC. 2. *Be it further enacted,* That the jurisdiction of justices of the peace shall not extend to trial or punishment in any case of riot, or unlawful assembly, nor to any assault and battery which, by the then existing laws, may be punished by imprisonment in the penitentiary or common jail of the county or by fine exceeding two hundred dollars, but all such offences shall be punished by indictment.

SEC. 3. *Be it further enacted,* That whenever a complaint or presentment shall be made to any justice of the peace, on the oath or affirmation of any person competent to testify against the accused, that an assault, assault and battery, affray, or other breach of the peace, has been or is about to be committed, the justice shall forthwith issue a warrant for the arrest of the offender; which warrant shall be executed by the sheriff of the county, or constable of the township, or by some competent person specially deputed by the justice for that purpose.

SEC. 4. *Be it further enacted,* That if any justice of the peace shall have personal knowledge that any of the offences mentioned in the last section, are about to be committed, he shall issue his warrant, and proceed as directed in that section;

and if any such offence is committed, threatened, or attempted in his presence, he shall immediately arrest the offender, or cause it to be done; and for this purpose no warrant or process shall be necessary, but the justice may summon to his assistance any sheriff, coronor or constable, and all other persons then present, whose duty it shall then be to aid the justice in preserving the peace, and arresting and securing the offenders, and all such persons as obstruct or prevent, or attempt to obstruct the justice or any of his assistants in the performance of their duty.

SEC. 5. *Be it further enacted*, That where any person shall be brought before a justice of the peace, under the provisions of this act, it shall be the duty of the justice to hear and determine, in a summary mode the complaint alleged against the defendant.

SEC. 6. *Be it further enacted*, That, upon good cause shown, the justice may postpone the trial of the cause to a day certain; in which case, he shall require the defendant to enter into recognizance, with sufficient security, conditioned that he will appear before the justice at the time and place appointed, then and there to answer the complaint alleged against him.

SEC. 7. *Be it further enacted*, That if the defendant shall fail or refuse to enter into recognizance, the justice shall commit him to the common jail of the county, there to remain until the day fixed for the trial of the complaint alleged against him.

SEC. 8. *Be it further enacted*, That in case of the breach of any recognizance entered into as aforesaid, the same shall be certified and returned to the circuit court, to be proceeded on according to law, as provided in cases of forfeited recognizances in the circuit court.

SEC. 9. *Be it further enacted*, That if in the progress of any trial before a justice of the peace, under the provisions of this act, it shall appear that the accused ought to be put on his trial for any offence, not cognizable before a justice of the peace, the justice shall immediately stop all further proceed-

ings before him, and proceed as in other criminal cases, exclusively cognizable before the circuit court.

SEC. 10. *Be it further enacted*, That in all cases, arising under this act, it shall be the duty of the justice of the peace acting in the case, to summon the enjoined party, and also all others whose testimony may be deemed material as witnesses at the trial, and to enforce their attendance by attachment, if necessary.

SEC. 11. *Be it further enacted*, That all trials before a justice of the peace under this act shall be by a jury of twelve competent men, qualified to serve as jurors in the circuit court, if demanded by the defendant; who, if they find the defendant guilty, shall assess the fine to be paid by him, which shall not be less than five dollars, nor more than two hundred dollars, according to the nature of the offence.

SEC. 12. *Be it further enacted*, That when proceedings are commenced under the provisions of this act, on the information or complaint of any injured party, his name shall be entered by the justice on his docket as prosecutor, and if the defendant shall be discharged or acquitted, may be adjudged to pay all costs. In other cases of discharge or acquittal, the costs shall be paid by the county.

SEC. 13. *Be it further enacted*, That in all cases of conviction under this act, the justice shall enter judgment for the fine and costs against the defendant, and may commit him until the judgment is satisfied, or issue execution on the judgment to the use of the county.

SEC. 14. *Be it further enacted*, That any defendant who shall be committed or taken in execution on such judgment, may at any time after ten days actual imprisonment in jail take the benefit of the laws for the relief of insolvent debtors, and on taking the oath and complying with other requisitions of said law, may be discharged; and in that case the county shall pay the costs of prosecution and charges of imprisonment, and for the amount thereof shall be a privileged creditor of the defendant, entitled to be first satisfied out of his property and effects.

SEC. 15. *Be it further enacted*, That any person convicted,



when the fine imposed exceeds ten dollars, under this act, may appeal to the circuit court, if he shall, on the rendition of the judgment, file an affidavit, stating that he verily believes himself aggrieved by the verdict, and judgment, and also enter into recognizance, with sufficient securities, householders of the county; which recognizance shall be in the form, and with the condition, required in appeals from justices of the peace in civil cases.

SEC. 16. *Be it further enacted*, That all appeals taken fifteen days or more before any term of the circuit court of the county, shall be returnable to that term; but if taken within fifteen days next before the commencement of the term, shall be returnable to the second term.

SEC. 17. *Be it further enacted*, That when an appeal is taken and perfected according to this act, it shall be the duty of the justice to cause all material witnesses to enter into recognizance in the sum of fifty dollars, each, conditioned for their appearance to testify in the cause at the term to which the appeal is returnable, and shall, on or before the first day of said term, file in the office of the clerk of the circuit court, a copy of the entries on his docket, with a copy of the process and affidavit of appeal, and the original recognizance of the defendant and witnesses, duly certified.

SEC. 18. *Be it further enacted*, That the clerk of the circuit court shall enter the cause upon his docket, and if the appeal be regularly taken, the cause shall be heard on its merits, at the return term, unless good cause shall be shown for a continuance, and the costs of both courts shall abide the event of the trial in the circuit court.

SEC. 19. *Be it further enacted*, That if the appeal be not taken and perfected on the day of rendering judgment by the justice, the judgment shall be affirmed.

SEC. 20. *Be it further enacted*, That if the judgment of the justice be affirmed, or, upon a trial in the circuit court, the defendant shall be convicted, and any fine assessed, judgment shall be rendered for such fine and costs in both courts, against the defendant and his securities.



SEC. 21. *Be it further enacted*, That if the judgment in the circuit court be not satisfied in thirty days after the rendition thereof, execution may issue against the defendant and his securities for the fine and costs aforesaid, which shall be made out of the property of the defendant, if sufficient thereof be found, if not, then out of the property of said securities.

SEC. 22. *Be it further enacted*, That in all cases not specially provided for in this act, the process and proceeding before the justice shall be governed by the laws regulating proceedings in justices' courts in civil cases.

SEC. 23. *Be it further enacted*, That it shall be the duty of the justice before whom any conviction may be had under this act, if there be no appeal, to make out and certify, within ten days after the date of the judgment, and deliver to the treasurer of the county a statement of the case, the amount of fine and name of the constable charged with the collection thereof, and the county treasurer shall charge the constable with the amount of such fine due; and, unless the same be paid in the county treasury within thirty days after the date of the judgment, the county court shall, at their next term, ten days notice being given to the constable in default, render judgment against him in favor of the county for the amount due, and twenty per centum thereon, making, however, proper deductions for insolvencies; on which judgment execution shall be issued and the proceeds paid into the county treasurer [treasury.]

SEC. 24. *Be it further enacted*, That any justice of the peace, sheriff, coroner or constable, who shall wilfully neglect or refuse to perform any duty enjoined on him in this act, shall be deemed guilty of a misdemeanor in office, and shall, moreover, pay the sum of fifty dollars; and any person who shall, when summoned to aid in arresting or securing an offender, refuse to give such assistance, shall pay five dollars.

SEC. 25. *Be it further enacted*, That fines and penalties incurred under this act in cases not otherwise provided for, may be recovered before any justice of the peace by action of debt in the name of the county.

SEC. 26. *Be it further enacted*, That all laws contrary to or

in conflict with this act, be, and the same are hereby repealed, and this act take effect and be in force from and after its passage.

APPROVED, November 16th, 1861.

No. 33.

AN ACT to be entitled *An act for the relief of Duncan S. Morriss of Arkansas county.*

SECTION

PREAMBLE—Its object.

1. Two certain pieces swamp land scrip canceled; auditor to issue warrant to Duncan S. Morriss, for \$160 in swamp land scrip, in lieu of the

SECTION

pieces lost. Secretary of state to certify copy of act to land agent of Little Rock district, and state treasurer.

WHEREAS, Duncan S. Morriss, an aged citizen of Arkansas county, who was in the late battle at Oak Hills, in Missouri, has lost, through the mail, swamp land scrip to the amount of one hundred and sixty dollars, in eighty dollar pieces, numbered 18,271 and 18,273, issued on auditor's warrant, No. 90, to said Morriss for his services in selecting swamp lands in said county, which scrip cannot be found, and has not been paid into the land agent's office of the Little Rock district, for which district it was issued. Therefore,

*Be it enacted by the General Assembly of the State of Arkansas,* That said two pieces of swamp land scrip issued as aforesaid, are hereby canceled, and shall not be received by the state land agent of said district, but shall be forever barred from location, and the auditor shall issue his warrant on the treasurer for one hundred and sixty dollars in swamp land scrip, to Duncan S. Morriss, subject to location in the Little Rock district, in lieu of

said lost scrip, and the secretary of state shall certify copies of this act to the land agent of the Little Rock district and the state treasurer, who are hereby directed not to receive said lost scrip, should the same be presented to either of them.

