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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION 1869--'70.



RALEIGH, N. C.:

JO. W. HOLDEN, STATE PRINTER AND BINDER.

1870.



CAPTIONS

TO THE

PRIVATE LAWS.



CAPTIONS

TO THE

PRIVATE LAWS,

SESSION 1869-'70.

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA.

PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1869-'70.

CHAPTER I.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF RUTHERFORDTON.

SECTION 1. *The General Assembly of North Carolina do* Boundary.
enact, That the corporate limits of the town of Rutherfordton be extended as follows, to-wit:

Beginning at the bridge on the Poor's ford road, south of said town, and running thence a straight line to the bridge on the Shelby road, east Tolion Twitty's house, thence to a pine tree fifty yards east of Louis McDowell's house, thence a straight line to Polly Settle's house on the branch north of town, thence crossing the Hickorynut road to Edmund Michal's house, west of New avenue, thence to the head of New avenue on the Twitty ford road, and thence a straight line to the beginning.

SEC. 2. That the acts of the commissioners of said town under an act similar to this passed at the last session of this general assembly, but which does not appear published with the other laws of said session, are hereby declared valid and in force. Acts of Commissioners declared valid.

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

Ratified the 11th day of December, A. D. 1869.

CHAPTER II.

AN ACT TO FORBID THE SALE OF SPIRITUOUS LIQUORS WITHIN
THREE MILES OF WHAT IS KNOWN AS THE CLEGG COPPER
MINES IN CHATHAM COUNTY.

Sale of spirits with-
in three miles, de-
clared unlawful.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell, give away or dispose of any kind of intoxicating liquors within three miles of what is known as the Clegg Copper Mine in Chatham county.

Penalty for viola-
ting this act.

SEC. 2. That any person or persons violating the provisions of this act shall on conviction thereof be fined fifty dollars or imprisoned six months, or both at the discretion of the court.

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

Ratified the 11th day of December, A. D. 1870.

CHAPTER III.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HICKORY TAVERN, IN THE COUNTY OF CATAWBA," RATIFIED THE TWELFTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

Preamble.

WHEREAS, The commissioners appointed under an act of the legislature, ratified the twelfth day of December, one thousand eight hundred and sixty-three, failed to qualify; and whereas, under an act of the legislature, ratified the twenty-fourth day of July, one thousand eight hundred and sixty-eight, the governor failed to appoint commissioners for said town; and whereas, under an act of the legislature, ratified the third day of January, one thousand eight hun-

dred and sixty-nine, the county commissioners failed to appoint "judges of election," to hold an election on the fourth day of May, one thousand eight hundred and sixty-nine, as provided for in said last recited act; and whereas, by such succession of failures, said town has never had any qualified officers; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the first recited act be so amended as to allow J. H. Bruns, Able Shuford, Henry Wilfong, W. P. Rineheart and William Ramsour, or any three of them, to qualify and hold an election for town commissioners on the first Monday of January, one thousand eight hundred and seventy, as provided in other respects under an act of the legislature, ratified the twenty-first day of December, one thousand eight hundred and sixty-eight.

Election authorized to be held.

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

Ratified the 14th day of December, A. D. 1869.

CHAPTER IV.

AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN THREE MILES OF SILVER HILL, DAVIDSON COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person to sell spirituous liquors within three miles or less of Silver Hill, Davidson county, and any person violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction, shall be fined and imprisoned at the discretion of the court.

Sale of spirituous liquors within three miles declared unlawful.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of December, A. D. 1869.

CHAPTER V.

AN ACT TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GOLDSBORO'.

Limits extended. SECTION 1. *The General Assembly of North Carolina do enact*, That the present corporate limits of the town of Goldsboro' shall be extended so as to include what is called

Boundaries. Little Washington, as follows, viz: Beginning at a sweet gum in the southwestern boundary of the present corporate limits of said town and extending that southern boundary line west fifteen chains and forty-one links to a plank fence on the eastern boundary of Privett's farm, then with this fence seventeen chains and seventy-seven links, to what is called Dortch's lane, (a lane leading to Little river,) then with this lane to the western boundary of the present corporate limits; thence twelve chains and nine links to the beginning, containing twenty-three acres more or less.

Equal municipal rights declared. SEC. 2. All the land and tenements hereby included shall be annexed to and form a part of the town of Goldsboro' for all intents and purposes, and all the inhabitants hereby included and annexed to said town, shall at all times have and exercise equal municipal rights and privileges in common with the other inhabitants of the town of Goldsboro'.

Voting. SEC. 3. The qualified voters of the territory hereby annexed to and made part of the town of Goldsboro' shall have the right of voting in all municipal elections in said town as well as in all other popular elections.

Commissioners. SEC. 4. The qualified voters of the town of Goldsboro' shall have the right to elect two more commissioners for said town in addition to the number heretofore prescribed by law, and said commissioners shall be elected at the same time and place with the other commissioners and shall have and exercise equal rights, privileges, power, and authority in the municipal affairs of said town.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 20th day of December, A. D. 1869.

CHAPTER VI.

AN ACT TO INCORPORATE THE MECHANICS' SAVINGS, LOAN AND BUILDING ASSOCIATION AT ELIZABETH CITY, IN THE COUNTY OF PASQUOTANK.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, George D. Pool, William H. Clark, James M. Whedbee, Clinton L. Cobb, Bensone James, John H. Kenyon, Henry B. Coleman, Charles W. Smith, Jeremiah Sawyer, William Steger, John S. Waugh, Timothy Hunter, Gustavus A. Potter, their associates, successors and assigns, be and they are hereby constituted a corporation and body politic by the name and style of the "Mechanics' Savings, Loan and Building Association," and as such may sue and be sued, plead and be impleaded, may have and use a common seal and change the same at pleasure, make all such by-laws and regulations not inconsistent with this charter, the laws of the state or of the United States, as they may deem necessary to the interest of the association; and shall have, exercise and enjoy all the rights and privileges required to carry into effect the purposes for which it was created—loaning money upon sufficient security to the members of the association only, and of doing such other acts and things as they may deem to the interests of the association; and shall be capable in law of purchasing, holding, and conveying any real or personal estate which may be necessary for its purposes, and to do any and all other such acts as may be necessary to accomplish said purposes.

SEC. 2. That the capital stock of said association may be Capital stock.
 divided into one thousand shares of two hundred dollars each, with power to increase to two thousand shares, but the capital stock shall not exceed four hundred thousand dollars, and certificates therefor may be issued in such manner as the by-laws of this corporation may prescribe.

SEC. 3. That said corporators, or any three of them, shall Books of subscrip
tion.
 have power to open books of subscription for receiving

stock in said association at such times and places as they may determine; and whenever one hundred shares of said stock shall have been subscribed for and taken, the said association may commence operations by electing a president and such other officers as may be necessary for the proper management of the business of said association.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 20th day of January, A. D. 1870.

CHAPTER VII.

AN ACT FOR THE RELIEF OF SURETIES OF JOHN BARNETT,
SHERIFF OF PERSON COUNTY.

Allowed till 15th of
March, 1870, to set-
tle with treasurer.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sureties of John Barnett, the late sheriff of Person county, be and they are hereby allowed till the fifteenth day of March, year of our Lord one thousand eight hundred and seventy, to make their final settlement of taxes with the treasurer of the state; and that they be allowed until the first day of January, year of our Lord one thousand eight hundred and seventy-one, to collect the arrears of taxes due for the year one thousand eight hundred and sixty-nine.

Allowed till 1st
January, 1870, to
collect arrears of
taxes

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 24th day of January, A. D. 1870.

CHAPTER VIII.

AN ACT TO INCORPORATE THE ROCK SPRING CAMP GROUND, IN
THE COUNTY OF RUTHERFORD.

SECTION 1. *The General Assembly of North Carolina do* Boundaries.
enact, That for the better protection of religious worship
at Rock Spring Camp Ground, in Rutherford county, the
following boundaries be and the same are hereby estab-
lished as the corporate limits of said camp ground, viz:
beginning on the top of the hill about one-half mile from
the Island ford, on the east of Broad river, from thence
running with the county road running by J. W. Good's
shop, Meredith Jolly's, and from thence running with the
Buckshoal road by N. Thorne's, crossing Island ford road
to John McEntire's farm on Floyd's creek, and thence with
said creek down to S. E. Bostic's, and from thence across
the ridge to the beginning.

SEC. 2. That John L. McDowell, H. Hopper, John Y. Corporators.
McEntire, Guilford McDaniel and Thomas Wilkerson, and
their successors, are hereby created a body politic, with cor-
porate powers, only sufficient to regulate, manage and pro-
tect religious worship at all times at any place within the
above mentioned boundaries.

SEC. 3. That any person or persons violating the rules Penalty for viola-
and regulations of the aforesaid commissioners at any time ting rules, &c.
during divine worship, they shall be deemed guilty of a
high misdemeanor, and shall, upon conviction, be fined or
imprisoned at the discretion of the court.

SEC. 4. This act shall be in force from and after its rati-
fication.

Ratified the 24th day of January, A. D. 1870.

CHAPTER IX.

AN ACT TO PREVENT DISTURBANCES AT OR WITHIN FIFTY
YARDS OF JERUSALEM CHURCH, NORTHAMPTON COUNTY.

Preamble.

WHEREAS, A number of persons are in the habit of conducting themselves in a disorderly manner on the days appointed for worship at the above named church; therefore,

Any disturbance a misdemeanor and punishable by fine or imprisonment.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person or persons who shall in any way disturb the said congregation on the days of worship, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished with fine and imprisoned at the discretion of the court.

Trustees empower to eject.

SEC. 2. That the trustees of said church, viz: Rev. Danl. Perry, James H. Langford, Robt. Eason, Ishmael Peel and John Eason, their successors in office, shall have power to eject, or cause to be ejected, any person or persons that uses improper language, or conducts themselves in a disorderly manner while at or within fifty yards of said church during the days of worship.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 24th day of January, A. D. 1870.

CHAPTER X.

AN ACT INCORPORATING THE NORTH CAROLINA HOMESTEAD
ASSOCIATION.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of developing the resources of the state, Edward Lewis Emmons, T. Mockridge, B. A.

Mitchell, Wm. R. Hart and Tod R. Caldwell, and their associates, successors and assigns, or any three of them, be and they are hereby created a corporation and body politic for the period of twenty-five (25) years, under the name and style and title of the North Carolina Homestead Association, with capital stock of two hundred thousand dollars, with power to increase the same from time to time when approved by a majority of the stockholders: *Provided*, That at no time shall said corporation have invested more than five hundred thousand dollars in real estate by mortgage or otherwise.

SEC. 2. The said corporation shall be capable of suing and being sued, impleading and being impleaded, contracting and being contracted with, and shall have all the privileges, powers, incidents belonging to corporations, organized and granted by the present general laws of corporations, or which may be hereafter so granted, and in addition thereto shall have power to receive, purchase, buy and hold land, real estate and property, real, personal and mixed, to issue certificates of stock therefor, and to improve, sell and dispose of the same in such parts, parcels, way and manner as they may deem best, except by lottery, and to this end and intent may enter into agreements, contracts and conveyances, and may lease, mortgage or otherwise dispose and convey the same, and may receive for such sales, etc., such moneys, securities and things as they may choose, with power to issue and endorse bonds, secure by mortgage, upon their real property, and may prescribe the form of such conveyances, agreements, contracts, cases, mortgages or other instruments of writing, and determine how and by whom the same shall be executed, with further power to make loans and advances of money or other things to settlers and others on such terms and on such securities, real and personal, as may be agreed on, and to engage in any species of agricultural, horticultural, mining, building and manufacturing enterprise, and of vending, selling and disposing of the products and results of the same, to take measures for the transportation, location and settlement of persons and prop-

Powers and privileges.

erty upon their lands and of carrying out any other purposes connected with the business of the company, and of such other business as may not be contrary to the constitution or laws of the United States, and to the carrying out of the above mentioned purposes, objects and incidents, make all such by-laws, rules and regulations as they may deem proper and consistent, and the same to add to, alter, amend and repeal at pleasure: *Provided*, That such by-laws shall not be inconsistent with the constitution and laws of the state or United States or the provisions of this act.

Certificates of stock

SEC. 3. That said corporation may adopt a common seal, and the same to alter at pleasure, and have power to issue certificates of stock on such form and subject to such regulations as they may from time to time by their by-laws prescribe, that subscription to said stock of said corporation may be paid in part or whole in real or personal estate at a valuation to be agreed on.

Business, how managed.

SEC. 4. The affairs and business of said company shall be managed by a board of directors, one of whom shall be president of said company, which board shall be chosen annually by the stockholders but corporators named in this act, or a majority thereof, shall have power to appoint the officers who shall manage the business of the association for the first year, and who shall hold their respective offices until their successors are duly elected, and that the principal office of said association, with branch offices, will be in such place and places as may by the by-laws from time to time be prescribed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 24th day of January, A. D. 1870.

CHAPTER XI.

AN ACT TO INCORPORATE THE TOWN OF WILKESBORO'.

SECTION 1. *The General Assembly of North Carolina do* Incorporated.
enact, That the town of Wilkesboro', in the county of Wilkes, be and the same is hereby incorporated by the name and style of the town of Wilkesboro', and shall be subject to all the provisions contained in one hundred and eleventh chapter of the revised code, or so much of said chapter as does not come in conflict with the constitution of this state or of the United States.

SEC. 2. That the corporate limits of said town shall be Corporate limits.
 one-half mile every direction, beginning at the court house, but not to cross the Yadkin river.

SEC. 3. That the first election for mayor, commissioners Election.
 and constable shall be held within ninety days from the ratification of this act.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 27th day of January, A. D. 1870.

CHAPTER XII.

AN ACT TO INCORPORATE THE FRANCONIA MANUFACTURING COMPANY OF THE COUNTY OF DUPLIN.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That F. A. Newburns, J. K. Huston, W. T. Hanaford, John L. Carlton and Wm. Brice, their associates, successors and assigns, are hereby created a body corporate and politic by the name of the Franconia Manufacturing Company, for the purpose of carrying on the business of manufacturing cotton cloth and yarns in the town of Mag- Manufacturing.

Powers and privileges.

nolia, Duplin county, N. C., and by that name are made capable of taking, holding, managing, improving, purchasing, leasing, for the sole purpose of erecting suitable building, and for maintaining and carrying on the aforesaid business, real and personal property not exceeding one hundred thousand dollars in value, and shall and may have perpetual succession, and be empowered in law to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all the courts of law and equity, to make and use a common seal, and to break, alter or renew the same at their pleasure, to adopt by-laws, issue certificates of stock, and generally to do and perform every and all things relative to the object of their corporation, which is now and shall be lawful for any individual or body politic or corporate to do, and may have and enjoy all of the privileges and be subject to all of the liabilities which corporations for the holding, management and improvement of estate in North Carolina usually enjoyed or are made subject to.

Capital stock.

SEC. 2. *And be it further enacted*, That the capital stock of said company shall not be less than fifty thousand dollars, to be divided into shares of one hundred dollars each, and shall be deemed personal estate and be transferable upon the books of said corporation.

Officers.

SEC. 3. *And be it further enacted*, That the officers of said corporation shall consist of a president and treasurer with a board of directors, of which the president and treasurer may be members, but the number of directors may be fixed by the shareholders in the by-laws of the corporation. The president shall preside at the meetings of the corporation, sign certificates of stock issue to the stockholders, and shall have a general oversight over the business and affairs of the corporation; the treasurer shall safely keep and disburse all the moneys of the corporation under the direction of the board of directors; the directors shall manage and control the property of the corporation and make contracts in relation thereto; the treasurer or other officer appointed under the by-laws, shall keep the records of the transac-

tions of the corporation and shall countersign the certificates of stock issued to the stockholders.