APPROVED, November 18th, 1861.

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No. 34.

AN ACT *to be entitled an act for the relief of Richard C. Thompson late sheriff and collector of Jefferson county.*

## SECTION

PREAMBLE—Its object and purpose.

1. Penalty incurred by Richard C. Thompson, sheriff of Jefferson county, for failing to pay into treasury the revenue of said county for 1860, released and remitted, and that he be allowed to pay the same by 1st February, 1862. Penalty for failing to pay the same. To file in

## SECTION

- the auditor's office within 30 days from passage of act, written consent of securities to this act, who are responsible.
2. Auditor, on filing such instrument of writing, to recall distress warrant issued against said Thompson and his securities. Act in force from its passage.

WHEREAS, Richard C. Thompson, as the late sheriff and collector of the revenue of Jefferson county, has not, as yet, fully paid into the treasury of the State of Arkansas, the taxes due from said county to the State of Arkansas, for the year 1860, as he was required to do by law; there remaining due from him as such sheriff and collector, as aforesaid, the sum of \$2,410 27, for which amount, together with the commissions allowed him, the said Richard C. Thompson, as late sheriff and collector, and the sum of twenty per centum thereon, with interest at the rate of five per centum per month, on said amount of \$2,410 23, from the time the same ought to have been paid, a warrant of distress has been issued against said Thompson and his securi-



ties, and is now in the hands of the coroner of said county of Jefferson, for execution; And whereas, The term of office of the said Thompson, expired on the 1st day of June, 1861, and he thereafter had no power to levy, distrain, or make distress for the collection of said revenue, and the default so made by said Thompson as such late sheriff and collector, was not so made with any view of defrauding the state, but was caused by the stringency of the times and the existence of the present war, and by his being without authority of law [able] to compel the tax payers of said county, to pay over their part of the revenue of said county after the 1st day of June, 1861, and therefore could not collect the same. Therefore:

SECTION 1. *Be it enacted by the General assembly of the State of Arkansas,* That the entire penalty incurred by Richard C. Thompson, as late sheriff and collector of the county of Jefferson, through his default in not paying into the treasury of the State of Arkansas, the revenue due said state from the county of Jefferson, together with his commissions for assessing and collecting the same for the year 1860, be released and remitted to him, and that he have until the 1st day of February, 1862, to pay into the treasury the balance of taxes due from said county of Jefferson, for the year 1860; *Provided,* That if said Richard C. Thompson, as such late sheriff and collector as aforesaid, shall fail to pay the full amount of taxes due the state from said county of Jefferson, for the year 1860, on or before said 1st day of February next, 1862, neither he nor his securities shall be in any wise released by this act from any penalty which has or may accrue against him or them, on account of such default or otherwise; *And provided further,* That the said Richard C. Thompson, and his securities, or as many and such of his securities or any other security or securities as shall be sufficient to secure the payment of the amount before in this act stated to be due the State of Arkansas, (the sufficiency of which security, or securities, to be determined by a certificate from the clerk, sheriff or county judge of said county of Jefferson, that they are sufficient and responsible to secure said payment, as hereinbefore recited) shall file in the office of the



auditor of public accounts of this state, within 30 days after the passage of this act, an instrument of writing, setting forth that they agree to the conditions of this act, and that they will take no advantage, and claim no exemption from their bond heretofore given on account of the extension of time by this act granted to said Thompson, as such late sheriff and collector of Jefferson county.

SEC. 2. *Be it further enacted*, That the auditor of the state shall, after the filing of such instrument of writing, forthwith recall the warrant of distress issued by him against said Richard C. Thompson and his securities, and that all further execution thereof be stayed from and after the filing of such instrument of writing; and that this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

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No. 35.

AN ACT to be entitled an act to provide for the payment of the war tax imposed by act of the Provisional Congress of the Confederate States, approved August 19th, 1861, and for other purposes.

## SECTION

1. Ten per cent. of amount of war tax not to be collected.
2. Governor to cause accounts and claims against Confederate States to be audited—and transmit to Confederate States to be audited and adjusted under act of Congress. All claims hereafter to be certified and forwarded to Confederate States by auditor of the State, arising from expenditures in relation to the present war.

## SECTION

3. Papers and vouchers necessary for the proof of accounts and claims to be filed in the auditor's office. Copies to be furnished thereof when required.
4. Governor may appoint commissioner for state in adjustment of the accounts and claims with Confederate States.
5. When the accounts and claims are audited, and the amount due from the Confederate States ascertained

SECTION

Governor shall propose to credit the amount on the war tax, less ten per cent., collected from the people. Vouchers received, and copies of those given to be filed in the auditor's office.

SECTION

- 6. Balance due from Confederacy to be set apart for redemption of war bonds issued by the state.
- 7. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the payment of the war tax imposed on the property of the people of this state, by act of the provisional congress of the confederacy "to authorize the issue of treasury notes, and to provide a war tax for their redemption," approved August 19th, 1861, less ten per centum thereon, is hereby authorized and required in the manner and upon the conditions hereinafter stated.

SEC. 2. *Be it further enacted,* That the governor shall, forthwith, cause the accounts and claims of this state, verified by proper vouchers, or by copies thereof, duly certified by the auditor of public accounts, for the advances and expenditures provided for in the act of the provisional congress, to audit the accounts of the respective states against the confederacy, to be made out up to the date of the passage of this act by the auditor of this state, and forwarded, for the purpose of being audited, in the manner prescribed in the last named act, and after such date he shall, from time to time, as such accounts and claims shall arise, cause the same to be made out and forwarded in like manner.

SEC. 3. *Be it further enacted,* That all papers and vouchers necessary for the proof of such accounts and claims, shall be filed in the office of the auditor of this state, and he shall furnish certified copies thereof for the verification of such accounts and claims, and whenever required.

SEC. 4. *Be it further enacted,* That should it become necessary, the governor shall appoint a commissioner to act for and represent this state in the adjustment of such accounts and claims.

SEC. 5. *Be it further enacted,* That upon said accounts and claims being audited and adjusted, and the amount due from

the confederacy ascertained, the governor shall propose to the proper authority of the confederacy, to cancel so much of said indebtedness as will be equal to the sum of the taxes assessed against the people of this state, under the act of the provisional congress mentioned in the first section of this act, less ten per centum thereon, and upon such proposition being accepted, and the amount of the taxes so assessed being ascertained, the governor, shall cause the amount of said taxes, less ten per centum thereon, to be paid to the proper authority of the confederacy, in accordance with the proposition herein authorized to be made, and shall cause the auditor of this state, or the commissioner of this state, should one be appointed, to execute and receive such vouchers as shall be necessary in making the payment of said taxes in the manner herein provided; and the voucher so received, and the copies of those given, shall be filed in the office of the auditor of the state.

SEC. 6. *Be it further enacted*, That the governor shall cause the balance due this state from the confederacy, after the payment of the said taxes as aforesaid, to be paid into the state treasury, and the same shall be held and set apart as a fund for the redemption of Arkansas war bonds, and for the payment of the interest that may accrue thereon.

SEC. 7. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.



No. 36.

AN ACT to facilitate the circulation of the Arkansas war bonds and treasury warrants.

SECTION

1. Tender of war bonds or state scrip in payment of debts—if not accepted by creditors, to stay further proceedings thereon for two years after the close of the war.
2. Statute of non-claim not to attach where tender is made, until two years after the close of the war.
3. Commissioners of common school and internal improvement funds shall receive war bonds or treasury warrants in payment of debts or moneys due said funds.
4. War bonds or treasury warrants delivered may be sold—which shall stay further proceedings for two years
5. Such war bonds and treasury notes shall not be sold for less than the value of their face, and interest thereon. If not sold shall be re-

SECTION

- turned to the party that delivered them.
6. Property not to be sold for less than four-fifths of its value in gold and silver, on the 6th day of November, 1869.
7. No sales to be made, or judgments rendered in the circuit courts of this state, or sales under mortgages, deeds of trust, or decrees, executions, or attachments, for twelve months, without the consent of the parties. Remedy where property is about to be removed.
8. All suits may be continued for 12 months, without affidavit. Issuing of writs of attachment, as now allowed, prohibited. Execution may issue in certain cases; when, how, and by whom issued.
9. Conflicting laws repealed. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That hereafter, whenever any judgment or other debtor shall tender in payment the full amount of the judgment or other indebtedness, in Arkansas war bonds or treasury warrants, or war bonds and money, or treasury warrants and money, or war bonds, treasury warrants and money, and the creditor shall refuse to receive the same in full payment of said indebtedness, said failure or refusal shall be sufficient cause to abate any suit thereafter instituted, or to continue any suit already instituted at the date of the tender, or to stay execution upon judgment until the expiration of two years after such time as peace shall be restored, by treaty or otherwise, between the government of the Confederate States of America and the United States of America.



SEC. 2. *Be it further enacted*, That from the date of said tender provided as above, the statutes of limitation or non-claim to judgments, executions, bonds, bills, notes or other indebtedness, shall not attach until such time as first above provided shall have arrived.

SEC. 3. *Be it further enacted*, That common school and internal improvement commissioners shall receive said war bonds and treasury warrants, upon tender, in payment of any debt or moneys due, or that may hereafter become due, the respective funds over which they have control.

SEC. 4. *Be it further enacted*, That when any party, whose property is subject to sale under legal authority, or process, shall surrender to the officer, or other person authorized to make such sale, an amount of Arkansas war bonds or treasury warrants, or treasury notes, at least equal to the sum, such officer or other person is authorized to collect, that such officer, or other person, shall receive said bonds or treasury warrants, or notes, and make sale thereof as he would of other personal property, and shall not attempt to sell any other property belonging to such party by virtue of any such authority or process, until after the expiration of two years after the restoration of peace between the Confederate States and the United States.

SEC. 5. *Be it further enacted*, That such bonds, warrants or notes shall not be sold by such officer, or other person, unless said bonds, warrants, or notes shall be bid off for at least the amount of the principal and interest specified on the face thereof, and in case said bonds, warrants or notes, are not sold, they shall be returned to the party surrendering the same.

SEC. 6. *Be it further enacted*, That no property sold under this act shall be sold for less than four-fifths of its value in gold and silver, on the 6th day of November, A. D. 1860.

SEC. 7. *Be it further enacted*, That no executions or order to sell shall be issued upon any judgment or decree, now or hereafter to be rendered by judges of the circuit, chancery or probate courts of this state, or justices of the peace, for the period of twelve months from and after the passage of this act, and that no sales of any property shall be made by any sheriff, coroner,

trustee, constable, or other person, under, or by virtue of any execution, decretal order, writ of attachment or other process, or power of sale under mortgages or deed of trust, except by consent of parties, issued by any of the chancery, circuit or probate courts, or justices of the peace of this state, for the period of twelve months, unless the plaintiff, or some other person for him, shall, at the time of applying for such writ of execution, or order of sale, make and file an affidavit that the property of the defendant is about to be removed beyond the limits of this state, and the plaintiff is in great danger thereby of losing his debt; the truth of which affidavit may be tried by jury when demanded by the defendant, or some person for him, before the tribunal to which such execution or order of sale may be made returnable, and all executions or orders of sale now in the hands of any officer, or other person, shall be forthwith returned without the execution thereof, to the court from whence it was issued.

SEC. 8. *Be it further enacted*, That any and all defendants, their agents or attorneys, shall have the right to *continue* for the period of twelve months after the passage of this act, on his or her motion, without affidavit or other cause shown, all civil or criminal suits, or suits in chancery, where the decree shall be for money, now pending in any of the circuit or chancery courts of this state, or hereafter to be commenced in said courts, as well as all other actions now or hereafter to be commenced, before any justice of the peace of this state; *Provided*, That nothing in this act shall be so construed as to permit the issuance and levying of any writ of attachment as now provided by law; *Provided further*, That all defendants in attachments, on motion to dissolve the same, shall have the right to put in issue the truth of the affidavit, upon which any such writ of attachment may hereafter issue from any of the circuit courts or justices of the peace of this state, and that all judgments in the circuit courts shall be a lien upon property, as now provided by existing laws; *Provided further*, That any judgment debtor shall have the right, at his or her own election, to have execution issued against him or her on any judgment now or hereafter to be rendered against

him or her in any of the circuit courts, or by any justice of the peace of this state, for the purpose of surrendering in execution war bonds, treasury warrants, or treasury notes of this state or Confederate States bonds or treasury notes, in satisfaction of said judgment, upon which the same may issue, and if the said judgment creditor shall refuse to accept from the officer having said execution, said war bonds, treasury warrants or treasury notes of this state, or the Confederate bonds and treasury notes of the Confederate States, so surrendered by the judgment debtor, at the par value, including interest due thereon at the time of such surrender, then the said war bonds, treasury warrants, treasury notes, Confederate bonds, or Confederate treasury notes, shall be returned by said officer to the said judgment debtor, and the said officer having said execution shall return the same to the proper officer, and the said judgment creditor shall have no further execution or process against said judgment debtor for the period of twelve months after the restoration of peace between the Confederate States and the United States of America.

SEC. 9. *Be it further enacted*, That all laws or parts of laws in conflict herewith be, and the same are, hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.



No. 37.

AN ACT to consolidate the school funds of and unite townships five North of Range nine East, and six North of Range nine East, in Crittenden county, in one school district.

SECTION

1. Townships five north and six north, of range nine east, united in one school district, and the school funds and lands therein consolida-

SECTION

ted for educational purposes therein.

2. Conflicting laws repealed. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That townships five north and six north, of range nine east, in the county of Crittenden, be, and the same are hereby united in one school district, and that all the school lands and other school funds in said townships be, and the same are hereby consolidated, to be applied according to law, for the advancement of education in said district.

SEC. 2. *Be it further enacted,* That all laws in conflict with this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

No. 38.

AN ACT for the relief of the people of Arkansas.

SECTION

1. Judgment or decree not to be rendered in any of the courts of this state, in favor of parties residing in Maryland, Kentucky or Missouri,

SECTION

without proof. Nature of the proof required.

2. Act in force from its passage.



SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That no judgment in law, or decree in equity, shall be rendered in any of the courts of this state in favor of any party who may reside in either of the states of Maryland, Kentucky; or Missouri, until such party shall prove that since the secession of Arkansas from the government of the United States, his, her or their preference has been for the government of the Confederate States and not for that of the United States, and that he, she, or they has or have not willingly given aid or comfort to the government of the United States since the secession of the State of Arkansas from said government.*

SEC. 2. *Be it further enacted, That this act shall take effect on its passage.*

APPROVED, November 18th, 1861.

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No. 39.

AN ACT *for the relief of the sick, wounded, and disabled volunteers of this state.*

## SECTION

1. \$10,000 appropriated in war bonds, for the benefit of sick, wounded and disabled volunteers. To be

## SECTION

expended under the direction of the governor.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the sum of ten thousand dollars, in war bonds, be, and the same is hereby appropriated and set apart for the benefit of the sick, wounded and disabled volunteers of Arkansas, who have been, or hereafter may be either in the service of the state or Confederate States, which amount of*

war bonds shall be expended exclusively under the direction of the governor, for the purpose heretofore provided.

SEC. 2. This act take effect from its passage.

APPROVED November 18th, 1861.

No. 40.

AN ACT to provide for the measurement of certain levees and for the final adjustment of a certain claim.

SECTION

1. Caleb Langtree appointed a commissioner to measure certain levees of George Humphrey, in Crittenden county. Upon his failure or refusal to serve, governor to appoint competent scientific person.
2. Commissioner to report under oath

SECTION

- measurement of levees. Governor to ascertain amount due, and certify account to auditor. Auditor to draw warrant on treasurer, to be paid out of old Helena land district.
3. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That Caleb Langtree, of the city of Little Rock, and in the event of his failure or refusal to serve, then some competent scientific person, to be appointed by the governor, be, and he is hereby appointed a commissioner to examine and measure certain levee work done by George Humphrey, in Crittenden and Mississippi counties, in this state, under contract made with the Board of Swamp Land Commissioners of the State of Arkansas, on which there has been no final report.*

SEC. 2. *Be it further enacted, That the said commissioner shall report under oath the measurement of said levees, if they agree with the contract made, if they are properly built, and all facts connected with them to the governor of this state, who shall inform himself from the records of the proper offices, if*

any part of said levees have been paid for, and to ascertain what amount is justly and equitably due to the said Humphrey, and shall certify the same to the auditor, upon which certificate the auditor shall draw his warrant upon the treasurer for the amount stated in said certificate, payable in swamp land scrip of the old Helena district.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

APPROVED, November 18th, 1861.

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No. 41.

AN ACT *to compel the residence of some white person on plantations on which there are slaves.*

## SECTION

1. Owners of plantations with slaves on them, shall have some white person to reside thereon. Penalty

## SECTION

for failing or neglecting to comply with this act. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That any person occupying a plantation with slaves, be bound to have thereon a white person to oversee and maintain good order among them, provided he or she does not remain on said plantation in person, and on failure to do so, on conviction thereof, he or she shall be fined not less than fifty nor more than one hundred dollars for each month said plantation shall be without such white person; this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.



## No. 42.

AN ACT to suspend the advertisement and sale of lands for taxes belonging to alien enemies in the State of Arkansas, and to protect the interest of the state in the payment of said taxes.