SEC. 4. *And be it further enacted*, That all of the officers of said corporation shall hold their respective offices for the term of one year and until their successors are elected and qualified to act, unless they shall sooner be removed by the directors. The first meeting of said corporation may be called by any person named herein, by giving previous notice of not less than ten days to all the other persons herein named, of the time and place of such meeting; the annual meetings hereafter shall be called by the treasurer or other officer designated by the board of directors, and shall be held in Magnolia, N. C., on the second Thursday in January of each year, notice of which shall be given by publication in three public newspapers in North Carolina not less than twenty-one days previous to the time of holding said meeting, and special meetings of the stockholders may be called in the time and manner prescribed by the stockholders.

Terms of office.

SEC. 5. *And be it further enacted*, That every stockholder shall be entitled to one vote at the elections of the company for each and every share therein by him or her owned, and a plurality of votes cast at any election shall elect.

Elections.

SEC. 6. *And be it further enacted*, That the directors of said corporation shall have power to declare such dividends of the profits of the company as they may deem proper.

Dividends.

SEC. 7. *And be it further enacted*, That the stockholders in said company shall be individually liable for the debts of the company to the extent of the stock owned or held by them respectively, at its par value.

Liabilities of stockholders.

SEC. 8. *And be it further enacted*, That this act shall take effect from and after its ratification.

Ratified the 27th day of January, A. D. 1870.

CHAPTER XIII.

AN ACT TO INCORPORATE THE SOUTHERN COPPER COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Franklin Osgood, John Endy and Edwin B. Bennett, and their associates, are hereby created a body politic and corporate, with the right to sue and be sued, under the name, style and title of the Southern Copper Company, for the purpose of mining for or smelting copper or other minerals and ores, and selling and disposing of the same, and for that purpose they may purchase, lease or otherwise hold such amount of real or personal property as they may deem necessary for the business aforesaid, and sell, lease or otherwise dispose of the same.

Capital stock.

SEC. 2. The amount of the capital stock of said company shall not exceed two millions of dollars, and shall be divided into shares not less than five dollars each, and the directors of said company are hereby authorized to receive subscriptions to said stock in real or personal estate appropriated to the business of said company or to purchase the same, and to issue stock in payment therefor; and all stock so subscribed for or issued as above provided, shall be declared to be full stock, and not liable to any further call.

Business, how managed.

SEC. 3. The affairs of said corporation shall be managed by a board of not less than three directors, and the persons named in the first section of this act shall be the directors of the company the first year, or until their successors shall be duly elected.

By-laws.

SEC. 4. The said directors shall have power to adopt such by-laws as they may deem necessary for the regulation of the business of the company, fix the amount of its capital stock and the number of shares of which it shall consist and their par value, fix the form of its certificates of stock, and the mode in which it shall be transferred.

SEC. 5. The company may have an office for the transfer Office, &c. of the stock and the holding of meetings of the board of directors at such place as it by law may prescribe.

SEC. 6. This act shall take effect from and after its ratification.

Ratified the 27th day of January, A. D. 1870.

CHAPTER XIV.

AN ACT TO INCORPORATE THE NORTH CAROLINA BENEFICIAL ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do* incorporators. enact, That A. G. Call, C. S. Rena and George R. Kimball, and their associates, assigns and successors, are hereby constituted a body politic and corporate, under the name and style of the North Carolina Beneficial Association, shall have successors, use a common seal, may sue and be sued, plead and impleaded, and shall have all the powers incident to bodies corporate, may hold and acquire real and personal property, and shall have all the rights and privileges to conduct and carry on the affairs and business of said association.

SEC. 2. The company shall have a capital stock not to Capital stock. exceed seventy-five thousand dollars, to be divided into shares of fifty dollars each, and may be subscribed and paid in such proportion as the incorporators or the successors may require.

SEC. 3. That the members of said association may pass By-laws, &c. all such by-laws and regulations as may be necessary to organize the same, may elect such officers and on such terms as they may think proper.

SEC. 4. They shall have the right and power to sell and Disposition of property. dispose of any real or personal property purchased by them or placed in their hands for sale, by lot or lots, chance or

chances, or otherwise, or in any other mode or manner the association may deem best.

To remain in force
for 30 years.

SEC. 5. This charter shall be in force thirty years from and after its ratification, and all statutes or parts of statutes, laws or clauses of laws in conflict with the powers and privileges herein granted to the association are hereby repealed. This association shall only be required by law to pay the same tax upon their net earnings or dividends as shall be required from insurance companies.

Repealed.

Taxes.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER XV.

AN ACT TO INCORPORATE THE CHATHAM COPPER MINING COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That S. S. Clayton, J. E. Clayton, of Baltimore, Maryland, W. P. Gunter, George Kinney and F. P. Cavanah, of North Carolina, C. H. Tompkins and C. W. Cooke, of Rhode Island, their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of the "Chatham Copper Mining Company," for the purpose of working, mining and exploring for copper, lead, gold, silver and other metals and minerals, and for mining, vending, smelting and working the same, and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever in all suits and actions; may have a common seal and the same alter at pleasure; and may enjoy all the privileges and powers incident to mining, smelting and manufacturing corporations; may purchase, hold and convey real and per-

Privileges and
powers.

sonal property or estate as capital stock to the amount of one million dollars; may divide such capital stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as the said corporation may from time to time deem expedient; may levy and collect assessments, and forfeit and sell delinquent shares, and make and enact such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state and of the United States.

SEC. 2. That it shall be lawful for the affairs of said Directors. corporation to be managed by three or more directors, two of whom at least shall be citizens of the state of North Carolina, who shall be chosen annually, shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed in their stead, and shall exercise all such powers as by this act are granted and conferred.

SEC. 3. That the said S. S. Clayton, J. E. Clayton, Geo. Organization of company. Kinney, W. T. Gunter, F. P. Cavanah, C. H. Thompkins and C. W. Cooke, or a majority of them, shall meet and organize by choosing from their own number a president, appoint a secretary and other servants and agents, make such by-laws as for the time being they shall deem expedient, and manage the affairs of the corporation as directors, until others are selected or appointed in their stead.

SEC. 4. That the said corporation shall exist for thirty 30 years. years, and this act shall be in force from and after its ratification.

Ratified the 3rd day of February, A. D. 1870.

CHAPTER XVI.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN THREE MILES OF WHAT ARE KNOWN AS THE DAVIDSON COPPER MINE, AND THE "SILVER VALLEY MINE," IN DAVIDSON COUNTY.

Sale of spirituous liquors within three miles declared unlawful.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell, give away, or dispose of any kind of intoxicating liquors within three miles of what are known as the Davidson Copper Mine, and the "Silver Valley Mine," in Davidson county.

Penalty for violation.

SEC. 2. That any person or persons violating the provisions of this act shall, on conviction thereof, be fined fifty dollars, or imprisoned six months or both, at the discretion of the court, and one-half of the fine shall be paid to the informer.

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

Ratified the 3d day of February, A. D. 1870.

CHAPTER XVII.

AN ACT TO INCORPORATE THE TRUSTEES OF FRANKLIN ACADEMY, IN ROWAN COUNTY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That John C. Miller, Daniel Hoffman and H. G. Miller, E. A. Probst, their associates and successors, are hereby created a body politic and corporate, under the style of "The Trustees of Franklin Academy," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold in their corporate

capacity, property, real and personal, such as may be necessary and suitable for maintaining a school of high grade, at the place where said academy is now located, on the new road leading from Salisbury to Mocksville, with power to make all needful rules, by-laws and regulations for their own government and that of said academy, and under said name and style shall have continual succession for the period of ninety-nine years.

SEC. 2. That said board of trustees may, at their option, Board trustees. increase their number by choosing others to be associated with them so as to make a number not to exceed ten, and upon the occurrence of a vacancy the board may likewise fill it by the appointment of a successor to the person previously acting as trustee.

SEC. 3. That no person shall be allowed to retail any Retail of liquor forbidden within two miles. wines, cordials, spirituous or malt liquors within two (2) miles of said Franklin Academy, and any person so retailing within said limits is hereby declared to be guilty of a Misdemeanor and fines. misdemeanor, and may be prosecuted for the same; and upon conviction thereof by any court of competent jurisdiction, shall be punished by fine not to exceed fifty dollars, and imprisoned not to exceed one month, either or both, at the discretion of the court, and each distinct and separate act of such retailing shall constitute a separate misdemeanor, and be liable to be prosecuted and punished as aforesaid.

SEC. 4. That this act shall take effect from and after its ratification.

Ratified the 31st day of January, A. D. 1870.

CHAPTER XVIII.

AN ACT TO INCORPORATE THE CONTINENTAL COPPER MINING COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators. enact, That J. S. Williams, S. S. Clayton and J. E. Clay-

ton of Baltimore, Md., C. W. Cooke, of Rhode Island, George Kinney, S. C. Barnett and F. P. Cavanah, of North Carolina, their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of the "Continental Copper Mining Company," for the purpose of working, mining and exploring for copper, lead, gold, silver and other metals and minerals, and for mining, vending, smelting and working the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever in all suits and actions; may have a common seal and the same alter at pleasure, and may enjoy all the privileges and powers incident to mining, smelting and manufacturing corporations; may purchase, hold and convey real and personal property or estate as capital stock to the amount of one million dollars; may divide such capital stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as the said corporation may from time deem expedient; may levy and collect assessments and forfeit and sell delinquent shares, and make and enact such by-laws and regulations as they deem necessary, not inconsistent with the laws of this state and of the United States.

Directors.

SEC. 2. That it shall be lawful for the affairs of said corporation to be managed by three or more directors, two of whom at least shall be citizens of the state of North Carolina, who shall be chosen annually, shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed in their stead, and shall exercise all such powers as by this act are granted and conferred.

Organization.

SEC. 3. That the said J. S. Williams, S. S. Clayton, J. E. Clayton, C. W. Cooke, George Kinney, S. C. Barnett and F. P. Cavanah, or a majority of them, shall meet and organize by choosing from their own number a president, appoint a secretary and other servants and agents, make such by-laws as for the time being they shall deem expe-

dient, and manage the affairs of the corporation as directors until others are selected or appointed in their stead.

SEC. 4. That the said corporation shall exist for thirty years, and this act shall be in force from its passage.

Ratified the 3d day of February, A. D. 1870.

CHAPTER XIX.

AN ACT TO INCORPORATE THE ANN HOLDEN AND MURFREESBORO' CO-OPERATIVE LAND AND BUILDING ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Elijah Lassiter, Andrew Reynolds, Robert Strickland, Wm. D. Newson, John Bizzell, John P. Reynolds, Willis Weaver, Jerry Deanes, Henry Powell, John T. Reynolds and William Vaughan, their associates, successors and assigns, shall be and they are hereby created and constituted a body politic and corporate by the name of the "Ann Holden and Murfreesboro' Co-operative Land and Building Association," with a capital stock of one hundred thousand dollars to be divided into shares of one hundred dollars each.

SEC. 2. The said corporation shall have power to buy Powers, &c.
and sell, lease, mortgage or otherwise convey lands, erect and purchase buildings, and to make and enforce such by-laws and rules, not contrary to law, as may be necessary and convenient for its regulation and business; may have a continual succession and a common seal, and shall be capable of suing and being sued, and of pleading and being impleaded, of defending and being defended in any manner of action, suits, complaints, matters and causes whatsoever.

SEC. 3. The stockholders in said corporation shall annually elect a president, vice-president, secretary and treasurer, who shall constitute the board of directors and execute the corporate powers thereof.

Books of subscrip-
tion.

SEC. 4. The said corporation shall open books and receive subscriptions at the town of Murfreesboro' and at Ann Holden, and may commence business whenever one hundred shares have been subscribed for and an instalment of fifty cents has been paid on each. The subscribers shall pay to said corporation the sum of one dollar per month for each share of stock until the amount with interest at six per centum amount to the sum of two hundred dollars. At any time after said amount shall have been paid in, the board of directors of said corporation shall have power to close up the business thereof, and thereupon the assets of said company shall be rationally divided among its stockholders. Whenever any subscription to the stock of said corporation shall be made after it shall have commenced business, it shall be lawful for said directors to require such subscribers to pay at the time of such subscription or thereafter, a sufficient sum to make his payment upon his stock equal to the payment and premiums of the original members, with interest, as such directors may allow, within one year from the commencement, such subscriber to pay only the sum of fifty cents per month from the date of his subscription: *Provided*, That in such cases upon final settlement of the affairs of the corporation, such subscriber shall receive a sum which shall bear the same proportion to the shares of the original subscribers as the amount paid by him and interest thereon shall bear to the amount and interest thereon paid by them.

Provided.

Loans, how made
and secured.

SEC. 5. It shall be lawful for the directors of such corporation to loan money to stockholders thereof to any amount not exceeding the par value of their stock, and in case different stockholders shall compete for a loan of money therefrom, it shall be lawful for such directors to receive bids from such stockholders, and they shall award the loan to the bidder offering to give his note in hand for the smallest sum; such note in hand given shall bear legal interest, and be charged against such subscriber in the final settlement of the affairs of said corporation.

SEC. 6. The board of directors may invest and employ Investments. the funds of the corporation in such way and manner as they may judge the interest of the corporation may require.

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

Ratified the 3d day of February, A. D. 1870.

CHAPTER XX.

AN ACT TO INCORPORATE THE NORTH CAROLINA SPOKE AND HANDLE MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators. enact, That F. P. Cavanah, F. B. Keogh, J. Turner Morehead, of North Carolina, and James E. Clayton and S. S. Clayton, of Maryland, their associates and successors, be and they are hereby enacted a body politic and corporate by the name and style of the "North Carolina Spoke and Handle Manufacturing Company," and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded in all courts and places, have a common seal, and alter the same at pleasure, may make all necessary by-laws for the government of said company, not inconsistent with the constitution of this state or of the United States.

SEC. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, which may be divided in such number of shares as the company, by its by-laws, may prescribe.

SEC. 3. It shall be lawful for the company to purchase May purchase machinery and buildings, machinery, erect and purchase buildings, purchase and hold real estate, and pay for the same in the shares of said company, and said shares shall be considered as full paid.

SEC. 4. Said company shall be managed by five or more Directors.

directors, not exceeding ten, a majority of whom shall constitute a quorum for transacting business.

Elections.

SEC. 5. That the board of directors shall elect a president and secretary, who may act as treasurer, and appoint such other officers as they may see fit to transact its business, who shall hold their offices until others are chosen to fill their places.

SEC. 6. Nothing in this charter shall be construed into conferring banking privileges to this company.

SEC. 7. This act to take effect from its passage, and remain in force for thirty years, renewable thereafter by consent of the legislature.

Ratified the 3rd day of February, A. D. 1870.

CHAPTER XXI.

AN ACT TO INCORPORATE THE NEW YORK AND NORTH CAROLINA MINING COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That S. S. Clayton and J. E. Clayton, of Baltimore, Maryland, George Kinney, S. C. Barnett and F. P. Cavanah, of North Carolina, C. H. Cooke, of Rhode Island, their associates, successors and assigns, are hereby created and constituted a body politic and coporate; by the name, style and title of the "New York and North Carolina Mining Company," for the purpose of working, mining and exploring for copper, lead, gold, silver and other metals and minerals, and for mining, vending, smelting and working the same, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, in all suits and actions; may have a common seal and the same alter at pleasure, and may enjoy all the privileges and powers incident to mining, smelting and manufacturing corporations; may

purchase, hold and convey real and personal property, or estate, as capital stock, to the amount of one million of dollars, may divide such capital stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as the said corporation may from time to time deem expedient; may levy and collect assessments, and forfeit and sell delinquent shares, and make and enact such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state and of the United States.

SEC. 2. That it shall be lawful for the affairs of said corporation to manage by three or more directors, two of whom at least shall be citizens of the state of North Carolina, who shall be chosen annually; shall have power to fill vacancies in their own body; shall continue in office until others are elected or appointed in their stead, and shall exercise all such powers as by this act are conferred.

Affairs, how managed.