## SECTION

1. Advertisement of lands belonging to alien enemies suspended. Auditor to allow sheriffs their commissions thereon. Tax to be charged to Confederate States. Abstract of amount of taxes to be furnished receivers.
2. Duty of county courts. To allow sheriffs their commissions. Clerk to send to auditor abstract of lands.
3. Advertising of lands and town lots

## SECTION

- suspended until 1st day of June, 1862.
4. Taxes not paid on lands suspended from advertisement by 1st June, 1862, to be advertised by auditor. When sold—and titles how made. Fees of auditor and treasurer.
5. Lands not sold to remain as other forfeited lands. When and how sold.
6. Act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That it shall be the duty of the auditor of public accounts of the State of Arkansas, to speedily notify the sheriffs of the several counties of this state to suspend the advertisement of any land or town lots, or any interest in either, belonging to alien enemies, situate within this state, and upon the settlement of any sheriff with the auditor, for the state taxes due on such land or lots, the auditor shall allow to the sheriff, in said settlement, his per cent. allowed for assessing and collecting the same, and shall credit the sheriff with the amount of said taxes, and shall charge the amount of said taxes to the Confederate States, so credited to the sheriff. After the settlement of the sheriff with the auditor he shall furnish to the Confederate States' receivers for the eastern and western districts of Arkansas, an abstract of the amount of such taxes charged to the Confederate States, for the information of the Confederate government.

SEC. 2. *Be it further enacted,* That it shall be the duty of the county courts of the several counties of this state to suspend the advertising of the lands or town lots, or any interest in



either, belonging to alien enemies, situate in this state, and upon the settlement of any sheriff with the county court, for the taxes due on any such lands or lots, the court shall allow to the sheriff his per cent. for assessing and collecting the same, and shall credit the sheriff with the amount of said taxes, and shall charge the amount of said taxes to the Confederate States, so credited to the sheriff. Immediately after the settlement of the sheriff with the county court, it shall be the duty of the county court to cause the clerk to make out a full and complete abstract of the lands, showing the amount of county taxes due thereon, and containing the name of the party against whom it was taxed as owner, agent, or trustee, and forward the same to the auditor of public accounts, without delay, who shall charge the amount of the taxes so certified up, to the Confederate States of America.

SEC. 3. *Be it further enacted*, That the time for advertising lands and town lots of alien enemies, for sale, is hereby suspended until the first day of June, in the year one thousand eight hundred and sixty-two.

SEC. 4. *Be it further enacted*, That, if the taxes on the lands hereby suspended from sale shall not be paid on or before the first day of June, 1862, it is hereby made the duty of the auditor to sell the same for the state and county taxes due and unpaid on said lands, on the first Monday of July, 1862, on giving notice thereof, in at least three newspapers published in the state, of the time and place of sale, by at least three insertions weekly, in said newspapers, adding to the taxes charged against the Confederate States, the cost of advertising the same. In the sale of the lands in this act specified, by the auditor, it shall be made in accordance with the laws now in force in relation to lands sold by the sheriffs for taxes; and the auditor shall be entitled to receive fifty cents for each certificate of purchase issued by him, and the treasurer shall be entitled to receive the same fees as he is now entitled to on auditor's sale of forfeited lands.

SEC. 5. *Be it further enacted*, That all the lands offered for sale by the auditor under the provisions of this act, and not

sold, shall remain in the auditor's office, as other forfeited lands, for two years, subject to be redeemed by the proper owner, and if not redeemed within two years from the date of said sale, shall be sold by the auditor, at his first annual sale of forfeited lands thereafter, in the same manner and subject to the same rules that govern the sale of forfeited lands by the auditor, and who shall execute a deed to the purchaser or purchasers with the same conditions, and which shall have the same effect as deeds executed by the auditor, at the annual sales of forfeited lands.

SEC. 6. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.



No. 43.

AN ACT for the relief of persons having entered lands under the late United States government, and also the same lands from the State of Arkansas.

SECTION

1. Relief of persons having entered lands in the United States land offices, and in the swamp land offices of the State. Land entered twice to entitle the party to a float. Duty of register and receiver. Float

SECTION

how, and on what land to be located.  
 2. Floats allowed shall be located in the district where claimant resides.  
 3. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That where any person has entered land under the late government of the United States, and since have entered the same land from the State of Arkansas, and have not had relief from either government, shall, upon presenting he patent or certificate of entry from the receiver of the land

office of the late United States, and also the certificate of entry from the state land office, or deed of the auditor for the same lands, and filing an affidavit that he has not received any relief from either government, made before the register of the land office in the district in which said person may reside, and file with such register the deed of conveyance so made by the State of Arkansas, with the register, it, then, shall be the duty of the said register to grant him a float of equal number of acres as nearly as can be, by a legal subdivision; but should the applicant wish to locate his float upon a fractional sub-division of less number of acres than his float calls for, no allowance shall be made for the deficit of acres, but should he wish to locate it upon a fractional subdivision larger than his float calls for, he shall then pay to the register one dollar and twenty-five cents per acre for such excess.

SEC. 2. *Be it further enacted*, That said floats, so allowed, shall be located on the public lands in the district where said claimant resides.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

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## No. 44.

AN ACT *to repeal section 4 of the act approved January 19th, 1861, to provide for the sale of runaway slaves confined in the penitentiary, and to revive section 18 of chapter 162, of Gould's Digest.*

## SECTION

1. Section 4 of act approved 19th January, 1861, repealed, and section 18, of chapter 162, of Gould's Di

## SECTION

gest, revived in relation to runaway negroes.

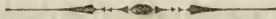
2. Act in force from its passage.



SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That section four, of the act approved January 19th, 1861, entitled " An act to provide for the sale of runaway slaves confined in the penitentiary," be, and the same is hereby repealed, and that section eighteen, of chapter one hundred and sixty-two, of Gould's Digest, be, and the same is hereby revived and put in force.*

SEC. 3. *Be it further enacted, That this act take effect and be in force from and after its passage.*

APPROVED, November 18th, 1861.



No. 45.

AN ACT *supplemental to an act passed at the present session of the General Assembly, entitled " An act to repeal the second section of an ordinance to provide revenue for the State of Arkansas," and supplemental to an act also passed at the present session, entitled " An act to repeal an ordinance to authorize the levy of a tax for military and other purposes."*

SECTION

1. Additional tax of one-sixth of one per cent., authorized by ordinance to be levied and collected for the year 1861, repealed. Duty of auditor on settling with collectors.— Where additional tax has been paid to be returned by collectors.
2. Act passed by General Assembly to repeal tax for military and other purposes not to affect the collection of any tax which may have been levied and assessed by virtue of

SECTION

- said ordinance for relief of soldiers or their families, by the county court of any county in this state.
3. County courts authorized to allow compensation to collectors for services performed under second section of this act.
4. Auditor to give collectors early notice of the passage of this act.
5. Act to be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Arkansas, That the supplemental tax of one-sixth of one per cent., levied and assessed for the year 1861, by virtue of an ordinance of the state convention, entitled "An ordinance to provide revenue for the State of Arkansas," shall not be collected from the tax payers by the several tax collectors of this state; and the auditor of public accounts shall, upon settlement with said collectors, credit them therefor, and that all moneys that have, or may hereafter be received by any tax collector of this state, by virtue of the second section of the ordinance last aforesaid, shall be by them returned to the persons from whom said moneys were received.

SEC. 2. *Be it further enacted*, That nothing contained in the act of this General Assembly, passed at the present session thereof, entitled "An act to repeal an ordinance to authorize the levy of a tax for military and other purposes," shall be so construed as to prevent the collection of any tax which may have been levied and assessed by virtue of said ordinance, in any of the counties of this state, or to prevent the county court of any county from levying, assessing and collecting a tax in accordance, with "An ordinance to authorize the levy of a tax for military and other purposes," and "An ordinance to provide for the relief of the families of volunteers in actual service in certain cases," for the relief and support of the families of volunteers while in actual military service, when from affliction, or indigence, such relief may be necessary.

SEC. 3. *Be it further enacted*, That the several county courts in this state be, and they are hereby authorized to allow the several collectors in this state, such compensation, as to such court shall seem just, for services to be performed under the provisions of the second section of this act.

SEC. 4. *Be it further enacted*, That the auditor of this state be, and he is hereby required, at as early a day as possible, to notify the several tax collectors of this state of the passage and provisions of this act.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

APPROVED, November 18th, 1861.

No. 46.

AN ACT to increase the pay of associate justices of the county court of Scott county.

SECTION

1. Pay of associate justices increased.

SECTION

2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the associate justices of the county court of Scott county, be allowed four dollars per day for each day they may be engaged in holding said court, to be paid out of the treasury of said county.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

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No. 47.

AN ACT for the benefit of special judges and prosecuting attorneys.

SECTION

1. Pay to special judges of the circuit court allowed. How paid.

2. Pay to prosecuting attorneys pro tem. allowed. How paid.

SECTION

3. To apply to elections and appointments heretofore made.

SEC. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That special judges, elected to hold any term of court in the absence of any regular judge, shall receive the sum of six dollars per day for the time such special judge shall be engaged in holding any such court, which shall be paid on the certificate of the clerk of such court.



SEC. 2. *Be it further enacted*, That where any special prosecuting attorney shall be appointed to prosecute at any term of court when there is a vacancy in such office, such attorney shall receive forty dollars for each term of court he may be engaged in prosecuting, to be paid on the certificate of the judge making the appointment.

SEC. 3. *Be it further enacted*, That this act shall apply to elections and appointments heretofore made.

APPROVED, November 18th, 1861.

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No. 48.

AN ACT to establish the county of Red River.

SECTION

PREAMBLE—Its object.

1. County court to elect commissioners. Duty of commissioners under ordinance of convention. Boundaries of new county to be defined. Report the division to county court. Report to be recorded.
2. Election in new county to be ordered. County seat to be permanently located. Certain county officers to be elected. Election to be held at usual places of voting in the county. Election returns to be made to clerk of Lafayette county. To certify same to governor. Governor to commission officers. Officers to hold office until next general election. Justices of the peace to continue in office. When to be re elected.
3. New county to be called "Red River county."
4. Suits in circuit court of Lafayette

SECTION

- to be transferred to new county. Administrators and guardians may remove the same from Lafayette probate court to probate court of new county, if they see proper, in cases where the property or ward reside in new county. Temporary county seat located at Rondo. Clerk to keep his office at Rondo until removed to permanent county seat.
5. Circuit, county and probate courts when held.
  6. Sheriff of Lafayette county to collect the taxes for the present year in both counties.
  7. Lafayette county not to be reduced to less than 625 square miles. New county to have same number square miles.
  8. Act in force from and after its passage.

WHEREAS, By ordinance of the convention of the State of Arkansas and supplemental thereto, passed on the first day of June, 1861, providing for the making new counties of the limits of the counties of Jackson, Sevier, Johnson and Lafayette; *And whereas*, An election has been had by the people of Lafayette county, in pursuance of said ordinance and supplement, which resulted in favor of the division of said county; therefore,

*Be it enacted by the General Assembly of the State of Arkansas*, 1. That as soon as the county court of said Lafayette county shall elect the five commissioners, under and by virtue of said ordinance, to define the boundaries of said new county, such commissioners shall proceed at once to make the division of said county, and define the proper boundaries, and report the same as soon as possible to the said county court, and such report shall be made of record in said court.

2. *Be it further enacted*, That as soon as such report shall be filed and entered of record, said county court shall, at once, order an election in said new county, to locate the county seat of said county permanently; and shall order an election for a county and probate judge, a sheriff, a clerk, coroner, treasurer, county surveyor, internal improvement commissioner, and common school commissioner, for said county, which election shall be held at the places and in the manner now provided for elections in Lafayette county; the returns of such election shall be made by the judges of [to] the clerk of Lafayette county; who shall open and compare and certify the same, as he is by law required to certify other elections; and the governor of the State of Arkansas is hereby authorized and required to issue commissions to such officers, when elected, as the law now requires to be commissioned; and such officers shall be allowed to hold their offices until the next general election; and all the justices of the peace in said county, who have been heretofore commissioned and qualified, be allowed to hold their offices till the next general election.

3. *Be it further enacted*, That said new county, when formed, shall be named and called "Red River county."

4. *Be it further enacted*, That all suits pending on the state docket, in the circuit court of Lafayette county, against persons in said new county, be transferred to the same as soon as organized; and that all administrations and guardianships, now in the probate court of Lafayette county, where the estates and wards are in said new county, may be moved thereto by the administrators and guardians if they see proper to do so; and until the county seat of said county is located, and a court house built, the courts of said county shall be held at Rondo, which place is hereby made the temporary seat of justice of said county, at which place the clerk's office shall be kept until removed to the permanent seat of justice.

5. *Be it further enacted*, That the county courts of said county be held on the first Mondays, and the probate courts on the second Mondays of March, June, September and December in each year, and the circuit courts be held on the second Mondays after the courts are commenced to be held in Hempstead county.

6. *Be it further enacted*, That the sheriff of Lafayette county be authorized and required to collect all the taxes for the present year in both counties.

7. *Be it further enacted*, That in making the division aforesaid, the county of Lafayette shall not have less than six hundred and twenty-five square miles of territory, and the new county to be formed shall not have less than the same number of miles of territory.

8. *Be it further enacted*, That this [act shall] take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.



No. 49.

AN ACT to be entitled an act to amend an act to aid the Arkansas Institute for the Blind, approved January 19th, 1861.

SECTION

1. Second section of act to aid the Arkansas Institute for the Blind stricken out and repealed. Other provisions enacted in lieu thereof. Each senatorial district entitled to one pupil.

SECTION

2. When there is no specie in the treasury, war bonds or treasury notes shall be paid on appropriation made 19th January, 1861.  
3. Conflicting laws repealed, and act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the second section of said act to aid the Arkansas Institute for the Blind be, and the same is, hereby stricken out and repealed, and the following inserted in lieu thereof: That indigent blind persons in this state, between six and twenty-six years of age, may be admitted as pupils in said institute, upon the terms and conditions hereafter stated; the indigency of said proposed pupils shall be ascertained as follows: The county judge of the county wherein said pupil resides, upon the case being presented, shall ascertain whether the blind person has any estate, or, if the parent or parents are able to pay the board and tuition thereof; and if said county judge shall find that said pupil is destitute of estate or means, and that his or her parent or parents is or are incapable, by reason of poverty, of supporting the blind person at the institute, the said county judge shall make out a certificate, stating the above facts; upon the presentation of which to the trustees of said institute, they shall issue an order for the admission of such indigent blind person into the said institute. The scholars composing said school shall be selected from the several senatorial districts of this state, and each district shall be entitled to one pupil, if they choose to send him or her, as the case may be.

SEC. 2. *Be it further enacted*, That when no specie, or no sufficient amount of specie is paid into the treasury on account

of sales of seminary or saline lands, to meet the appropriation of January 19th, 1861, in aid of the Arkansas Institute for the Blind, but such amount is collected and paid in, in Arkansas war bonds or treasury notes, then it shall be lawful for the auditor to draw his warrant on the treasurer, on such appropriation, payable in like funds as has been received and credited to such seminary and saline funds.

SEC. 3. *Be it further enacted*, That all laws in conflict with this act, be, and the same are, hereby repealed, and this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

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No. 50.

AN ACT *to be entitled an act to amend section first, chapter 49, of Gould's Digest, so far as relates to the counties of Bradley and Jefferson.*

## SECTION

1. Jefferson and Bradley counties to be divided into four equal districts, respectively, by the county courts. An election precinct to be appointed in each district. May redistrict said counties.

## SECTION

2. Justices of districts to elect associate justices of county court from their own number. Election when held.  
3. Associate justices allowed mileage.  
4. Conflicting laws repealed. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county courts of Jefferson and Bradley counties, shall divide their respective counties into four equal districts and shall appoint an election precinct in each district, and shall redistrict said counties from time to time as the same shall become necessary.

SEC. 2. *Be it further enacted*, That the justices of the peace in each district shall meet at their respective election precincts and elect one of their number to hold the court as associate justices together with the judge thereof, in the manner now prescribed by law; such election shall be held on the third Monday in December, 1861, and on the third Monday in December, in each year thereafter.

SEC. 3. *Be it further enacted*, That each justice of the peace elected as associate justice shall receive five cents per mile for traveling to and from the court house in his county the nearest practicable route.

SEC. 4. *Be it further enacted*, That all laws in conflict with this act be repealed, and this act take effect from and after its passage.

APPROVED, November 18th, 1861.



AN ACT to amend the charter of the City of Fort Smith.

SECTION

1. Council may levy tax, not to exceed one per cent.
2. In the absence of the mayor, or when he shall be sick, recorder of

SECTION

the city to perform the duties of mayor. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the city council of the city of Fort Smith shall have power to levy a tax upon all property within the limits of the corporation, subject to taxation, not exceeding one per cent. upon the assessed value of such property.

SEC. 2. *Be it further enacted*, That whenever the mayor of the city of Fort Smith shall be absent from the city, or shall be sick or otherwise disqualified to perform the duties of his office, the recorder of the city shall have power to perform all the



duties of the mayor, as defined by the charter of said city during the temporary absence or disability of the mayor, and this act shall take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

No. 52.

AN ACT *to be entitled an act to incorporate agricultural fairs in Phillips, Monroe, St. Francis, Crittenden, Mississippi, Craighead, Green, Poinsett counties, and the Helena District Agricultural and Mechanical Association.*

SECTION

1. Certain named persons incorporated by the name of the "Helena District Agricultural and Mechanical Association." Duties, powers and objects of the incorporation.
2. The association may own real and personal property, not to exceed in value \$40,000. Fair grounds to be

SECTION

- located in each county in the district. District fair to be held at or near Helena.
3. Fairs established in the counties of the district to be governed by rules prescribed by the corporation. Corporation to continue 99 years. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That James Scaife, Richard Blunt, J. W. Rice, H. P. Coolidge, Thos. J. Key, J. F. Hanks, W. L. Williford, E. T. Dimond, of Phillips county; J. C. Palmer, B. F. Kerr, and J. W. Sullivan, of Monroe county; John McDaniel, G. W. Seaborn and W. J. Jones, of St. Francis county; J. J. McGavock, J. R. Acree and F. G. Lanier, of Mississippi county; John Stotts and Zera Stoddard, of Craighead county; James McNeil and L. L. Mack, of Green county; D. C. Cross, Richmond Hall and P. Van Patten, of Poinsett county; B. L. Armstrong and T. H. Bradley, of Crittenden county, and their associates, are hereby constituted a body corporate, by the name of the Helena Dis-*

trict Agricultural and Mechanical Association, and by that name may sue and be sued in any court of law or equity of this state, may have and use a common seal, may adopt a constitution and by-laws, as the society may deem proper to promote the interest and prosperity of the same, and may further do all things not contrary to law, which may be necessary and proper to accomplish the objects of the association.