SEC. 3. That the said S. S. Clayton, J. E. Clayton, Geo. Kinney, S. C. Barnett, F. P. Cavanah and C. W. Cooke, or a majority of them, shall meet and organize by choosing from their own number a president, appoint a secretary and other servants and agents, make such by-laws as for the time being they shall deem expedient, and manage the affairs of the corporation as directors, until others are selected or appointed.

Organization.

SEC. 4. That the said corporation shall exist for thirty years, and this act shall be in force from and after its ratification.

Duration, and when to take effect.

Ratified the 3rd day of February, A. D. 1870.

CHAPTER XXII.

AN ACT TO INCORPORATE THE SOUTHERN GOLD AND COPPER
MINING COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That S. S. Clayton and J. E. Clayton, of Baltimore, Maryland, George Kinney, W. T. Gunter and F. P. Cavanah, of North Carolina, C. W. Cooke, of Rhode Island, their associates, successors and assigns, are hereby created and constituted a body politic and corporate by the name, style and title of the "Southern Gold and Copper Mining Company," for the purpose of working, mining and exploring for gold, copper, lead, silver and other metals and minerals, and for mining, vending, smelting and working the same, and by that name may sue and be sued, plead and be impleaded, appear and prosecute and defend in any court of law or equity whatsoever in all suits and actions, may have a common seal and the same alter at pleasure and may enjoy all the privileges and powers incident to mining, smelting and manufacturing corporations; may purchase, hold and convey real and personal property or estate, as capital stock, to the amount of one million of dollars, may divide such capital stock into such number of shares and provide for the sale and transfer thereof in such manner and form as the said corporation may from time to time deem expedient; may levy and collect assessments and forfeit and sell delinquent shares and make and enact such by-laws and regulations as they may deem necessary not inconsistent with the laws of this state and of the United States.

Who to be directors.

SEC. 2. That it shall be lawful for the affairs of said corporation to be managed by three or more directors, two of whom at least shall be citizens of the state of North Carolina, who shall be chosen annually, shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed in their stead, and shall

exercise all such powers as by this act are granted and conferred.

SEC. 3. That the said S. S. Clayton, J. E. Clayton, Geo. Organization. Kinney, W. T. Gunter, F. P. Cavanah and C. W. Cooke, or a majority of them, shall meet and organize by choosing from their own number a president, appoint a secretary and other servants and agents, make such by-laws as for the time being they shall deem expedient, and manage the affairs of the corporation as directors until others are selected or appointed in their stead.

SEC. 4. That the said corporation shall exist for thirty Duration and when to take effect. years, and this act shall be in force from its ratification.

Ratified the 3d day of February, A. D. 1870.

CHAPTER XXIII.

AN ACT TO INCORPORATE THE YOUNG MEN'S INTELLIGENT AND ENTERPRISING ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do* Corporators. enact, That J. B. Abbott, W. W. Lawrence, Geo. R. Greer, E. R. Walker, J. R. Good, Joseph Mason, Edward Harens, J. B. Brown, Jas. D. Dudley, Aug. T. Kennedy and E. A. Richardson, their associates, successors and assigns, shall be and they are hereby created and constituted a body corporate and politic, by the name and style of the Young Men's Intelligent and Enterprising Association, and by that name they and their associates and successors, shall and may have continual succession, and a common seal, which they may alter and change at their pleasure from time to time, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all and every manner of action, suits, complaints, matters and causes whatsoever, and by the corporate name aforesaid shall and may

be capable of purchasing, holding, lease, conveying and mortgaging any and every estate, real and personal, necessary to a safe and profitable investment of its funds and of a proper transaction of its business ; said corporation shall have full power and authority to carry on the business of manufacturing of any description, improving and cultivating lands, and manufacturing all articles and implements of agriculture, and to grow and sell fruits and other vegetable products, to buy and sell goods, wares and merchandise, may own and manage steam or other vessels, take measures for the transportation of persons and property into or out of the state, or for carrying out any purposes connected with the business of said association.

Power to make contracts, &c.

SEC. 2. The corporation shall have power to make contracts and carry into effect any description of mechanical business, and shall have power of erecting or establishing hotels in any town, city or village in the state, and shall have power of establishing or carrying on distilleries and mills, steam or otherwise, in any town, city or village in this state, and may have power to own wharves and warehouses in any of the said places in this state.

By-laws, &c.

SEC. 3. The stockholders shall have power to ordain and execute all by-laws and regulations by them deemed necessary for the well ordering and governing of said corporation :

Provided.

Provided, Said by-laws and regulations of the association are not repugnant to the constitution and laws of this state and of the United States.

Affairs, how managed.

SEC. 4. That the affairs of this association shall be governed and managed by a board of directors to consist of not less than seven nor more than eleven members or stockholders, as may be regulated by the by-laws of the association, and the persons herein named shall constitute the board of directors. The first named person of section first shall be president of the board and the last named one shall be treasurer. The president and three directors shall constitute a quorum for the transaction of business and shall hold their office for one year from the first meeting under this charter and until their successors are duly elected: said

president and directors shall appoint all necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties.

SEC. 5. The capital stock shall be two hundred and fifty thousand dollars, with authority to the stockholders to increase the same to an amount not exceeding one million; it shall be divided into shares of twenty dollars each, but when two thousand dollars are actually subscribed and one thousand paid in cash, said board may proceed to business. The capital shall or may be invested in bonds and mortgages on unencumbered real estate, within this state, or in stocks or bonds of the United States or of this state, or in the stocks or bonds of the incorporated cities of this state authorized to be issued by the legislature, or in undoubted personal security approved by the board of directors. All the corporate powers of said association shall be exercised by a board of directors who shall be elected annually by the stockholders, and no person shall be elected a director unless they are a stockholder to the amount of sixty dollars at least. The board of directors shall elect annually from their own body a president. The certificates of stock and of money received in trust shall be assignable on the books of the association according to such regulations as the board of directors shall establish, but no alteration shall be made in the regulations so established unless by a vote of two thirds of the whole number of directors. The directors shall have a discretionary power of investing the moneys received by them in trust or on deposit in public stock of the United States or of this state, or in the bonds and stock of any incorporated city or town in this state authorized by the legislature, but the said association shall not hold stock in any private corporation beyond ten thousand dollars.

SEC. 6. The books of the said association shall be opened at any time and at any place by order of the board of directors, and the said association may receive subscription in real estate or in personal property as the by-laws may regulate, also subscription may be paid in instalments as the by-laws may regulate.

Home office.

SEC. 6. That the home office of this association shall be in the city of Newbern, N. C., but the directors may open an office in any county, city or town in this state for the transaction of business pertaining to the association, and may establish schools and academies in any of the said places in the state.

Suits, &c.

SEC. 8. That suits at law may be maintained by the said association against any of its members, and by any of its members against the association; and in any suit between the association and its member or members, any member shall be admitted as a competent witness for and in behalf of the said association.

Donations, &c.

SEC. 9. That the association may receive donations either of money, real estate, personal property or property of any description, either for the benefit of the association or for the poor, which such donation for the poor shall certify by a letter or notice otherwise setting forth the full intention of the object of the said donation, and whenever such donation is received, it shall be the duty, within sixty days after such has been received by the board of directors, to notify the person or persons of the receipt of the same.

Annual meetings, &c.

SEC. 10. The directors shall appoint the time and place for holding annual meetings of the said association, and in all such meetings of the stockholders a majority of the stock subscribed shall be represented in person or proxy, and each share thus represented shall be entitled to one vote on any and all questions, but proxies shall be verified according to the by-laws.

May establish bank.

SEC. 11. That whenever two hundred thousand dollars of the capital stock has been paid in, this company may organize and establish a bank in the city of Newbern, which bank shall be known by the name of the Bank of the Young Men's Intelligent and Enterprising Association.

Power to guarantee payments, &c.

SEC. 12. It shall be lawful that when such bank shall have been duly organized, said association shall have power to guarantee the payment, punctual performance and collection of promissory notes, bills of exchange, contracts, bonds, amounts, rents, annuities, mortgages, charges, actions,

evidence of debt and certificate of property or value and the titles to property, real or personal, to receive upon storage, deposit or otherwise, bullion, specie, plate, stock, bank notes, bonds, promissory notes, certificates and other evidence of debt, and to advance moneys, securities and credits upon any property real or personal, on such terms as may be agreed on, not inconsistent with the laws of the state; and the said association are hereby authorized to make, execute and issue in the transaction of their business all necessary receipts, certificates and contracts, which receipts, certificates and contracts shall bear the impress or stamp of the said association and shall be signed by the president, or in his absence by such other officer as the board may direct, and countersigned by the secretary or treasurers as may be directed by the by-laws; but nothing herein contained shall be construed as authorizing said bank to make or issue any bill or other kind of security, whatever may be its form or name, with the intent that the same shall circulate or pass as the representative of or as a substitute for money.

SEC. 13. It shall be lawful for said association to sell at public auction or private sale, as may be specified in any contract between the parties, all property of what kind soever mentioned in or affected by such contract, after two months shall have elapsed from the time of maturity of the discovery of any fraud, misrepresentation or concealment in regard to the ownership or character of the property mentioned in or affected by such contract, and reimburse themselves out of the avails of such sale for the money due them with interest, cost and charge: *Provided, however,* That nothing in this section contained shall be construed to prevent said association from making any such sales at such time and in such manner as may be provided for in any contract or agreement made by any person or persons with said association in any property or effects deposited or pledged with said association, upon which any advance shall have been made by them, shall before the maturity of the contract from any cause decrease in value from the

Sales in cases of
fraud, &c.

price originally fixed, said association may give notice in writing to the owner of said property or his agent to perform the condition of the contract or make good the deficiencies caused by such decrease in value within thirty days, and in default thereof may sell and dispose of such property or effects at public sale, and out of the proceeds thereof may retain the amount due them under the contract, together with cost, charges and expenses; in all contracts for moneys, the interest may be taken in advance.

Loans, &c.

SEC. 14. The said association shall have authority to lend money, receive deposits, discount bills, bonds and promissory notes, or other evidences of debt, on such legal terms as may be agreed upon between the parties, and take such personal security or pledge of property or other collateral in the transaction of their business as may be contracted for.

Additional powers.

SEC. 15. The said association shall have any additional power authorized by the corporation laws of the state, and shall be invested with full authority to carry out the foregoing act, which shall be in force for ninety-nine years from and after its ratification.

Ratified the 7th day of February, A. D. 1870.

CHAPTER XXIV.

AN ACT TO CHANGE THE TITLE OF AN ACT TO INCORPORATE THE "WILMINGTON LIFE INSURANCE COMPANY," RATIFIED THE TWENTY-SIXTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, AND TO AMEND SAID ACT OF INCORPORATION.

Titled changed.

SECTION 1. *The General Assembly of North Carolina do enact*, That the title of said act of incorporation be changed so as to read as follows: "An act to incorporate the Wilmington North Carolina Life Insurance Company."

SEC. 2. That section one of said act of incorporation be Section 1 amended. amended so that it shall read as follows: That J. E. Spearman, S. D. Wallace, W. A. Wright, B. F. Grady, Alex. Johnson, jr., F. C. Singletary, H. B. Eilers, Dr. Thomas F. Wood, G. L. French and others, their present and future associates, their successors and assigns, shall be and are hereby empowered with all the powers and privileges necessary and convenient for the business of life insurance; that they be, and are hereby incorporated and made a body politic by the name, style and title of the Wilmington North Carolina Life Insurance Company, and by that name, style and title shall be and are hereby empowered to purchase, receive, have, hold, possess and enjoy to themselves and their successors, lands, tenements, rents, hereditaments, bills, bonds, promissory notes, goods, chattels and effects of every kind and nature, as also United States stocks and bank stock of the national banks of the United States, and any bank in any of the states of the United States, and the same to alien, grant, sell and dispose of, to sue and be sued, plead and be impleaded, in all courts of justice; also to have and use a common seal, and the same to change at pleasure; also to ordain and execute all by-laws and regulations by them deemed necessary for the well ordering and governing of said corporation: *Pro-* Proviso. *vided,* Said by-laws and regulations are not repugnant to the constitution and laws of United States or of this state; and the directors of said corporation shall have full power to alter, change or amend all by-laws, rules and regulations of the company as may seem to them necessary for the success of the same.

SEC. 3. That section seven of said act of incorporation be Section seven, how amended. amended so that it shall read as follows: The capital stock subscribed of said corporation shall not be less than three hundred thousand dollars and may at the pleasure of said corporation be increased to any further sums not exceeding one million dollar and shall be divided into shares of one hundred dollars each and on the said capital stock of three hundred thousand dollars, in part of said stock, shall

be paid into the treasury of said corporation for the use of said corporation, within thirty days after the first meeting of said corporation, five per centum, and within ninety days next after said first meeting of said corporation the further sum of five per centum on said stock shall in like manner and for like purposes be paid into said treasury, and within six months next after said first meeting of said corporation the further sum of five per centum on said stock shall in like manner and for like purposes be paid into said treasury, and nine within months next after said first meeting of said corporation the further sum of five per centum on said stock shall in like manner and for like purposes be paid into said treasury, and the remainder of said subscribed stock shall be secured to be paid by notes secured by mortgage on real estate or endorsed promissory notes to be approved by the president and directors of said corporation and the entire amount of said notes or such assessments thereon as may be made by the board of directors and approved by the president of said corporation shall be payable in sixty days after demands, and such endorser shall have a lien on the stock for which such note or notes are given.

Amendment to section nine.

SEC. 4. That section nine of said act of incorporation be amended so that it shall read as follows: The corporate powers of the company shall be vested in a board of directors and shall be exercised by such board and by such officers and agents as the board may appoint and empower. The board of directors shall consist of seven (7), a majority of whom shall be citizens of North Carolina, and each of whom shall own and hold in his own right at least five (5) shares of the capital stock of the company; the said board of directors shall be chosen by ballot from among and by the stockholders of said corporation, which said directors shall hold their office at pleasure for one year and until others are chosen in their room. The annual meeting for the choice of said directors shall after the first election be held in the city of Wilmington, North Carolina, on the

fourth Thursday in January, or on such day in the month of January as shall be appointed by said board of directors. In the election of directors every stockholder in the company shall be entitled to one vote, either in person or by proxy, for every share of stock held by him, and the by-laws of said corporation may provide that each policy holder who shall be insured in not less than five thousand dollars shall be entitled to one vote at the annual election of directors, but such vote shall be given personally and not by proxy. The board of directors shall have power to declare by by-laws what number of directors shall constitute a quorum for the transaction of business.

Election of directors.

SEC. 5. That section (19) nineteen of said act of incorporation be amended so that it shall read as follows: The capital stock of the company shall be transferable according to the rules and regulations prescribed by the directors, and every subscriber of any share or shares in said stock who shall neglect to pay the instalments aforesaid or secure the residue of the said share or shares, shall forfeit all payment made thereon, and all profits which may have arisen thereon.

Section nineteen amended.

SEC. 6. That there shall be added to said act of incorporation an additional section as follows: Sec. 26. That the board of directors shall appoint two (2) additional members of said board, each of whom shall own and hold in his own right at least five (5) shares of the capital stock of said company who shall hold their office at pleasure until the next election of said directors by the stockholders of said company, when the stockholders shall elect nine (9) instead of (7) seven of their number as a board of directors of said company, as provided for in section (9) nine of said act of incorporation.

Additional section provided.

Ratified the 14th day of February, A. D. 1870.

CHAPTER XXV.

AN ACT TO INCORPORATE CATAWBA LODGE, NUMBER TWO HUNDRED AND FORTY-EIGHT, A. M. F., AT NEWTON, IN CATAWBA COUNTY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That M. E. Lawrence, W. P. Rhinehartt and J. R. Abernathy, and their associates of the masonic fraternity of Catawba Lodge, number two hundred and forty-eight, and their successors, are hereby incorporated as such, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of February, A. D. 1870.

CHAPTER XXVI.

AN ACT TO INCORPORATE WATAUGA LODGE, NUMBER TWO HUNDRED AND NINETY-THREE, ANCIENT YORK MASONS.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the worshipful master, wardens and members of Watauga Lodge, number two hundred and ninety-three, of Ancient York Masons, located at Boone, in the county of Watauga, be and they are hereby incorporated into a body politic and corporate, under the name and title of "Watauga Lodge, number two hundred and ninety-three, Ancient York Masons," and by that name may have succession, and a common seal, sue and be sued, plead and be impleaded before any court of record, or before any justice

of the peace in the state, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be required for the convenient transaction of business.

SEC. 2. That the said corporation shall have power to By-laws. pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of this state or of the United States.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of February, A. D. 1870.

CHAPTER XXVII.

AN ACT TO BE ENTITLED "AN ACT TO INCORPORATE JUNALUSKA LODGE, NUMBER ONE HUNDRED AND FORTY-FIVE, ANCIENT YORK MASONS, AT FRANKLIN, NORTH CAROLINA."

SECTION 1. *The General Assembly of North Carolina do* Body corporate. enact, That the worshipful master and wardens of Junaluska Lodge, number one hundred and forty-five, Ancient York Masons, meeting in the town of Franklin, and their successors in office, be and they are hereby constituted a body politic, under the name and style of Junaluska Lodge, number one hundred and forty-five, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually enjoyed and incident to corporate bodies of like nature.

SEC. 2. This act shall be in force on and after its ratification.

Ratified the 14th day of February, A. D. 1870.

CHAPTER XXVIII.

AN ACT IN FAVOR OF THE CHILDREN OF LEE M. M'AFEE
AND ADELAIDE W. M'AFEE.

Declared to be an heir.

SECTION 1. *The General Assembly of North Carolina do enact*, That Minnie McAfee Eddins is hereby declared to be an heir of Lee M. McAfee, and as such she shall have all the right of inheritance and other legal rights conferred by law upon natural born heirs.

SEC. 2. That Lee Williams McAfee is hereby declared to be an heir of Adelaide W. McAfee, and as such he shall have all the rights of inheritance and the legal rights conferred by law upon natural born heirs.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of February, A. D. 1870.

CHAPTER XXIX.

AN ACT TO INCORPORATE THE TOWN OF ROBERSONVILLE, IN
THE COUNTY OF MARTIN.

Robersonville established.

SECTION 1. *The General Assembly of North Carolina do enact*, That a town is hereby established in the county of Martin, by the name and style of Robersonville.

Boundaries.

SEC. 2. That the corporate limits of said town of Robersonville shall be as follows, to wit: Beginning at a stake in Staton Everett's field, running thence south one and one-half west one hundred and fifty-four poles to a stake in George O. Roberson's field, thence south seventy-six and one-half east two hundred and seventy-six poles to a stake, thence north one and one-half east one hundred and fifty-

four poles to a stake, thence north seventy-six and one-half west two hundred and seventy-six poles to the beginning.

SEC. 3. That the government of the said town of Robersonville shall be vested in the following persons, to wit: William W. Roberson as mayor, and Henry D. Roberson, Staton Everett and Eli Askew as commissioners, and their successors in office. Government.

SEC. 4. That the mayor and commissioners aforesaid, to wit: William W. Roberson and Henry D. Roberson, Staton Everett and Eli Askew, and their successors in office, shall be and they are hereby incorporated and constituted a body politic and corporate, by the name and style of the mayor and commissioners of the town of Robersonville, and by that name and style shall have perpetual succession and a common seal, with all the rights, privileges, immunities and powers granted to and invested in corporations by the laws of North Carolina. Corporators and title.

SEC. 5. That the mayor and commissioners of said town of Robersonville are hereby granted authority and power to lay out and open streets in the corporate limits of said town, and if necessary so to do, to condemn land for said purpose. Power of mayor and commissioners.

SEC. 6. That the persons herein named as mayor and commissioners, shall continue in office until the first Monday in January, one thousand eight hundred and seventy-one, at which time, and on the first Monday of January of each year thereafter, there shall be elections for mayor and commissioners, held and conducted by persons not exceeding three in number, appointed by the acting mayor and commissioners. Term of office.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 16th day of February, A. D. 1870.

CHAPTER XXX.

AN ACT TO INCORPORATE THE SOCIETY FOR THE RELIEF OF THE PREACHERS OF THE VIRGINIA CONFERENCE, METHODIST EPISCOPAL CHURCH SOUTH, AND THEIR FAMILIES, THEIR WIDOWS AND ORPHIANS.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That John R. Kelby, of Suffolk, Virginia; Jesse J. Yates and the Rev. Paul Whitehead, of Murfreesboro', North Carolina; James R. R. Hathaway, of Edenton, North Carolina; Rev. Alexander G. Brown, of Lynchburg, Virginia; Joseph C. Denning, of Norfolk, Virginia; Asa Snyder, of Richmond, Virginia, and George M. Bain, junior, of Portsmouth, Virginia, and their successors in office, be and they are hereby made a body corporate and politic by the name of "The Society for the relief of the preachers of the Virginia Conference, Methodist Episcopal Church South, and their families, their widows, and orphans," and by that name may hold property, real and personal, to an amount not exceeding two hundred thousand dollars, and may sue and be sued, and have a common seal.

Subscription, &c.

SEC. 2. That the said corporation shall have power to receive subscriptions in money or other things, and may receive donations by will or otherwise for the purpose of said corporation, and invest or otherwise dispose of and use the same for the promotion of the objects of said corporation.

Annual meetings.

SEC. 3. The annual meeting of said corporation shall be held in the town of Murfreesborough, in the state of North Carolina, at such time as the directors of said corporation shall determine; but called meetings of said directors may be held at such other places, in or out of the state of North Carolina, as may be desired.

Officers.

SEC. 4. Until otherwise ordered by the corporation, the officers shall be a president, secretary and treasurer, and the office of secretary and treasurer may be combined in one

person, who may be a director or some other person as the directors may select.

SEC. 5. The said corporation shall have power to purchase endowments, annuities, and make insurances on lives for the benefit of said corporation or any of its beneficiaries. Power to make insurances.

SEC. 6. The said corporation shall have power to make such by-laws and rules and regulations for its government and the management and disposition of its funds, as from time to time may be deemed proper, and until such regulations shall be made and otherwise direct, the Rev. Paul Whitehead shall be the president, and John R. Kelly the secretary and treasurer of said corporation. By-laws.

SEC. 7. The said corporation shall have not less than five nor more than nine directors, from whom the president shall annually be chosen by the directors, which directors shall hold office until their successors are appointed and enter on the duties of their office. Directors

SEC. 8. The said directors shall annually be chosen by the Virginia Conference of the Methodist Episcopal Church South, and a certificate of whose appointment shall be furnished them, and which shall be entered on the records of the said corporation, two of which directors at least shall reside in North Carolina. Directors, how chosen.

SEC. 9. The said corporation shall keep a record of their proceedings and of all moneys received and how disposed of, which shall at all times be subject to the inspection of the said conference. Record of proceedings to be kept.

SEC. 10. This charter shall continue in force for ninety years, and may be extended at the pleasure of the general assembly of North Carolina. To be in force 90 years.

SEC. 11. This act shall be in force from and after its passage.

Ratified the 16th day of February, A. D. 1870.

CHAPTER XXXI.

AN ACT TO INCORPORATE THE PORTIS GOLD MINE AND SANDY CREEK WATER COMPANY IN FRANKLIN COUNTY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That William E. Sturgess, John Wardell, of the city of Newark in the state of New Jersey, and Thomas R. Thomas, Joseph J. Davis and Charles H. Thomas, of Franklin county, North Carolina, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate by the name and style and title of the Portis Gold Mines and Sandy Creek Water Company, for the purpose of conducting water from Sandy creek to the Portis Gold Mine, and to such other mining properties as in their discretion shall be advisable or desirable on the line of their ditch or in convenient distance or adjacent thereto; that three commissioners shall be appointed, one by the landowners and one by the corporators over whose land the ditch will run or a majority of said landowners, and the third shall be selected by the two commissioners whose appointment is herein provided for, and it shall be the duty of the said commissioners to assess the damage to the several tracts of land growing out of the privileges herein granted, to be paid in cash before commencing the said ditch after the survey is made, and also to fix and establish an annual rent to be paid by the said company for the term of years herein expressed, to be paid to the present landowners, their heirs, devisees or assignees, on a day in each and every year to be fixed by said commissioners; and the rent so long as the corporation shall use the said ditch shall be a debt against the company and recoverable if not punctually paid before any magistrate in the township on the citation of any landowner whose annual rent may not have been paid as herein provided for; and the corporation hereby created, after having its survey made and paying the damages as herein provided for, shall

have the privilege of cutting a ditch over the several tracts of land in the line of said survey and keeping the same in repair, with the privilege of cutting such timbers as may be necessary to secure the lower margin of the ditch and the right of way, &c., the said ditch not to exceed six feet in width and two and a half feet in depth, and the privilege herein granted shall continue twenty years: *And it is further provided*, That the corporation hereby created may purchase and hold real and personal estate, may sell, mortgage, lease or convey any property acquired by them, and the capitol stock of said company shall not exceed fifty thousand dollars.

SEC. 2. *And it is further enacted*, That said corporation ^{Shares.} may divide their stock into shares of not less than one hundred dollars, issue certificates therefor, elect a president, directors and all other necessary officers, and make and adopt rules, regulations and by-laws for the government of said company, and be entitled to all the rights and privileges and immunities, and be subject to all the restrictions contained in chapter twenty-sixth of the revised code, entitled "Corporation."

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 24th day of February, A. D. 1870.

CHAPTER XXXII.

AN ACT TO INCORPORATE THE RESCUE STEAM FIRE ENGINE COMPANY NUMBER ONE, CITY OF RALEIGH.

SECTION 1. *The General Assembly of North Carolina do* ^{Corporators.} *enact*, That J. C. Brewster, W. C. Stronach, John C. Gorman, Douglas Bell, Samuel Merrill, A. Moses, William Price, Thomas G. Jenkins, and C. D. Heartt and other persons who shall be associated with them for the object

intended and those successors duly elected and chosen according to the by-laws of the company, shall constitute a body politic and corporate by the name and style of the Rescue Steam Fire Engine Company number one, of the city of Raleigh, the purpose of more united and efficient action in the extinguishment of fires in the city of Raleigh, and by said name and style shall have power to acquire a steam fire engine or engines and other necessary apparatus as may be necessary and such real estate as may be needful for their proper care and custody, the value of which shall at no time exceed the sum of fifteen (15) thousand dollars.

Privileges.

SEC. 2. That said company shall by the name and style aforesaid have succession, sue and be sued, plead and be impleaded, have a common seal and alter the same at pleasure and make all by-laws and rules necessary for the proper government of the company and the management of its funds and property not inconsistent with the laws of the state and in all matters to do and perform what is customary and proper for fulfilling the objects of the association.

Exemptions, &c.

SEC. 3. That members in the actual service of the company performing duties when required, shall be exempted during the continuance of said service from jury and militia duty, and after the faithful performance of the required duties in the company for the term of seven years, a certificate thereof from the secretary of the company, approved by the foreman and under the seal of the company, shall exempt for life the holder from jury and militia duty.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 24th day of February, A. D. 1870.

CHAPTER XXXIII.

AN ACT TO INCORPORATE THE RELIANCE BUCKET AND AXE COMPANY NUMBER ONE, OF THE CITY OF NEWBERN.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact. That John Randolph, Jr., George B. Willis, Romes Bryan, L. L. Randolph, Ferney West, J. R. Good, L. Lewis, D. Heath, W. W. Lawrence, J. S. Gatten, B. Moore, W. Cully, W. H. Richardson, Jas. York, J. Branton, A. J. Dyson, Abram Conner, John Dixon and other persons who shall be associated with them for the object intended, and their successors duly elected and chosen according to the by-laws of the company, shall constitute a body politic and corporate by the name and style of the Reliance Bucket and Axe Company number one, for the purpose of more united and efficient action in the extinguishment of fires in the city of Newbern, and by this name and style shall have power to acquire all necessary apparatus and equipment, Power to acquire property, &c. and such real estate as may be needful for their proper care and custody, the value of which shall at no time exceed ten thousand dollars.

SEC. 2. That said company shall by the name and style By-laws, &c.
aforesaid, have succession, sue and be sued, plead and be impleaded, have a common seal and alter the same at pleasure, and make all by-laws and rules necessary for the proper government of the company and the management of the funds not inconsistent with the laws of the state, and in all matters do and perform what is customary and proper for fulfilling the object of the association.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER XXXIV.

AN ACT TO INCORPORATE "THE MECHANICS' BUILDING AND LOAN ASSOCIATION," OF RALEIGH, NORTH CAROLINA.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That John Nichols, J. H. Seapark, John C. Blake, William Simpson, Henry Brown, John N. Bunting, Jacob S. Allen, J. C. Brewster, Wm. J. Hicks, M. Grausman, T. F. Lee, J. C. Gorman, A. W. Fraps, D. L. Royster and J. W. Watson, their associates, successors and assigns, and any and all those who have heretofore associated with them under articles of agreement for the purposes contemplated by this act, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Mechanics' Building and Loan Association," of Raleigh, North Carolina, and by that name they and their associates and successors shall and may have continual succession and a common seal, which they may alter and change at their pleasure, and shall be capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all and every manner of actions, suits, compliments, matters and causes whatever; and by the corporate name aforesaid shall and may be capable of purchasing, holding and conveying any and every estate, real and personal, necessary to a safe, useful and profitable investment and re-investment of the funds belonging to said association, and the convenient and proper transaction of its business.

Business of company, how conducted.

SEC. 2. That the property, business and affairs of said association shall be managed and controlled by a board of directors and by such officers and agents as said board may deem necessary to appoint. The board of directors shall consist of not less than five nor more than nine members, a majority of whom shall at all times be a quorum, unless the by-laws should prescribe for special purposes a greater or smaller number. That said board of directors shall be

annually elected by the stockholders, at such time and place, and in such manner, and by such votes as may from time to time be prescribed by the by-laws: *Provided*, That Provided. the present board of directors and the officers by them and said association heretofore appointed shall continue in office until their successors are regularly elected and installed. Should a vacancy occur in said board by death, resignation Vacancies. or otherwise, such vacancy may be filled by a quorum of the remaining directors, or in such other manner as the by-laws of the association may prescribe.

SEC. 3. That the board of directors shall have power to By-laws. prescribe and make such by-laws, rules and regulations for their own government and for the government of the officers, agents and members of the association as to them shall appear needful and proper for the management, investment and disposition of the funds, property, estate and effects of said association, and for the regulation and management of all and every matter necessary to execute the powers, or any of them, granted by this act and in any manner appertaining to the business thereof, to fix and prescribe the amount of assessments on the shares, the modes and times of paying the same, and to fix the fines and forfeitures for the non-payment, and to make all necessary rules and regulations in any manner relating to the payment, redemption, assignment and forfeiture of said shares: *Provided*, Such by-laws, Provided. rules and regulations, and any and all alterations and amendments thereof, shall be submitted to the shareholders in regular meeting and adopted by them.

SEC. 4. That said board of directors shall have power to Power of board of directors. elect and appoint all such officers, agents and servants, as the business of the association requires, to fix the compensation and prescribe the duties of such officers, agents and servants, and for good cause to remove them, and to take such bond or bonds from any of such officers and other persons as they may at any time prescribe: *Provided*, Provided. That the members of said association do not, at the regular annual meeting, elect to appoint such officers, agents and servants, and to execute any or all the other powers con-

Provided further. cerning them herein granted to said board: *Provided further*, That such by-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States and of this state.

Members. SEC. 5. That the members of said association shall consist of those who own one or more shares, and shall be entitled to vote in all elections and at all meetings of the shareholders, in person or by written proxy, in such manner and under such rules, regulations and restrictions as may be prescribed in the by-laws. The ultimate or par value of shares. Par value of shares. The ultimate or par value of each share shall be two hundred dollars, and the number of shares composing or to compose any one class may be prescribed and limited as the association at a regular meeting of the shareholders may direct; and if in the opinion of the shareholders, the wants of the community require it, said association shall be and they are hereby authorized and empowered to establish one or more additional class or classes of shares, under such rules, regulations and restrictions for issuing, paying and redeeming the same, as to them shall appear expedient and proper, and from time to time to declare such dividend or dividends on the shares in each class as the business of the association justifies, and as they may deem to the interests of the shareholders.