SEC. 2. *Be it further enacted*, That the said association is authorized and empowered to own and possess in its corporate capacity, real and personal property to the value of forty thousand dollars, and to improve the same in such a way as will best suit the interest and convenience of the aforesaid county and district associations, and the fair ground shall be located in each county where the directors thereof may direct, but the district fair shall be held at or near Helena, at which place an annual district fair may be held at such time as said association may deem proper to designate.

SEC. 3. *Be it further enacted*, That this corporation shall have power to establish and organize county fairs in any of the counties in aforesaid district at their option, and said fairs shall be subject to the rules and regulations governing the district fair, as herein laid down; said corporate body shall have succession for ninety-nine years, and this act shall take effect from and after its passage.

APPROVED, November 18th, 1861.

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No. 53.

AN ACT to be entitled an act for the relief of volunteers of Arkansas, and for other purposes.

SECTION

SECTION

1. Relief for volunteers in state or | Confederate army, under recogni-

## SECTION

- zance to appear in any court.
2. Persons under recognizance or bond in certain cases to be discharged.
  3. Civil and criminal cases to be continued by the court in certain

## SECTION

- cases.
4. All laws in conflict with this act repealed, and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That whenever any person shall be held by bond or recognizance, to answer any criminal charge less than felony, and punishable by fine only, before any court of this state, it shall be lawful for the judge of said court, if it shall appear that said person has volunteered, and is in the military service of the Confederate States, or the State of Arkansas, to refuse to allow a forfeiture of such bond or recognizance to be taken.

SEC. 2. *Be it further enacted,* That upon the trial of any scire facias issued upon any forfeiture taken in any criminal case in this state less than felony, and punishable by fine only, if it shall appear that the principal in the recognizance or bond upon which said forfeiture was taken, was, at the time of said forfeiture, in the military service of the Confederate States, or the State of Arkansas, it shall be lawful for the court, before which said recognizance was taken, or to which said scire facias is made returnable, to discharge the principal as well as his securities from such forfeiture.

SEC. 3. *Be it further enacted,* That in all cases, civil or criminal, now pending or hereafter to be instituted in any of the courts of this state, if it shall appear to the satisfaction of the court by the affidavit of either party, or some person for him, that a material witness is absent, and is in the military service of the Confederate States or of the State of Arkansas, and that there is no other witness by which the same facts can be proved, the judge of said court shall continue said cause from term to term, as often as it may, in the opinion of said judge, be necessary to the ends of justice, any law or usage to the contrary notwithstanding.

SEC. 4. *Be it further enacted,* That all laws and parts of laws



in conflict with this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

No. 54.

AN ACT to abolish certain offices in the state government of Arkansas.

SECTION

1. Law requiring governor to nominate and appoint a solicitor general, repealed. Office of solicitor general declared vacant.
2. Attorney general of 5th circuit to discharge the duties required of the solicitor general. Governor may appoint one additional attorney when the interest of the state shall require it.
3. Office of land attorney and state collector abolished. To turn over to the state treasurer notes, bonds, books, papers, records, and property. To settle with treasurer for all moneys collected by him.
4. The attorneys for the state to perform the duties required of the land attorney. Treasurer to turn

SECTION

- over notes to attorneys, Attorneys to give bond in the sum of \$20,000. To settle with state treasurer for collections.
5. Office of the swamp land secretary abolished. Incumbent to deliver to the auditor the books, papers, maps, records and property of office. Auditor to discharge the duties required of said secretary.
6. So much of act approved 18th January, 1861, as requires governor to appoint an inspector of the penitentiary, repealed. Office of inspector of the penitentiary abolished. Duties of inspector to be performed by the physician appointed under said act.
7. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the act of the General Assembly of this State authorizing and requiring the governor to nominate and appoint a solicitor general for the state, be, and the same is hereby repealed, and said office declared vacant.*

SEC. 2. That the attorney general of the fifth judicial circuit

shall perform all the duties required of the solicitor general by the laws of this state, except whenever the governor shall deem it to the interest of the state, he is authorized to employ one additional attorney, learned in the law, to assist in the prosecution or defence of any suits now pending, or hereafter commenced, for or against the state, or in which the state is interested.

SEC. 3. That the office of land attorney and state collector be, and the same is hereby abolished, and said office declared vacant, and the present incumbent thereof, or his agent, shall forthwith turn over to the state treasurer, all the notes, bonds, books, papers, records, and property of every description pertaining to his office, for which the treasurer shall receipt to him, and he shall make settlement with the treasurer for all moneys collected by him.

SEC. 4. The attorneys for the state, in the several judicial circuits, shall perform the duties required by law of the land attorney and state collector in their respective districts, and shall receive the same per centum for collecting for the state, and the state treasurer shall turn over all the notes, or bonds for lands of the state to said attorneys for collection, who shall be responsible for the same, and for that purpose shall give bond, each, in the sum of twenty thousand dollars, and shall make settlements, for their collections, with the state treasurer, as the land attorney and state collector has been by law required to do; *Provided, however,* That neither of said attorneys shall be required to give bond until notes or bonds of the state are placed in their hands for collection by the state treasurer.

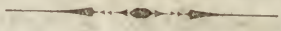
SEC. 5. That the office of swamp land secretary is hereby abolished, and hereby declared vacant, and the holder of said office shall, forthwith, turn over to the auditor of this state, all the books, papers, maps, records, and property of every description, belonging to, or pertaining to his office, for which the auditor shall receipt to him; and should there be any further official act required of said secretary, the auditor shall perform

the same in accordance with the laws regulating the duties of said secretary.

SEC. 6. That so much of an act of the General Assembly of this state, approved January 18th, 1861, as authorizes the governor to appoint an inspector of the work in the penitentiary, be, and the same is hereby repealed; and said office declared vacant, and the physician appointed under said act shall perform all the duties required of said inspector without additional salary.

SEC. 7. This act shall be in force from and after its passage.

APPROVED, November 18th, 1861.



No. 55.

AN ACT to legalize the sale of the sixteenth section in township four north of range four west.

SECTION

1. Sale of 16th section in T. 4 N., R. 4 W., declared valid. Act in force

SECTION

from its passage.

*Be it enacted by the General Assembly of the State of Arkansas,* That the sale heretofore made of the sixteenth section, of township four north, range four west, be, and the same is hereby rendered legal and valid, and the title is hereby vested in the purchaser of the sixteenth section, as aforesaid, and that this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.



## No. 56.

AN ACT to repeal all state laws that prohibit the circulation of bank bills of any denomination.

## SECTION

1. All laws prohibiting the circulation of bank bills of any description, repealed. Persons and corporations

## SECTION

prohibited from issuing shin-plasters or change tickets.

*Be it enacted by the General Assembly of the State of Arkansas,* That all acts or parts of acts, prohibiting the circulation of bank bills of any denomination or amount, and fixing a penalty for such circulation, be, and the same are hereby repealed, but nothing herein contained shall be construed so as to authorize the issuance or circulation of shin-plasters, change notes or other irresponsible paper, by individuals, corporations or others.

APPROVED, November 18th, 1861.

## No. 57.

AN ACT to be entitled an act to punish any officer or officers for embezzling the public money or moneys in this state.

## SECTION

1. Punishment of officers embezzling public moneys of the state.

## SECTION

2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That if any officer, or officers, of this state shall embezzle any of the public money, or moneys, of this state, shall be deemed guilty of larceny, and on conviction thereof, shall be imprisoned in the jail and penitentiary house of this state for a term not less than five, nor more than ten years.

SEC. 2. This act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

No. 58.

AN ACT to be entitled an act to pay the expenses of the last illness and funeral of Hon. Thomas Rains, of Newton county.

SECTION

PREAMBLE—its objects.

1. \$75 appropriated to pay the funeral expenses of Hon. Thomas Rains, deceased, of Newton county.

SECTION

2. Auditor to draw warrant in favor of Vincent Wallace for \$75. Treasurer to pay warrant. Act to be in force from its passage.

WHEREAS, Hon. Thomas Rains, a member of the House of Representatives of the General Assembly of this state, was taken sick and died at the house of Vincent Wallace, of Johnson county, while on his way to his home, after the adjournment of the General Assembly, last winter.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the sum of seventy-five dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the expenses of the last illness and funeral of Hon. Thomas Rains, of Newton county.