Power to establish additional classes.

Legalized. SEC. 6. That all contracts and agreements heretofore made and entered into by said association, or by the properly constituted officers thereof, now existing and in force, and all deeds, bonds and notes, mortgages and other securities taken by said association for securing the payment of money advanced, or for other purposes, and all assignments and redemption of shares heretofore made, are declared to be legal and of full force and effect, and said association by its corporate name may collect such bonds, notes and other securities and compel the execution of all such contracts and agreements, by suit or otherwise, in the same manner and to the same extent as if said association had been incorporated when the same were made and entered into, and may collect all fines, dues and forfeitures now owing and

unpaid, and any and all others to be hereafter owing and unpaid, in such manner as is provided for in the by-laws.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER XXXV.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO'.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate authorities of the town of Tarboro' shall have power to open new streets within its limits, and for that purpose condemn land for such width as they may think proper.

Power to open streets, &c.

SEC. 2. When any lands or right of way shall be required for the purpose of opening new streets or widening old streets, or other objects allowed by law, and for want of agreement as to the value thereof the same cannot be purchased from the owner, the same may be taken at a valuation to be made by five freeholders to be chosen by said corporate authorities; five days notice of the time and place of meeting of said freeholders shall be given the owners if residing within Edgecombe county, otherwise publication for two weeks in some newspaper published in Tarboro' shall be sufficient. In making said valuation, said freeholders after being duly sworn shall consider the loss and damage which may accrue to the owners in consequence of the land or right of way being surrendered, also any benefit or advantage the owner may receive thereby and shall state the value and amount of each; the excess of the value of the property over the benefit or advantage to the owner shall be the measure of damages. The land so valued by the freeholders shall vest in the town so long as it may be used for the purposes of the same, so soon as the damages

Lands, how taken when agreement cannot be made.

may be paid or lodged in the hands of the clerk of the superior court, in case the owner refuse to receive the same or cannot be found in the county of Edgecombe: *Provided, nevertheless,* That if either party shall be dissatisfied with the award made as aforesaid, appeal may be taken to the next term of the superior court of Edgecombe county, and the said commissioners shall return their proceedings to the clerk of said court, such appeal not to hinder or delay the opening or widening of the street.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER XXXVI.

AN ACT TO BE ENTITLED "AN ACT TO INCORPORATE THE TRUSTEES OF EBENEZER CHURCH, IN THE COUNTY OF MECKLENBURG."

SECTION 1. *The General Assembly of North Carolina do enact,* That C. E. Ball, A. H. Griffith, James E. Griffith, J. R. Kirkpatrick and J. M. Kirkpatrick, shall be and are hereby created, together with their successors, a corporation and body politic, in deed and in law, by the name and style of the "Trustees of Ebenezer Church, in the county of Mecklenburg," and said corporation shall have power to purchase and hold real estate, and to acquire the same by gift or otherwise; shall have perpetual succession, and may sue and be sued, plead and be impleaded in any court of the state, have competent jurisdiction, and may have and use a common seal.

SEC. 2. That if any person shall sell or give away any spirituous liquors within half a mile of the said Ebenezer Church, on any sabbath or other day upon which divine service is held at said church, the same shall be guilty of a

Corporators.

When sale of spirits
a misdemeanor.

misdemeanor, and, upon conviction, shall be fined not less than twenty-five nor more than fifty dollars for each and every offence.

SEC. 3. The act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER XXXVII.

AN ACT TO INCORPORATE THE REVERSION MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That R. I. Steele, jr., John Shortridge, Thomas J. Steele, J. D. Shortridge and L. H. Shortridge, and their associates, successors and assigns, be and the same are hereby constituted a body politic and corporate under the name and style of the "Reversion Manufacturing Company of Richmond County," and in that name and style may sue and be sued, contract and be contracted with, have perpetual succession and a common seal, and acquire, own and possess real and personal estate, and shall be so continued for the term of fifty years.

SEC. 2. That the said company shall have power to What they may manufacture.
engage in the manufacture of cotton, wool, hemp, flax, iron, wood, grain or other like materials not inconsistent with the laws of the state or of the United States.

SEC. 3. The capital stock of the company shall be twenty- Capital.
five thousand dollars, with the liberty to increase the same to one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 4. The business of said company shall be managed Business, how managed.
by a board of not less than three or more than five directors who shall elect a president and such other officers as they

may see proper and prescribe the term of service and corporation.

By-laws.

SEC. 5. The stockholders of said company shall make such by-laws for the regulation thereof as they may deem proper not inconsistent with the laws of the state or of the United States.

SEC. 6. This act shall take effect and be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER XXXVIII.

AN ACT TO INCORPORATE A BANK IN THE CITY OF RALEIGH.

Corporators

SECTION 1. *The General Assembly of North Carolina do enact*, That C. B. Harrison, Wm. Grimes, George Little, P. B. Hawkins, D. M. Barringer, W. D. Jones, A. F. Mial, J. W. B. Watson, S. H. Rogers, J. D. Caverly, D. G. Fowle, W. H. Crow, W. H. Jones, W. N. H. Smith, and their associates and successors, be and they are hereby declared a body corporate, for the purpose of establishing a bank in the city of Raleigh under the name and style of the "Bank of Raleigh," with a capital stock not to exceed one million of dollars, to be controlled by seven directors, with the same powers, rights and privileges as was granted to the Bank of Mecklenburg by the legislature at its session of 1868-'69.

Capital.

Powers and privileges.

SEC. 2. This act to be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER XXXIX.

AN ACT TO INCORPORATE THE TOWN OF MOUNT OLIVE, IN WAYNE COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body corporate.
enact, That the town of Mount Olive, in Wayne county, is hereby incorporated by the name of the town of Mount Olive, and shall be subject and entitled to and enjoy all the provisions, privileges and powers contained in the various sections of chapter one hundred and eleven of the revised code, together with such laws as have since been passed for the regulation and government of incorporated towns.

SEC. 2. That the corporate limits of said town of Mount Boundaries.
 Olive shall be included in the following boundaries, to-wit: Beginning at a stake on the west side of the Wilmington & Weldon Railroad at the north-west corner of the plat of said town and runs north fifty-three and a half west one hundred and sixty poles to a stake, thence north thirty-six and a half east one hundred and sixty poles to a stake, thence south fifty-three and a half east one hundred and sixty poles to a stake, thence south thirty-six and a half west one hundred and sixty poles to the beginning, being one half mile square.

SEC. 3. That L. G. Pearsall, R. J. Southerland, J. C. Commissioners.
 Eason, W. F. Pollock and Oliver Summerlin are hereby constituted, appointed and declared to be commissioners for the said town of Mount Olive, and they and their successors are hereby invested with all the rights, privileges, powers and immunities conferred upon and secured to commissioners of incorporated towns by the one hundred and eleventh chapter of the revised code, or any other law now in force for the government of incorporated towns.

SEC. 4. That an election shall be held in each and every Election.
 year on the first Monday of January, by the inhabitants of said town qualified to vote for members of the general

assembly, for five commissioners who shall hold their offices for one year or until their successors are elected.

Power of commissioners.

SEC. 5. That the commissioners hereby appointed or hereafter to be elected shall have the authority to designate one of their number to act as town magistrate, who shall have the same authority and power and be subject to the same duties in all civil and state cases as any other magistrate of the county.

Commissioners continued, &c.

SEC. 6. That the commissioners under this act shall be and continue to act as such until their successors shall be elected.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER XL.

AN ACT TO LEGALIZE AND MAKE VALID AN ELECTION HELD IN THE TOWN OF PITTSBORO', IN THE COUNTY OF CHATHAM, FOR MUNICIPAL OFFICERS OF SAID TOWN.

Preamble.

WHEREAS, An election was held in the town of Pittsboro', in the county of Chatham, for commissioners and other municipal officers of said town, on Monday the third of January, one thousand eight hundred and seventy; and whereas, doubts are entertained as to the validity and legality of said election; therefore

Legalized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said election so held as aforesaid in the said town of Pittsboro', in the county of Chatham, on Monday the third day of January, one thousand eight hundred and seventy, for commissioners and other municipal officers of said town, shall be legal and valid to all intents and purposes, and the commissioners and all other officers elected

at said election, are declared perfectly and legally elected by this act.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1870.

CHAPTER XLI.

AN ACT TO INCORPORATE THE BENEVOLENT SONS OF EDGE-COMBE COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body corporate.
enact, That W. P. Mabson, Nathan Boyd, James E. Simonson, Gaston Lloyd, John Henry Foreman, Frances Mathewson, Jackson Dancy, Dred. McDowell, O. C. Daggett, Thomas Killabrew, John Porter and Sandy Dancey, and their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the "Benevolent Sons of Edgecombe," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record, or before any justice of the peace in the state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of the members of said "Benevolent Sons," and for the convenient transactions of its business.

SEC. 2. That the said corporation shall have power to By-laws.
 pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of the state or of the United States.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER XLII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LUMBERTON, IN THE COUNTY OF ROBESON."

Boundaries. SECTION 1. *The General Assembly of North Carolina do enact,* That the corporate limits of the town of Lumberton, in the county of Robeson, shall be as follows: extend the east line to the one mile post on the Elizabeth road, thence north to the one mile post on the Fayetteville road, thence down the rail road to the residence of Willis Barnes, thence west to the river, following the course of the river, to the south side of the line of the Wilmington, Charlotte and Rutherford Railroad, thence east to a point one hundred yards east of the depot, thence to the eastern line: *Provided,* That this extension of said town does not exclude any citizen's property within the present limits except the property of Col. James Morrisey, and that said property of Col. James Morrisey is hereby excluded.

Repealed. SEC. 2. All laws coming in conflict with this act are hereby repealed.

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

Ratified the 1st day of March, A. D. 1870.

CHAPTER XLIII.

AN ACT TO INCORPORATE THE PEOPLES' BUILDING AND LOAN ASSOCIATION OF RALEIGH.

Cooperators. SECTION 1. *The General Assembly of North Carolina do enact,* That John G. Williams, Seaton Gales, Samuel C. White, R. H. Battle, Jr., B. P. Williamson, J. M. Betts,

T. D. Martin, John D. Primrose, A. S. Merrimon, T. H. Briggs, Peter C. Flemming, M. Rosenbaum, Kemp P. Battle, J. Q. DeCarteret, W. G. Upchurch, W. H. Jones, W. H. Crow, and all other persons who may hereafter be associated with them, and their assigns, are hereby constituted a body politic and corporate, in the name and style of the "People's Building and Loan Association of Raleigh," for the purpose of accumulating and with power to accumulate a fund to enable its respective members to purchase houses and lots, erect buildings, improve lands and remove incumbrances from real estate, and for the further purpose of distributing among the members who do not receive aid by advances on their shares for objects aforesaid, their proper dividends of the fund so accumulated in moneys, and as such shall have power to hold and convey real estate, sue and be sued, plead and be impleaded, make, have and use a common seal, and generally to have such powers as may be necessary to carry out the objects of the association.

SEC. 2. The number of shares of stock in said corporation shall not be less than five hundred, and shall not exceed four thousand, and the ultimate or par value of each share shall be two hundred dollars, and the said corporation may commence business when one dollar shall have been paid in upon each share of stock subscribed. Number of shares.

SEC. 3. The officers of said association shall consist of a president, vice-president, secretary, treasurer and nine directors, of whom the president shall be one, and an executive committee of three, selected from said board, who shall be chosen at such time and in such manner, hold their respective offices for such terms, and be governed by such regulations as the by-laws of said association may prescribe. Officers.

SEC. 4. It shall be lawful for the corporation to make and put into execution such by-laws not inconsistent with the constitution and laws of this state or of the United States, as may be necessary and convenient for the regulation and management of their affairs. By-laws.

SEC. 5. The board of directors shall have power to call in and demand from the stockholders respectively the sum Board may have power to demand subscriptions.

of money subscribed by them at such time and in such payments as the by-laws shall prescribe, and for failure to pay such sums the by-laws may provide for penalty by fine not to exceed the value of the stock.

Subscriptions of stock made equal.

SEC. 6. When any subscription to the stock of said corporation shall be made after it shall have commenced business, such subscriber may be required to pay a sufficient sum to make his payment upon his stock equal to the payment of the original members with the accrued premiums.

Parents may hold shares.

SEC. 7. Parents may hold shares in said corporation for the use of their minor children, and *femes covert* may hold for their separate use shares in said corporation exempt from the debts or contracts of their husbands.

Duration.

SEC. 8. Said corporation, unless sooner dissolved by a vote of a majority of the stockholders in number and value, shall continue in being until the fund accumulated, including shares redeemed and all property and other effects, shall amount to such a sum as will enable the association to distribute on each share a sum equal to the par or ultimate value of the unredeemed shares; before such time no distribution of principal or profit shall be made: *Provided*, That upon such distribution of the said association so elect, it shall have power to re-commence business by new subscription of stock with the privilege and upon the conditions prescribed in this act.

Provided.

Loans, &c.

SEC. 9. It shall be lawful for said corporation to loan money to its members to an amount not exceeding the par ultimate value of the respective shares subscribed for by such members, and no member shall own at any time more than fifty shares of stock; in case different stockholders shall compete for a loan of money, it shall be lawful for said corporation to receive bids from such stockholders, and they shall award the loan upon the bid deemed most advantageous to the interests of the corporation, such bid to be secured by mortgage, with power of sale, upon real estate, to be executed to said company to an amount equal to the par or ultimate value of the shares redeemed.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 2d day of March, A. D. 1870.

CHAPTER XLIV.

AN ACT TO INCORPORATE THE ORE HILL MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators
enact, That Matthew O Beatty, William Murdock, John McCawley, Hiram Walbridge, George T. Cobb, James Horner, William Reed, Orville N. Adams, Samuel H. Wiley, Ebenezer H. Brown, and Jonathan Newlin, and such other persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate, by the name and title of the Ore Hill Manufacturing Company, by which name said corporation and their successors may sue and be sued, plead and be impleaded in any court of law and equity, and shall have power to make such by-laws and regulations not inconsistent with the laws of this state as may be deemed necessary for the government of said company, and which shall be binding on them and requisite to carry on the business, shall have perpetual succession, and enjoy all the rights, privileges, powers, liberties, immunities and franchises usually pertaining to a corporation.

SEC. 2. *Be it further enacted*, That the capital stock of Shares.
 said company may be divided into such number of shares and of such amount for each share as the stockholders in general meeting may determine: *Provided*, That the capital stock of said company shall not exceed four millions of dollars, and that said shares shall be personal property and are transferable and liable to assessment as the by-laws may determine.

Meetings.

SEC. 3. *Be it further enacted,* That a general meeting of the stockholders may be held at any time determined by the by-laws, and that to constitute a meeting there must be present in person or by proxy, the proxy being a stockholder, a number holding a majority of the stock, each share of which shall be entitled to a vote, and all acts shall require the sanction of a majority of the votes present.

Affairs, how managed.

SEC. 4. That the affairs of said company shall be managed by a board of not less than three nor more than seven directors, as the stockholders by their by-laws shall determine, who shall all be stockholders and one of whom shall always be a resident of the state; they shall be elected by ballot within one year from the passage of this act, and annually thereafter, at such times and places as the by-laws may prescribe, and hold their office for one year and until their successors are elected; each share of stock shall entitle the holder to one vote in person or by proxy, and a majority of the directors shall constitute a quorum for the transaction of business; if from any cause the election of directors shall not take place at the time fixed, it shall be lawful to elect the same at any other time after two weeks' notice: said directors shall elect one of their number to be president of the board, and if the company appoint such other officers and agents as they may deem necessary to manage the affairs of the company, remove the same at pleasure, and establish offices at such places as the wants of their business may require; they shall fill all vacancies occurring in their own body until the next succeeding election by the stockholders, and have power to make all needful rules, regulations and by-laws for the well ordering of the affairs and business of the company, not inconsistent with the laws of the state.

May purchase and hold lands.

SEC. 5. That said company shall have power to purchase and hold in fee simple, under lease, or otherwise any number of acres of land, not exceeding twenty thousand, in the county of Chatham and other counties within this state, with power to sell, mortgage, lease or otherwise dispose of the same; to mine, purchase, prepare, transport to any mar-

ket and sell iron ore, coal, limestone, fire-clay, or any other minerals or products found in or upon their lands, to erect manufactories, mills, furnaces, machinery and fixtures and manufacture iron and steel and all products of iron and steel, machinery and other articles, and sell and dispose of the same, and generally to do all other acts and things which the successful prosecution of their business may require.

SEC. 6. That the said company shall have the right, Rights and powers. power and authority to lay out, build and construct roads, whether rail, tram, plank or turnpike, for the transportation of iron, coal, coke, ores, minerals, timber and other materials, to, from or between their lauds, mines, furnaces, mills and manufactories, and also to construct such canals or drains as may be needful or required for the supply of water to said furnaces, mills or manufactories, the drainage of their mines or the transportation of coal, ores or other articles as aforesaid; to erect bridges over streams of water wherever necessary, and to connect such roads or canals with the railroad, canal or slack water navigation of any company now incorporated or which may hereafter be incorporated by the laws of the state, at any point the said company may select for such connection; and such roads, canals and drains shall be open to the use of the public upon the payment of such reasonable tolls and compensation and subject to such rules and regulations as said company may by their by-laws establish.

SEC. 7. That when any land or right of way may be required by said company for constructing said roads, canals or drains, and for the want of agreement as to the value thereof, or for any other cause, the same cannot be purchased of the owner or owners, the same may be taken and the value thereof ascertained, as follows, viz: on application by the company to any justice of the peace for the county where said land or right of way may be situated, it shall be his duty to issue his warrant to the sheriff of said county to summons a jury of at least five freeholders to meet on the land on the day named in such warrant, not less than five nor more than twenty days thereafter, and the sheriff, Lands required, how taken.

on receipt of said warrant, shall summon the jury and notify the owner of the land of the time and place at which he has summoned the jury to meet, and when met, if three or more appear, shall administer an oath or affirmation to them that they will impartially value the land or right of way in question. The proceedings of said jurors, accompanied by a description of the land or right of way, shall be returned under their hands and seals, or a majority of them, by the sheriff to the clerk of the superior court, there to remain as a matter of record, and on the payment of the said valuation the lands or right of way so valued shall vest in said company so long as the same shall be used for the purpose of said road, canal or drain: *Provided*, That the location of said roads, canals or drains, shall not interfere with any graveyard, house, house lot or garden, without the consent of the owner thereof, and that no more land than thirty-feet in width on either side from the centre of said road, canal or drain, shall be condemned for the purpose aforesaid: *And provided further*, That if any person or persons over whose land said road, canal or drains may pass, or said company, shall be dissatisfied with the valuation of said jurors, either party may have an appeal to the superior court of the county in which the land lies, but such appeal shall not delay or interrupt the use or enjoyment of said right of way by said company: *Provided*, That when the company shall appeal from the decision of the jurors aforesaid, the company shall be liable for all cost and execute their bond, with sufficient surety, payable to the owners of the land in double the amount adjudged by said jury.

Seal.

SEC. 8. That the said company shall have power to adopt and use a common seal, with such device and inscription as they shall deem proper, and to change, alter and amend the same at pleasure, and certificates of stock, and other official acts, shall be authenticated by affixing the same.

SEC. 9. *Be it further enacted*, That this charter shall take effect and be in force from and after its ratification, and shall continue in force for the period of sixty years.

Ratified the 8th day of March, A. D. 1870.

CHAPTER XLV.

AN ACT TO CONSOLIDATE AN ACT INCORPORATING THE TOWN OF LENOIR, CALDWELL COUNTY, AND THE ACTS AMENDATORY THEREOF.

SECTION 1. *The General Assembly of North Carolina do enact*, It shall be the duty of the sheriff of Caldwell county, on the first Monday in January, year of our Lord one thousand eight hundred and seventy-one, and every succeeding year, after due advertisement of ten days at the court house door in Lenoir, to open the polls in said town for the election of three commissioners for said town, who shall continue in office for the term of one year from the day of their election. Election.

SEC. 2. Every person who has resided in said town ten days preceding the election, and who is qualified according to the constitution to vote for members of the general assembly, shall be entitled to vote in said election. 10 days residence entitles party to vote.

SEC. 3. Said election shall be by ballot, and in the event of a tie, the sheriff shall give the casting vote. Casting vote.

SEC. 4. Any person who is qualified, under section two of this act to vote, shall be eligible to the office of commissioner. Eligibility for commissioner.

SEC. 5. Said commissioners, before entering upon the duties of their office shall take and subscribe before some justice of the peace, or other officer competent to administer oaths, the oath prescribed by section four, article six of the constitution of North Carolina for office holders, and thereupon they and their successors in office shall constitute a body politic and corporate by the name of the commissioners of the town of Lenoir, and by such name shall have perpetual succession, sue and be sued, plead and be impleaded, hold and convey any real and personal property, and shall have power to pass such by-laws and ordinances as a majority of them may deem expedient for the good government of said town: *Provided*, The same be not incon- Commissioners to make oath.

sistent with the constitution of the United States and the constitution of North Carolina.

Appointments.

SEC. 6. Said commissioners shall have power to appoint one of their own body a magistrate of police and may also appoint a town constable and town treasurer, and other officers necessary to carry out the purposes of this act.

Taxes.

SEC. 7. Said commissioners shall also have power to levy and collect a tax on the inhabitants and property of said town not exceeding two dollars on the poll and sixty-six and two-third cents on the one hundred dollars worth of town property, to be ascertained by the assessment thereof made by law for state taxation, and also a tax on each tavern, store, grocery and other occupations and professions, with the exception of mechanical trades: *Provided*, Said taxes shall not exceed three dollars. They may also lay a tax on all exhibitions of artificial curiosities, sleight of hand performances, circus and equestrian performing, who exhibit for reward, ethiopian minstrels or bell ringers, menageries, photographers, ambrotypists or daguerrean artists, not exceeding ten dollars on each and every one: *Provided*, That said tax shall be collected by the town constable by distraint on the property taxed, or in case of trades and professions upon any other property, and the money arising therefrom be applied under the direction of the commissioners for corporate purposes.

Provided.

Bond.

SEC. 8. The town constable, if he be not already a township constable, shall, before entering upon the duties of his office, execute to the board of commissioners a bond, with sufficient security, in the sum of \$500, payable to the state of North Carolina, and conditioned for the faithful performance of the duties of his office, and in breach of said bond, he shall be liable as other constables are now liable by law: *Provided however*, That said commissioners may, in their discretion, dispense with the execution of said bond.

Provided.

Constable to be collector.

SEC. 9. Said constable shall be the collector of the town taxes, of all fines and penalties and forfeitures imposed by said commissioners, or by the magistrate of police, shall execute all processes directed to him under the authority of

this act, execute all sentences lawfully inflicted by said commissioners or magistrates of police, and for that purpose shall have all the powers and privileges possessed by sheriffs and other constables, and for his services in office shall receive such compensation as may be allowed by said commissioners, to be paid out of the revenue of the town.

SEC. 10. Upon the death, resignation or removal of any Vacancy. commissioner, the remaining commissioners shall have power to fill the vacancy so occasioned, and the person so appointed shall serve until the next regular election.

SEC. 11. Said commissioners shall appoint an overseer of Overseer. the streets, whose duty it shall be to keep them in sufficient repair, and for this purpose he shall require the services of all persons resident within the corporate limits of said town, liable by law to work on roads, as often as shall be necessary, and in other respects possess the powers and be liable to the penalties to which overseers of the roads are now subject.

SEC. 12. If any resident of said corporate town, after due notice by the overseer, shall fail or refuse to work, he shall be liable to the penalties hereinafter prescribed for violation of duties imposed by this act: *Provided*, That residents of Liabie to penalties, when. said town who perform the duties prescribed by the preceding section, shall be exempt from working on roads outside the limits of said town so long as they continue residents thereof. Provided.

SEC. 13. The corporate limits of said town shall embrace Limits one square mile, its boundaries running east, west, north and south, so laid off as to have the court house in the said town half mile from the middle point of each boundary line, and said commissioners shall at once cause to be constructed an accurate map and survey of said town by a competent surveyor, who shall be paid by said commissioners out of the revenue of said town.

SEC. 14. Within the limits of said corporation no person Liquors, &c. except as hereinafter provided shall sell or deliver any spirituous or intoxicating liquors, nor shall there be permitted any collection of stagnant water under cellars or

foundations of houses, carcasses of dead putrifying animals lie in the streets of said town, any accumulation of vegetable or animal substance undergoing putrefaction in the streets, any collection of combustible material or materials calculated to obstruct the streets or sidewalks of said town, nor shall any person in the streets of said town make any indecent exposure of his person, commit any assault and battery, riot, affray or any public nuisance whatever, and any person who in a loud voice shall publicly curse or swear or use any obscene language, shall be deemed to have a nuisance within the meaning of said section: *Provided*, That the prohibition of the sale or delivery of spirituous or intoxicating liquors shall not extend to the delivery or sale of such liquors for sacramental purposes or on the certificate of a licensed and practising physician, which certificate shall be delivered and filed with the vender.

Misdemeanor.

SEC. 15. If any person shall violate the provisions of the preceding section or shall fail to work on the streets when duly notified he shall be deemed guilty of a misdemeanor.

Powers of police.

SEC. 16. The magistrate of police within the corporate limits of said town shall have all the power and jurisdiction in offences against this act of a justice of the peace in criminal cases.

Police may issue warrant, when.

SEC. 17. Upon complaint made on oath before him that there are reasonable grounds to believe that offence against this act has been committed, the magistrate of police shall issue his warrant directed to the constable of said town, or in case there be none such, to any other lawful officer of the county, commanding him to arrest the person or persons accused and bring him or them forthwith before him for trial, and he shall proceed to hear and determine the charges, and if he find the person or persons accused guilty of the offence charged, he may inflict a punishment therefor not exceeding (\$25) twenty-five dollars or imprisoned not exceeding thirty days in the common jail of said county: *Provided*, That if the person or persons convicted be dissatisfied with such sentence, he or they may appeal to the next term superior court for the county of Caldwell: *Provided*,

further, That if he or they be herein convicted, the punishment fixed by the magistrate of police shall not be diminished but may be increased by the judge of said court.

SEC. 18. It shall be the duty of the commissioners of said town as soon as they adopt ordinances for the government of said town, to cause the same and any and all amendments thereto to be printed, and copies of said ordinances to be posted at five (5) public places in said town, securely framed and glassed. Ordinances to be printed.

SEC. 19. G. W. F. Harper, A. A. Scrogg and E. W. Faucett are appointed commissioners of said town, to hold such office until the first regular election provided for in this act; their appointments to take effect from and after the ratification of this act. Commissioners,

SEC. 20. All laws and clauses of laws inconsistent with this act are hereby repealed. Repealed. —

SEC. 21. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1870.

CHAPTER XLVI.

AN ACT TO INCORPORATE STONEWALL LODGE, NUMBER TWO HUNDRED AND NINETY-SIX, ANCIENT FREE AND ACCEPTED MASONS, IN THE COUNTY OF MARTIN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the master, wardens and members of Stonewall Lodge, in Martin county, and their successors, are hereby constituted a body corporate and politic, by the name and style of Stonewall Lodge, number two hundred and ninety-six, Ancient Free and Accepted Masons, and by that name shall have perpetual succession and a common seal, may sue and be sued, implead and be impleaded, and in general exercise and enjoy all the rights, powers and privi- Body corporate.

leges that are usually incident to corporate bodies of like nature.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1870.

CHAPTER XLVII.

AN ACT TO AMEND AN ACT INCORPORATING THE TOWN OF MOUNT AIRY, IN THE COUNTY OF SURRY.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two (2) of said act be amended so as to read as follows, viz: The town of Mount Airy is hereby vested with all powers, rights, privileges and immunities enumerated in chapter one hundred and eleven, revised code, entitled towns, so far as the same does not conflict with the constitution and laws of this state and the United States.

Confirmed.

SEC. 2. That the election held in the town of Mount Airy, on the third day of January, one thousand eight hundred and seventy, for four commissioners and intendent of police, is hereby confirmed and legalized.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1870.

CHAPTER XLVIII.

AN ACT TO INCORPORATE "THE PEOPLE'S MANUFACTURING, LOAN AND TRUST COMPANY," TO BE LOCATED IN THE COUNTY OF CUMBERLAND.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Robert W. Hardie, W. C. Troy, John M. Rose, E. L. Pendleton, Wm. M. L. McKay, A. A. McKertham and John D. Williams, and their assigns and successors, be and they are hereby constituted a corporation and body politic and board of directors, by the name and style of the "People's Manufacturing, Loan and Trust Company," of the county of Cumberland, and as such may sue and be sued, plead and be impleaded, may have and use a common seal, and change the same at pleasure, make all such by-laws and regulations not inconsistent with the charter, the laws of the state or United States, as they may deem necessary to the interest of the company, and shall have, exercise and enjoy all the rights and privileges required to carry into effect the purposes for which it is created, that of manufacturing, loaning money on real estate, collaterals and other securities, and the improvement of lands, property, and all such other business as may not be contrary to the laws of the state or United States, and such association shall be capable in law of purchasing, holding and conveying any real estate, personal estate, which may be necessary for its purposes.

SEC. 2. That should there become a vacancy in the board Vacancy.
of directors provided for in the first section of this act, by death, resignation or otherwise, the remaining directors may fill such vacancy.

SEC. 3. That the capital stock may be divided into such Capital.
number of shares and of such amount for each share as said Shares.
corporation may direct: *Provided*, That the capital stock shall not exceed five hundred thousand dollars, and certifi-

cates of stock therefor may be issued in such manner as the by-laws of the corporation may prescribe.

Books of subscrip-
tion.

SEC. 4. That said corporation may open books of subscription for receiving stock in said company at such times and places as they may determine, and shall be authorized to receive subscriptions of stock in money or real estate at such value in money as they may deem safe for the company.

May barrow money
and issue bonds.

SEC. 5. That said corporation shall have power to borrow money and issue their bonds therefor in such manner as may be prescribed, to loan money on pledges of real estate, secure by deed of trust, or otherwise, collaterals or other security, or pledge of its stock, and not otherwise.

When to commence
business.

SEC. 6. That whenever twenty thousand dollars of stock has been subscribed and ten per cent. thereon paid in or secured, the said company may commence operations by electing one of their number president and appointing such other officers for the proper management of their business as they may deem proper.

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

Ratified the 9th day of March, A. D. 1870.

CHAPTER XLIX.

AN ACT TO AUTHORIZE AN ELECTION FOR MUNICIPAL OFFICERS IN THE TOWN OF CHAPEL HILL, NORTH CAROLINA.

Preamble.

WHEREAS, Through a mistake as to the law concerning the time of election for municipal officers, no election was made for the town of Chapel Hill, in Orange county, on the first Monday in January, one thousand eight hundred and seventy; Therefore

Election, when
held.

SECTION 1. *The General Assembly of North Carolina do enact*, That an election for municipal officers for the town

of Chapel Hill, Orange county, be held under such regulations as are now provided by law, on Monday, February twenty-eighth, one thousand eight hundred and seventy.

SEC. 2. That the officers elected under the first section of Term of office. this act shall hold office until the time of the next regular election for municipal officers.

SEC. 3. All laws inconsistent herewith are hereby re- Repeal. pealed.