SEC. 2. *Be it further enacted,* That the auditor of public accounts be, and he is hereby authorized to draw his warrant in favor of Vincent Wallace, for the sum of seventy-five dollars, which shall be paid to the said Wallace by the treasurer; and this act shall take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

## No. 59.

## AN ACT to charter the Arkansas State Telegraph Company.

## SECTION

1. Certain named persons incorporated by the name and style of "The Arkansas Telegraph company." The objects, privileges and powers of the company.
2. Capital stock \$40,000. Divided into shares of \$50 each.
3. Board of directors to control officers of company. Number of directors provided. Shall elect one of their own number president. Official acts of president to bind company.

## SECTION

4. When directors to be elected. How, and by whom.
5. Subscriptions heretofore or hereafter made, how and to whom payable. Board to appoint a treasurer. To give bond.
6. Company may extend the line to certain towns mentioned, and to other points in the state.
7. Charter of "Central Pacific Telegraph Company" is made a part of the "Arkansas Telegraph Company."

SECTION 1. *Be it enacted by the General assembly of the State of Arkansas,* That C. P. Bertrand and James A. Henry, of Little Rock, and C. P. King, of Helena, of the State of Arkansas and H. A. Montgomery, of Memphis, in the State of Tennessee and their associates and assignees, be, and are, hereby created a corporation and body politic, for the purpose of erecting and maintaining a line of telegraph from Memphis, Tennessee, to Little Rock, Arkansas, along the Memphis and Little Rock railroad, or along any public road or highway, and from Madison, St. Francis county, to Helena, Phillips county, and other points in the State of Arkansas, for the further purpose of transmitting intelligence by means thereof, under the name and style of the "Arkansas State Telegraph Company," and by that name to purchase, hold, possess and transfer such real and personal estate as the lawful purposes of said company may require; to sue and be sued, to plead and be impleaded in any court of equity of competent jurisdiction.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be forty thousand dollars (\$40,000), to be increased or decreased as the interests of said company may require in the construction of said telegraph line; said capital



stock, of either a greater or less amount, to be divided into shares of fifty dollars each.

SEC. 3. *Be it further enacted*, That the affairs of said company shall be under the management of a board of directors, consisting of three members, to be chosen among the stockholders, who shall hold their office for one year, and until their successors are elected; and said board shall elect one of their number president, whose official acts shall be binding on said company.

SEC. 4. *Be it further enacted*, That upon the completion of said telegraph line from Memphis to Little Rock and Helena, it shall be the duty of the persons named in the first section of this act to give notice to the stockholders, that an election will be held in the city of Little Rock for the purpose of electing the board of directors, hereinbefore provided for, at which election each stockholder shall be entitled to one vote for each share of stock he may hold in said company; vote to be cast either in person or by proxy.

SEC. 5. *Be it further enacted*, That all subscriptions, made heretofore, and that hereafter may be made towards the construction of said telegraph line, shall be due and payable to the order of the treasurer of said company when the line is completed and in operation to Little Rock, or any other point on the line of said company; said treasurer shall be appointed by the board of directors, and shall enter into bond to faithfully perform the duties of his office.

SEC. 6. *Be it further enacted*, That said company shall have the right to extend their lines of telegraph to Fort Smith, Camden, Napoleon, and other points in the State of Arkansas.

SEC. 7. *Be it further enacted*, That sections seven, eight and nine of the charter of the Central Pacific Telegraph Company, approved by the General Assembly of the State of Arkansas, February 5th, 1859, be, and is, hereby created a part of the charter of the Arkansas State Telegraph Company.

APPROVED, November 18th, 1861.

## No. 60.

AN ACT *to be entitled an act to change the time of holding the courts in the fifth judicial circuit of this state.*

## SECTION

1. Courts in the 5th circuit when held.

## SECTION

2. Conflicting laws repealed. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the courts in the fifth judicial circuit of this state shall hereafter be held in their [the] respective counties at the following times, to-wit:

In the county of Dallas, on the first Monday of March and September.

In the county of Hot Spring, on the second Monday of March and September.

In the county of Saline, on the fourth Mondays of March and September.

In the county of Prairie, on the first Monday after the fourth Monday of March and September.

In the county of Conway, on the third Monday after the fourth Monday of March and September.

In the county of Pulaski, on the fourth Monday after the fourth Monday of March and September.

SEC. 2. *Be it further enacted,* That all laws or parts of laws in conflict with this act be, and the same are, hereby repealed, and that this act shall take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

No. 61.

AN ACT to be entitled an act for the relief of the securities of James C. Drennan, late sheriff of the county of Columbia.

SECTION

1. Relief granted the securities of Jas. C. Drennan, late sheriff of Columbia county. Allowed to pay revenue in war bonds or state scrip; released from penalty incurred by

SECTION

- said Drennan. Tax payers allowed to pay their taxes in war bonds or scrip. Treasurer to give receipt to securities.
2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the securities of James C. Drennan, late sheriff of Columbia county, be, and they are hereby granted and allowed to pay the state revenue of Columbia county into the treasury in state war bonds, treasury warrants or treasury notes; and that they be released from the penalty incurred by the default of their said principal; and it is hereby made the duty of the state treasurer to receive from the securities of the said James C Drennan war bonds, treasury warrants, or treasury notes, for the whole amount of revenue due from him for the years 1860 and 1861, and grant them a receipt therefor on payment of said revenue, in full, into the state treasury; *Provided,* The same rights and privileges are granted to the taxpayers of said counties [county.] where they are or may be in arrears.

SEC. 2. *Be it further enacted,* That this act take effect from and after its passage.

APPROVED, November 18th, 1861.



## No. 62.

AN ACT *to increase the salary of the Secretary of State.*

## PREAMBLE

Its object and purposes.

## SECTION

1. \$500 allowed secretary of state as additional compensation.

WHEREAS, By an ordinance of the convention the secretary of state has been divested of many of the perquisites accruing to said office, and that he has, and will necessarily have, to perform a large amount of business, for which he is not entitled by the laws of this state [to] compensation; therefore,

*Be it resolved by the General Assembly of the State of Arkansas,* That the secretary of state receive additional compensation of *five hundred dollars*, to aid in employing a competent clerk, and defray expenses of his office; and that the auditor be authorized to draw a warrant on the treasurer of the state to pay the same out of any moneys in the treasury, not otherwise appropriated.

APPROVED, November 18th, 1861.

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 No. 63.

AN ACT *to be entitled An act concerning suits pending in the Supreme Court of the late United States.*

## SECTION

Preamble—Its object.  
1. Ordinance in relation to judgments returned from Supreme Court U. S. repealed. Suits pending to be

## SECTION

governed by act of Confederate Congress. Act in force from its passage.

WHEREAS, By the provisions of an act of the Confederate Congress, approved March 16th, 1861, it is provided, that where cases are now pending in the Supreme Court of the United States, upon appeal or writ of error from any court of the states now forming the Confederate States, it shall be lawful for the applicant or plaintiff in error, at any time within twelve months from the date, to dismiss such appeal or writ of error, and file a transcript of the record and copy of the bond, for the appeal, or writ of error, in the Supreme Court of the Confederate States, and thereupon the same shall be considered in all respects, as if it had been originally filed in said Supreme Court of the Confederate States. And whereas, by ordinance of the State Convention of Arkansas, adopted the 1st day of June, 1861, it is nevertheless provided that cases pending in the Supreme Court of the United States, from this state, if they shall hereafter be determined, the adjudication shall be enforced, thereby conferring authority upon an alien enemy court to settle the rights of property in Arkansas, and divesting the Supreme Court of the Confederate States of authority therein. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That so much of said ordinance, as provides for the enforcement of any judgment hereafter rendered by the Supreme Court of the United States, be, and the same is hereby repealed. And the suits thus pending shall be determined, as directed by the said act of the Confederate Congress, and this act shall take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.

## No. 64.

AN ACT to be entitled *An act to provide for the issuance of treasury warrants of small denominations, and for the redemption of Arkansas War Bonds.*

## SECTION

1. Ordinance of the 1st June, 1861, prohibiting the issuing of war bonds or treasury notes of a less denomination than \$5 repealed.
2. Treasurer to issue war bonds or scrip in sums of \$1, \$2 and \$3, at election of holder of warrant.
3. War bonds deposited in the treas-

## SECTION

- urer's office, how redeemed. War bonds and treasury warrants less than \$5, not to bear interest.—Treasurer not allowed compensation for issuing war bonds, or scrip less than \$10.
4. War bonds redeemed, how canceled. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That so much of an ordinance of the convention, adopted 1st day of June, 1861, entitled, "An ordinance supplementary to an ordinance to provide revenue for the state," as provides that the scrip or treasury warrants, provided to be issued in the ordinance to which it is a supplement, shall be issued in sums not less than five dollars, be, and the same is hereby repealed.