SEC. 4. This act shall be in force from its ratification.

Ratified the 9th day of March, A. D. 1870.

CHAPTER L.

AN ACT TO AUTHORIZE AN ELECTION OF MUNICIPAL OFFICERS FOR COMPANY SHOPS, ALAMANCE COUNTY.

WHEREAS, Through a mistake as to the time for holding Preamble. elections for municipal offices, no election was had on the first Monday in January, one thousand eight hundred and seventy, for the town of Company Shops, in Alamance county; therefore

SECTION 1. *The General Assembly of North Carolina do* Election, when to be held. enact, That an election be held for municipal officers of said town, under such regulations as are now prescribed by law, on Monday the twenty-eighth day of February, one thousand eight hundred and seventy.

SEC. 2. That the officers chosen under the first section of Term of office. this act, shall hold office until the time of the next regular election for municipal officers.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1870.

CHAPTER LI.

AN ACT TO INCORPORATE THE NEWTON FEMALE ACADEMY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Levi Plank, M. L. McCorkle, L. Fry, James A. Garvine, and their successors in office to be chosen as hereinafter provided, be and they are hereby ordained and constituted a body politic and corporate by the name, style and title of "The Trustees of the Newton Female Seminary," and by that name may sue and be sued, plead and be impleaded, may acquire and hold property, real and personal, money or other thing whatsoever, which shall or may be given, granted or devised to them, in trust for the use and benefit of said seminary, and the same to apply accordingly.

Vacancies.

SEC. 2. That all vacancies occurring in said board of trustees, by death, removal from the corporate limits of the town of Newton, inability or refusal to act, or by resignation, (which shall be to the commissioners of the town of Newton,) shall be filled by said commissioners, who shall in all cases notify said trustees of their appointment.

Trustees to appoint teachers, &c.

SEC. 3. That said trustees, or a majority of them, shall have power to appoint teachers in said seminary, fix the rates of tuition, to appoint a secretary and treasurer upon such conditions, and under such restrictions as they may deem proper, and to make such other laws and regulations for the government of said seminary and for the preservation of its property and order and discipline therein, as may be necessary, not inconsistent with the constitution and laws of this state.

Repealed.

SEC. 4. That so much of an act entitled an act to amend an act entitled "An act to incorporate the town of Newton in the county of Catawba," chapter two hundred and fifteen, private laws of one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine, as empowers the commissioners of the town of Newton, to convey and

secure to John Wilfong, Jonas Bost, George Setzer, M. Rudisell and George Bemmer, as trustees, certain real estate in the town of Newton for purposes of a male and female academy, and all other laws coming in conflict with the provisions of this act, are hereby repealed, and the commissioners of the town of Newton are hereby authorized and empowered to convey and secure to the trustees of the Newton Female Seminary, any land within the corporate limits of the town of Newton as may be agreed upon between the said commissioners and the trustees aforesaid.

SEC. 5. This act shall be in force from and after its passage.

Ratified the 9th day of March, A. D. 1870.

CHAPTER LII.

AN ACT TO INCORPORATE THE NORTH CAROLINA CENTRE IRON COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That I. D. Sergeant, Lewis Rodman, William R. Buck, Thomas Graham, William R. Wiston, of the city and county of Philadelphia, and state of Pennsylvania, and C. B. Houston, of Guilford county, state of North Carolina, T. J. Houston, of Millston, Dutchess county, state of New York, Nathaniel Ellmaker, Jr., of Gap, Lancaster county, state of Pennsylvania, Robert S. Buck, of Bridgeton, state of New Jersey, C. Elton Buck, of Wilmington, state of Delaware, and such other persons as shall be associated with them, and their successors, are hereby created into a body corporate and politic by the name, style and title of the North Carolina Centre Iron and Manufacturing Company, with a capital stock of two hundred and fifty thousand dollars, with power to increase the same to five hundred thousand Corporators.

dollars, and to be divided into shares of fifty dollars each, and with the power of perpetual succession.

Bonds.

SEC. 2. That the said company shall have authority to issue bonds not exceeding one hundred thousand dollars, secured by mortgage of the whole or part of their property and estate, real and personal, and the corporate franchises thereto belonging, in sums of not less than one hundred dollars, payable at any period not less than twenty years after their date, with coupons attached thereto for interest thereon, payable semi-annually, at the rate of seven per cent. per annum, and the said company shall have authority to borrow money on said bonds upon such rates of interest as may be agreed upon, and the said company is authorized to sell and dispose of the said bonds within or beyond the commonwealth, at such rates, above or below par, as may be agreed upon between the parties, and such sale shall be as valid as if sold at par.

May hold lands, &c.

SEC. 3. That said corporation by the name aforesaid may hold lands, mining rights, leases on coal and mineral lands, with power to mortgage, sell, lease or otherwise dispose of the same or any part thereof, and the capital of the company may be employed in mining iron ore, coal, limestone and other minerals, making and manufacturing iron and steel and other products, and transporting and vending the same, and for such other objects as are necessary in the prosecution of their business.

May lay down railroads.

SEC. 4. That it may and shall be lawful for said company to construct and lay down a railroad or railroads, with as many tracks as may be required, commencing at a point or points on their property or leasehold properties, and pursuing such route or routes as may be deemed best for shipping coal, iron, or other products to market or to connect with other railroads.

Directors.

SEC. 5. That the affairs of the company shall be managed by a board of nine directors, one of whom shall be president, who shall be chosen by the stockholders; the first election shall be held within three months after this act shall take effect, of which election public notice shall be

given at least four weeks in one newspaper at Raleigh, North Carolina, and in one newspaper in Philadelphia. All elections shall be by ballot, and every share of stock subscribed and paid in shall entitle the holder to one vote.

SEC. 6. That this corporation shall have authority to hold and use a common seal, and the same to change, alter or amend at pleasure, and by the style and title aforesaid shall be capable in law to sue and be sued before any court or justice of the peace in this commonwealth; may appoint officers, do and make all needful rules, regulations and by-laws for the well-ordering of the business and affairs of the corporation so that the same shall in nowise conflict with or be contrary to the laws and constitution of this commonwealth or of the United States. Seal, &c.

SEC. 7. The stock may be transferred agreeably to the by-laws which may be adopted by the company. Transfers.

SEC. 8. That dividends may be declared and paid as the directors may order, but shall only be paid out of the net profits of the company. Dividends.

SEC. 9. That the stockholders of said company shall not be liable in their individual capacities and estates, for the debts, contracts or liabilities of said company, except so far as they may be by the laws of the commonwealth or of the United States. Liabilities of stockholders.

SEC. 10. That all transfers of stock in said corporation shall be entered on the stock books thereof, and the said company shall keep an office for the transaction of their business at Philadelphia, Pennsylvania, and at the said office shall keep the stock books aforesaid open at all times to the inspection of any officers, stockholders or creditors of said company. Transfers to be entered on books.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1870.

CHAPTER LIII.

AN ACT TO EXTEND THE LIMITS OF THE CITY OF WILMINGTON,
AND FOR OTHER PURPOSES.

Boundaries.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the city of Wilmington shall be, and the same are hereby extended to and bounded and circumscribed by the following metes and boundaries, that is to say: beginning at a point in the northern boundary line of the city of Wilmington, the line of the northern side of Ashe street where it corners on the eastern bank of the northeast branch of the Cape Fear river, as per plan of the town of Wilmington made in pursuance of an act of the General Assembly of North Carolina, entitled an act to empower the commissioners of the town of Wilmington to establish streets and for other purposes, ratified the sixteenth day of January, one thousand eight hundred and fifty-five, and surveyed and prepared by L. C. Turner, and running thence northwardly with the said eastern bank of the Cape Fear river to a point in a line parallel with, and eleven hundred and eighty-eight feet northwardly from the north side of Ashe street; thence north to boundary line of said city of Wilmington aforesaid, running thence eastwardly parallel with said line of the north of Ashe street four thousand feet to the channel of Smith's creek; thence up the channel of said Smith's creek with its various meanders to a point where it is intersected with a line parallel with and fourteen hundred and eighty-four feet eastwardly from the eastern boundary of said city, the line of the east side of thirteenth street as laid down in the plan of said city, surveyed and prepared by L. C. Turner aforesaid; thence southwardly parallel with said line of the east side of thirteenth street thirteen thousand seven hundred and forty-four feet; thence westwardly along a line parallel with and one thousand three hundred and eighty-four feet south of the line of the south side of Marsteller street, the present southern boundary line of the city of

Wilmington to the western bank of the Cape Fear river; thence westwardly to the Brunswick and New Hanover county line; thence northwardly to and with said line of Brunswick and New Hanover counties to the northwest branch of the Cape Fear river; thence northeastwardly across the river to a point where Samuel Potter's rice lands and the lands known as belonging to the owners of the Saint Peter steam saw mills; thence with the line dividing said Samuel Potter's land and the steam saw mill tract to the northeast branch of the Cape Fear river; thence across said river to the beginning.

SEC. 2. That the mayor and aldermen of the city of Wil- Survey to be made.
 mington shall and they are hereby required to have a survey made and a plan drawn of said city according to the preceding section of this act, on which said plan shall be designated, the lines of all such streets and public alleys as now are or may be established by the mayor and aldermen of the city of Wilmington, and the said mayor and aldermen shall cause three copies of said plan to be prepared, and the same to be certified by the mayor of said city, under the corporate seal of said city; one of said copies shall be enrolled in the office of the secretary of state, one in the office of the clerk of the superior court of the county of New Hanover, and one in the office of the commissioners of the city of Wilmington; and said plan so prepared by said mayor and aldermen, or copies of the same, or a copy of said original plan, duly certified by the mayor of said city, under the corporate seal of said city, or a duly certified copy of either of said plans enrolled as aforesaid, shall be received as evidence of the corporate limits of said city and of the limits of streets, alleys, lots and squares designated therein.

SEC. 3. That all laws and clauses of laws now in force Previous laws to be construed as extending to this act.
 and provided for the government and regulation of the city of Wilmington, shall be so construed as to operate and extend to the limits prescribed by this act.

SEC. 4. That the mayor and aldermen of the city of Wil- Porches, piazzas, &c.
 mington are hereby authorized and empowered to make and

establish such ordinances and laws as they may deem necessary for the removal, tearing down and clearing away of all porches, piazzas, awnings, pumps, fences or other obstructions of any kind, nature and description which now are build or may hereafter be build, upon any of the sidewalks, streets or public alleys of said city, and to enforce obedience to all such ordinances and laws by imposing such fines and penalties as to said mayor and aldermen shall deem judicious: *Provided*, That nothing herein shall be construed so as to prevent the Wilmington Water Works Company from laying their pipes as allowed in their charter.

Amended.

SEC. 5. That section second of an act entitled an act amending the charter of the city of Wilmington, ratified the seventeenth day of July, one thousand eight hundred and sixty-eight, be amended by striking out all of the second section, after the second word of in fifth line, and inserting the following: the Wilmington and Weldon Railroad track, and east of the middle of fourth street, the second ward shall include all that part of the city which is south of the middle of the Wilmington and Weldon Railroad, north of the middle of Market street and east of the middle of fourth street; the third ward shall include all that part of the city which is west of the middle of Fourth street and north of the middle of Market street; the fourth ward shall include all that part of the city which is south of the middle of Market street and west of the middle of Fourth street, the fifth ward shall include all west part of the city which is south of the middle of Fourth street and south of the middle of Market street.

Amended.

SEC. 6. That the word "four," in section twenty-seven of an act to amend the charter of the city of Wilmington, ratified December eighteenth, one thousand eight hundred and sixty-eight, in line five, be stricken out, and the word "five" be inserted.

Elections.

SEC. 7. That within twenty days after the ratification of this act the mayor and aldermen of the city of Wilmington shall elect two citizens from the new ward created by this act to serve as aldermen until the next regular election on

the —— of August, when these two aldermen shall be elected from said ward the same as from the other wards of the city.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1870.

CHAPTER LIV.

AN ACT FOR THE RELIEF OF E. D. DAVIS.

WHEREAS, The records in the office of the secretary of state show that a grant for fifty acres of land was issued to E. D. Davis, of Jackson, on the twenty-ninth day of January, one thousand eight hundred and fifty-one, regular in all respects; and whereas, it appears said deed is perfect, except the omission of the then governor, (Hon. D. S. Reid,) to sign the same; therefore

SECTION 1. *The General Assembly of North Carolina do enact*, That ex-governor David S. Reid be and he is hereby authorized to sign said deed or grant, which, when so signed, shall have the force and effect of any other state grant.

Authorized to sign deed.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1870.

CHAPTER LV.

AN ACT TO INCORPORATE THE LOUISBURG CO-OPERATIVE LAND AND BUILDING ASSOCIATION

SECTION 1. *The General Assembly of North Carolina do enact*, That Joseph J. Davis, Madison Hawkins, Dr. Ellis

Corporators.

Malone, Charles Cook, J. J. Minitree and W. H. Ferguson and their associates and successors, assigns, shall be and they are hereby created a body politic and corporate by the name of the Louisburg Co-operative Land and Building Association with a capital stock of five hundred thousand dollars to be divided into shares of two hundred dollars each.

Power to sell, lease,
&c.

SEC. 2. That said corporation shall have power to buy and sell, lease, mortgage or otherwise convey lands, erect and purchase buildings, and make and enforce such by-laws and rules not contrary to law as may be necessary and convenient for its regulation and business, may have a continual succession and a common seal, shall be capable of suing and being sued, and of pleading and being impleaded, of defending and being defended in every manner of action, suits, complaints, matter and causes whatever.

Officers.

SEC. 3. That the stockholders in said corporation shall annually elect a president, a vice-president, a secretary and a treasurer, who shall constitute the board of directors and execute the corporate powers thereof.

Books to be opened.

SEC. 4. That the said corporation shall open books and receive subscriptions at the town of Louisburg, in the county of Franklin, and may commence business whenever one hundred shares have been subscribed for and an instalment of one dollar has been paid on each. The subscribers shall pay to said corporation the sum of one dollar per month for each share of stock until the amount paid shall, with interest at six per centum per annum, amount to the sum of two hundred dollars for each share. At any time after the said amount shall have been paid in, the board of directors of said corporation shall have power to wind up the business thereof and thereupon the assets of said company shall be ratably divided among its stockholders. Whenever any subscription to the stock of said corporation shall be made after it shall have commenced business, it shall be lawful for said directors to require such subscribers to pay at the time of such subscriptions, or thereafter, a sufficient sum to make his payment upon his

stock equal to the payments and premiums of the original members with interest, or such directors may allow, within one year from the commencement, such subscribers to pay only the sum of one dollar per month from the date of his subscription: *Provided*, That in such cases, upon the final settlement of the affairs of the corporation, such subscribers shall receive a sum which shall bear the same proportion to the shares of the original subscribers as the amount paid by him, and interest thereon paid by them.

SEC. 5. That it shall be lawful for the directors of such corporation to loan money to the stockholders thereof to an amount not exceeding the par value of their stock; and in case different stockholders shall compete for a loan of money therefrom, it shall be lawful for such directors to receive bids from such stockholders, and they shall award the loan to the bidder offering to give his note in hand for the amount proposed to be loaned for the smallest sum. Such note in hand given shall have legal interest payable in monthly instalments, and the principal of said note shall be charged against such subscriber in the final settlement of said corporation. May loan money, &c.

SEC. 6. That the board of directors may invest and employ the funds of the corporation in such way and manner as they may judge the interest of the corporation require. May invest funds as they may judge best.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1870.

CHAPTER LVI.

AN ACT TO INCORPORATE CAREY LODGE, NUMBER ONE HUNDRED AND NINETY-EIGHT, ANCIENT YORK MASONS, LOCATED AT CAREY, IN THE COUNTY OF WAKE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the worshipful master, wardens and members Body corporate.

of Carey Lodge, number one hundred and ninety-eight, of Ancient York Masons, located at Carey, in the county of Wake, be and they are hereby incorporated into a body politic and corporate under the name and title of Carey Lodge, number one hundred and ninety-eight, Ancient York Masons, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded before any court of record, or before any justice of the peace in the state, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be required for the convenient transaction of business.