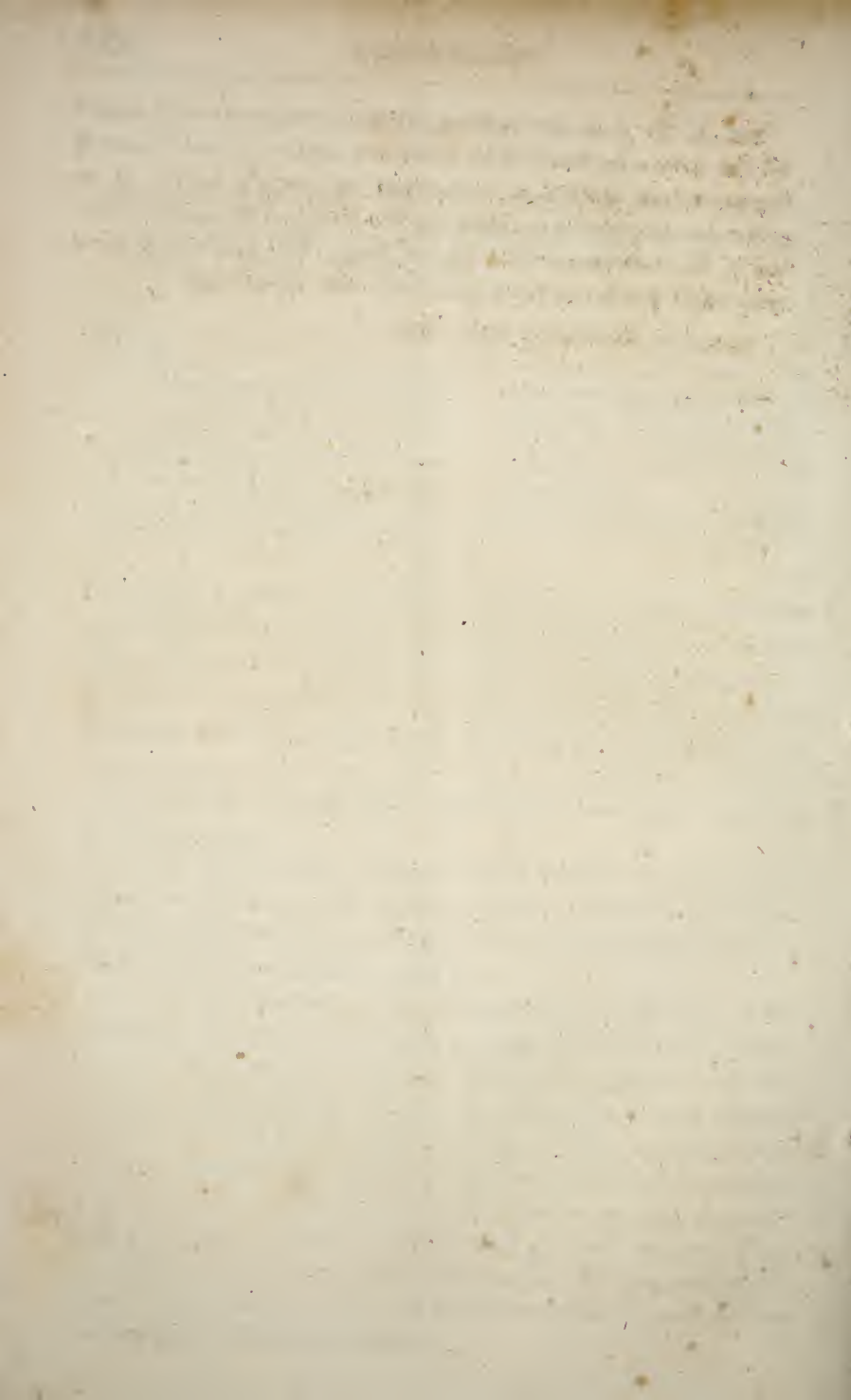
SEC. 2. *Be it further enacted,* That it shall be the duty of the treasurer to issue such scrip or treasury warrants and war bonds in sums of one, two and three dollars, at the election of the holder of the auditor's warrant.

SEC. 3. *Be it further enacted,* That it shall be the duty of the treasurer, whenever any person may deposit in his office Arkansas war bonds, to issue treasury warrants in sums of one, two and three dollars, to the amount of the principal and interest due on said war bonds up to the date of their deposit in the treasury, as aforesaid, *Provided,* That war bonds and treasury warrants which are issued of less denominations than five dollars, shall not bear any interest; *And provided further,* That the treasurer of this state shall not be allowed any compensation for the issuing of any war bonds or treasury notes of less denomination than ten dollars.



SEC. 4. *Be it further enacted*, That the treasurer shall cancel all the Arkansas war bonds redeemed under the provisions of the preceding section as prescribed by section twelve of an ordinance to provide revenue for the State of Arkansas, adopted by the convention 28th day of May, 1861; and that this act take effect and be in force from and after its passage.

APPROVED, November 18th, 1861.



## RESOLUTIONS.

—o—

### No. 1.

*Resolved by the General Assembly of the State of Arkansas,* That our senators and representatives of the Confederate States in Congress, be requested to use their best endeavors to obtain a two horse coach mail route, running from Ozark, Arkansas, by way of Huntsville, Arkansas, to Bentonville, Arkansas, semi-weekly.

APPROVED, November 12th, 1861.

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### No. 2.

*Be it resolved by the General Assembly of the State of Arkansas,* That our senators in congress be instructed, and our representatives be requested to use their best exertions to procure the establishment of a weekly mail route to be carried on horse back from Fort Smith via Greenwood, in Sebastian county, Waldron, in Scott county, Dallas, in Polk county, by Ultima Thule, to Rocky Comfort, in Sevier county, in the State of Arkansas.

APPROVED, November 12th, 1861.



**No. 3.**

RESOLUTION *concerning mail route from Waldron, in Scott county, to Choctaw line.*

WHEREAS, The townships of Blanset, Black Fork, Lafayette, and Brawley, in the south-west portion of Scott county, Arkansas, are wholly without any mail route: *And whereas*, the citizens in said townships are forced to travel a great distance for their mail matter; therefore, be it

*Resolved by the General Assembly of the State of Arkansas*, That our senators in Congress be instructed, and our representatives requested to use their influence to procure the passage of an act to establish a weekly one-horse mail route from Waldron, in Scott county, to Richard Eaden's, in Lafayette township, near the Choctaw line, to go by the way of P. F. Price's, in Blanset township; thence to John Martin's, in Black Fork township; thence to Richard Eaden's, Lafayette township, and from thence back to Waldron via John Jones', in Brawley township.

APPROVED, November 12th, 1861.

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**No. 4.**

*Resolved by the General Assembly of the State of Arkansas*, That our senators in Congress be instructed, and our representatives be requested to use their influence to establish a mail route from Waldron, in Scott county, to Fort Smith in Sebastian county, to be carried twice a week in two-horse coaches.

APPROVED, November 12th, 1861.

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**No. 5.**

*Resolved*, That our representatives in the Confederate Congress be instructed, and our senators requested to use their influence to increase the mail route from Batesville, in Independence county, by Evening Shade, in Lawrence county, to Saline, in Fulton county, twice a week on horse-back.

APPROVED, November 12th, 1861.

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**No. 6.**

*Resolved by the General Assembly of the State of Arkansas*, That the governor be, and he is hereby requested to call out the militia of the state, to aid General McCulloch to repel the threatened invasion of the state, or so much thereof, as in his judgment will be sufficient for that purpose.

APPROVED, November 16th, 1861.

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**No. 7.**

*Resolved by the General Assembly of the State of Arkansas*, That the military board authorize the purchase of arms and munitions for the regiments, battalions, and companies now being formed in this state for military purposes, and that twenty-five thousand dollars be appropriated for that purpose, out of any money in the state treasury not otherwise appropriated.

APPROVED, November 16th, 1861.

**No. 8.****RESOLUTION** *for the relief of James H. Reed.*

WHEREAS, James H. Reed arrested a notorious horse thief by the name of A. J. Barker, who fled from Sebastian county in 1860, at Little Rock, and conveyed Barker, at his own expense, to the city of Fort Smith, and delivered him to the authorities of said county where he is now lodged in jail; therefore be it

*Resolved by the General Assembly of the State of Arkansas,* That the sum of one hundred and sixty-five dollars be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the said James A. Reed for making such arrest and conveying said Barker to Fort Smith, as aforesaid, and the auditor is hereby directed to draw his warrant on the treasurer in favor of said James H. Reed for said sum of one hundred and sixty-five dollars.

APPROVED, November 18th, 1861.



OFFICE OF THE SECRETARY OF STATE, }  
*Little Rock, Ark., Dec'r 31, 1861.* }

I have compared the foregoing printed laws and resolutions with the original rolls thereof, in my office, and do certify that they are a true copy, with the exception of those words included [thus], inserted to correct an obvious error.

JOHN I. STIRMAN,  
*Secretary of State.*

## CHAPTER

OF THE

PROGRESS OF THE

ARTS AND MANUFACTURES

IN GREAT BRITAIN

FROM THE YEAR 1700

TO THE PRESENT TIME

BY

JOHN HENRY

WATSON

ESQ.

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