By-laws.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of the state of North Carolina or of the United States.

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

Ratified the 14th day of March, A. D. 1870.

CHAPTER LVII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WINSTON,
IN THE COUNTY OF FORSYTH.

Boundaries.

SECTION 1. *The General Assembly of North Carolina do enact,* That the corporate boundaries of the town of Winston be extended as follows, to wit: Beginning at the northeast corner of the corporate boundaries of the town of Salem, thence running north parallel with the Winston line to a point opposite to the northeast corner of Winston, thence west one mile, thence south to the northwest corner of the said boundary of Salem, thence east along the same to the beginning.

SEC. 2. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer, or any other spirituous, vinous or malt liquors by a less measure, or in a less quantity than three gallons within the corporate limits of Winston, without first having paid the tax and obtained a license therefor as herein required.

Unlawful to retail without license.

SEC. 3. That no person shall erect, put up, keep, use or maintain any billiard table, ten-pin alley or any gaming table or place, by whatever name known or called, at which games of chance, hazard or skill shall be played, within the corporate limits of Winston, without first having paid the tax and obtained a license therefor as herein required.

License on gaming tables to be paid before use of same.

SEC. 4. That the commissioners of the town of Winston shall impose, levy and collect a corporation tax of not less than two hundred dollars per annum upon every person obtaining a license for any one of the purposes specified in this act, and said commissioners shall grant no license to any for any one of the purposes herein enumerated, until he shall have paid all the taxes imposed for said license, proved a good moral character by the oaths of not less than two citizens of said town. Said commissioners shall have the power to grant or refuse a license to any one for any one of the aforesaid purposes at their discretion.

Tax.

SEC. 5. That no court, board of county commissioners, sheriff or any other officer shall grant a license to any one for any one of the purposes specified in this act, to be kept up, used, carried on or exercised within the corporate limits of Winston, unless such person shall produce before such court, board of county commissioners, sheriff or other officer, a license therefor, granted by the commissioners of said town of Winston, duly signed by the mayor thereof.

Licenses, when granted by sheriff or other officer.

SEC. 6. That any person who shall violate any of the provisions of this act shall forfeit and pay to the commissioners of Winston the sum of fifty dollars for each offence, to be sued for and recovered by said commissioners, and such violation shall be held and deemed a misdemeanor, and any one convicted thereof shall be fined fifty dollars or imprisoned, one or both, at the discretion of the court, and each

Penalty for forfeiture.

act of selling or retailing shall be deemed a separate offence, and each day or part of a day in which any billiard table, ten-pin alley, or any gaming table or place where any game of chance, hazard or skill shall be kept up, maintained or played, by whatever name known or called, shall be deemed a separate offence and a violation of this act.

Repeal. SEC. 7. That all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its passage.

Ratified the 14th day of March, A. D. 1870.

CHAPTER LVIII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKLINTON.

Boundaries. SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the town of Franklinton shall be extended so as to include all the lands within the following limits, to wit: Beginning at a post oak west of Henry C. Kearney's house, and running south sixty-six degrees east, crossing the Raleigh and Gaston Railroad two hundred and forty poles to a persimmon tree; thence north twenty-four degrees east, crossing the road to Louisburg, north forty poles to a pine; thence north sixty-six degrees west, crossing the Raleigh and Gaston Railroad again two hundred and forty poles to a small pine; thence south twenty-four degrees west, two hundred and forty poles to the beginning.

Mayor. SEC. 2. *Be it further enacted*, That in addition to the five commissioners now provided for by law, the qualified voters of the said town shall, at the next annual and every succeeding election, elect a mayor, under the same rules and

regulations that are provided for the election of commissioners.

SEC. 3. *Be it further enacted*, That the mayor shall be qualified as provided in section eleven, chapter one hundred and eleven, revised code of North Carolina, and shall exercise all the powers of a peace officer therein granted. Qualification of mayor.

SEC. 4. *Be it further enacted*, That in addition to the powers heretofore granted the commissioners of said town, they shall have power to lay out and open any new streets, or widen and straighten those already made; and if the owners of property affected by the said streets so opened, widened or straightened, it shall be lawful for said board of commissioners to choose three disinterested persons, and the person claiming damages to choose three disinterested persons, whose duty it shall be, after being sworn by the mayor or some justice of the peace, to fairly and impartially assess any damage sustained by opening or widening said streets, taking into consideration the enhanced value of the property by such widening and opening; and should the arbiters thus chosen fail to agree, they shall have power to call in an umpire. The award of the arbitrators thus chosen shall be conclusive, unless the party thus aggrieved shall choose to appeal to the superior court of said county. Both parties may appeal, and shall be returned under their hands and seals to the board of commissioners, which shall be entered at length on the book of proceedings of said board. Additional powers.

SEC. 5. *Be it further enacted*, That the board of commissioners of said town shall have authority to assess and collect annual taxes for municipal purposes on all persons and property within the corporate limits which are taxed for state and county purposes: *Provided*, That the basis of taxation between persons and property shall be the same as established by the constitution of the state; and taxes so collected shall not exceed one-half the amount collected for state and county purposes. Assessment and collection of taxes.

SEC. 6. *Be it further enacted*, That said commissioners shall be further empowered to collect a license tax annually License tax.

on persons engaged in the following trades, professions or occupations, to wit:

1st. On livery stables, not exceeding (§3) three dollars.

2nd. On hotels, not exceeding five dollars.

3rd. On drinking saloons, not exceeding twenty dollars.

4th. On billiard tables and bowling alleys, not exceeding ten dollars.

5th. On persons or firms engaged in selling goods, wares, merchandize, produce or other articles, not exceeding five dollars.

6th. On eating saloons, oyster houses and cook shops, not exceeding three dollars.

7th. On lawyers, physicians and dentists, not exceeding three dollars.

8th. On daguerreans, photographers, auctioneers and janitors, not exceeding three dollars.

9th. On every circus, menagerie, theatrical company, concert or minstrel troupe (except for benevolent purposes, to be judged of by the mayor,) not exceeding ten dollars for each exhibition.

SEC. 7. *Be it further enacted*, That it shall not be lawful for the county commissioners of Franklin county to grant any license to retail spirituous liquors within the limits of said town, unless the person applying for the same shall be recommended by the board of commissioners.

SEC. 8. *Be it further enacted*, That the said corporation shall in future be governed by the provisions of chapter one hundred and eleven, revised code, where not inconsistent with the constitution and laws now in force.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1870.

Recommendations
to be made by board
of commissioners.

Future government

CHAPTER LIX.

AN ACT TO PUNISH PERSONS FOR VIOLATING THE TOWN LAWS OF
SALEM, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor of the town of Salem, in Forsyth county, shall have power to imprison persons not exceeding ten days in the lockup for violating the town laws, in case they fail or refuse to pay the fines and costs that they may incur by violating the said laws. Power of mayor to imprison.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1870.

CHAPTER LX.

AN ACT TO INCORPORATE THE EDGECOMBE MASONIC BUILDING
ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do enact*, That Joseph B. Coffield, Churchwell B. Killebrew, Elisha Cromwell, Henry T. Clark, William G. Lewis, Donald Williams, William S. Long, their associates, successors and assigns, are hereby constituted a body politic and corporate, under the name of "The Edgecombe Masonic Building Association," with power to sue and be sued, plead and be impleaded, have succession and a common seal, to make such by-laws, rules and regulations as may be deemed necessary for the government of the company, not inconsistent with the laws of this state or of the United States, and generally to possess such powers as are enjoyed by corporations under chapter twenty-six of the revised code. Corporators.

Power to erect hall. SEC. 2. Said corporation shall have power to erect a public hall and other rooms and buildings, to purchase and hold such real and personal estate as may be necessary and convenient for the same, and dispose of said property by lease, sale or otherwise as the stockholders may deem best; *Provided*, That the corporation shall not hold at any one time more than one hundred thousand dollars of property.

Capital. SEC. 3. The capital stock of the said corporation shall be thirty thousand dollars, divided into shares of one hundred dollars each.

May provide for elections. SEC. 4. The stockholders may provide for the election of such officers of the company as may be deemed advisable, prescribe their duties, terms of office and compensation.

SEC. 5. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1870.

CHAPTER LXI.

AN ACT AUTHORIZING THE FORMATION OF THE GREENSBORO'
BUILDING AND LOAN ASSOCIATION, IN THE COUNTY OF GUIL-
FORD.

Corporators. SECTION 1. *The General Assembly of North Carolina do enact*, That D. W. C. Benbow, J. W. Albright, W. H. Hill, Peter Adams, N. H. D. Wilson, John Crane, Thomas M. Owen, Peter H. Adams, W. C. Porter, John N. Staples and their associates, successors and assigns, are hereby constituted a body politic and corporate, under the name and style of the Greensboro' Building and Loan Association, for the purpose of building, purchasing, holding, selling, mortgaging, leasing or conveying real estate and personal property, and to continue for thirty years, with power to make and use a common seal, and to alter and change their constitution, and to make such by-laws not inconsistent with laws of this state and of the United States, as they may

deem useful and necessary, to sue and be sued, plead and be impleaded, and to exercise all the rights, privileges and immunities granted to corporations under the laws of this state.

SEC. 2. That the capital stock of said corporation shall be not less than one hundred thousand dollars nor more than five hundred thousand, and shall be divided into shares of two hundred dollars each. Capital.

SEC. 3. That the stock owned by each member shall not exceed fifty shares. Number of shares.

SEC. 4. That the said corporators, their associates, successors and assigns, shall have the right to invest such portion of the capital stock of the said corporation in real estate and personal property as they may deem for the best interest of the corporation, and such property may be received by them in payment for subscription to said capital stock. The subscription to the capital stock of the company may be attained by opening books for general subscription, or by private and personal subscription as the said corporation may deem most desirable. Power to invest funds.

SEC. 5. That the said corporation shall have an office for the transaction of business in the county or district where their operations are carried on, and they may have offices in other places if they deem it for the interests of the company to establish them. Offices.

SEC. 6. That all subscribers to the capital stock, who shall not have paid their subscription according to the terms agreed upon, shall be liable to the creditors of said corporation for all amounts remaining unpaid on their said subscriptions, and may be proceeded against in the usual way and manner for the collection of the same. Liability of subscribers.

SEC. 7. That the business of said corporation shall be managed by a board of directors of not less than seven nor more than eleven, one of whom shall be president: the directors shall be elected annually when the number of directors for the year shall be determined by a vote of the stockholders, but a failure to elect shall not work a forfeiture of the charter, but the directors and officers of the pre- Business, how managed.

vious year shall continue in office till others are elected in their stead. At all meetings of the stockholders each share of stock shall entitle the holder to one vote, which may be voted in person or by proxy, the place of meeting of stockholders to be fixed by the directors, and due notice given of the same.

Regarded as personal property.

SEC. 8. The stock of the company shall be taken and regarded as personal property and transferable on the books of the company as the by-laws shall prescribe.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1870.

CHAPTER LXII.

AN ACT TO INCORPORATE THE POLICY HOLDER'S LIFE AND TONTINE ASSURANCE COMPANY OF THE SOUTH.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. Nye Hutchinson, J. Harvey Wilson, Martin McRea, Z. B. Vance, William C. Bee, Robert Mure, Alfred Dockery, V. C. Barringer, Henry Cobed, B. Craven, Andrew Simonds, John R. Dukes, George W. Williams, Jas. R. Pringle, W. K. Ryan, L. D. Mowry, Milliam McBurney, George E. Boggs, John S. Preston, James Woodrow, E. P. Alexander, Edwin J. Scott, John B. Palmer, James P. Boyce, J. Leighton Wilson, and other persons who may associate with them, shall be a body politic and corporate, by the name of the "Policy Holder's Life and Tontine Assurance Company of the South," and by that name shall have succession of officers and members, may sue and be sued, plead and be impleaded in any court whatever, and may exercise all such corporate powers and franchises as are hereinafter provided.

SEC. 2. The business of the company shall be to make

insurance upon the lives of individuals, and every in- Life insurance.
 surance appertaining thereto, or connected therewith, and
 to grant, purchase or dispose of annuities. The insurance
 business of the company shall be conducted on the mutual
 plan. The premiums on all policies issued by the company
 shall be paid in cash. For any omission to pay any pre-
 miums due to the company after the payment of one or
 more annual premium or premiums, or for any other viola-
 tion of the conditions of any policy (after said payment,) save and except those against fraud or attempted fraud, hereinafter provided for, the party insured may be required to surrender his or her policy to the company to be cancelled, and in lieu thereof shall be entitled to receive, in cash or its equivalent in insurance, the surrender value thereof at the time the premium becomes due and is not paid, or at the time when, for any other cause, the policy may be required to be surrendered as aforesaid. In lieu of cash the trustees may, at their own option, issue a temporary policy of insurance for such a term as the said surrender value, considered as a net single premium may purchase, and the said term shall be determined according to the age of the party at the time of the lapse of premium, or at the time when, for other cause, the policy may be required to be surrendered, and the assumption of mortality and rate of interest upon which premium or premiums paid were based. For any violation of the conditions of a policy designed to protect the company against fraud or attempted fraud, the trustees may forfeit the policy, and may apply all the previous payments to the use and benefit of the company. The principal office for the transaction of the business of the company, together with branches and agencies thereof, may be established by the trustees in any place they may select.

SEC. 3. The corporate powers and franchises of the company hereby created, shall be vested in a board of trustees, and shall be exercised by them and by such officers and agents as they may appoint and from time to time empower. The board of trustees shall consist of not less than thirty-

Powers, &c., to vest
 in board of trustees.

Powers, &c., to vest
in board of trustees.

six persons, and no one shall be a trustee who is not a policy holder in the company. The board of trustees may, previous to any annual election of trustees, and after giving notice at a previous meeting of the board, provide for diminishing the number of trustees to not less than twenty-four, in which case one-fourth of the whole number, as thus diminished, shall be elected annually, in the same manner as is hereinafter provided in regard to the thirty-six trustees above provided for, and the same powers and franchises shall vest in said board thus diminished, as were previously vested in the board of thirty-six trustees. The persons named in the first section of this act, together with such other persons as they may select, shall constitute the first board of trustees. They shall divide themselves by lot into four classes, of one-fourth of the whole number each. The term of the first class shall expire at the end of one year from the first Tuesday in March, one thousand eight hundred and seventy-one; that of the second class shall expire at the end of two years from that time; that of the third class shall expire at the end of three years from that time; that of the fourth class at the end of four years from that time; so that in each consecutive year after that date, the term of one-fourth of the whole number of the board of trustees shall expire. An election shall be held annually on the first Tuesday in March in each year to fill the seats of each class made vacant as aforesaid, and the persons elected to fill the same shall hold office for four years or until their successors shall have been chosen, but any trustee whose term shall have expired shall be eligible for re-election. All elections for trustees shall be by ballot, and a plurality of votes shall elect. In the event of a failure to elect trustees on the day appointed for that purpose, the remaining trustees whose terms of office shall not have expired, shall have power to fill the said vacancies, and also to fill all vacancies that may occur by death, resignation or removal from the state; fourteen days previous notice of each annual election shall be given in two or more of the newspapers published in the state of North Carolina, in one

or more published in South Carolina, and in one or more published in Georgia. Three life-policy holders in the company shall be appointed by the trustees managers to hold and declare said election ; and at any election for trustees each policy-holder shall be entitled to one vote for his or her own policy, and one vote for each policy he or she may hold on the life or lives of others, which may be cast personally or by proxy. The trustees shall have power and authority to declare by by-laws what number of trustees, not less than seven, shall constitute a quorum for the transaction of business. They shall also have power and authority to make all by-laws, rules and regulations not repugnant to the constitution and laws of the state, for the government of the officers and agents of the company and for the management of its affairs, and the same to alter, amend or repeal at pleasure. They may delegate power to a committee or committees of their own number to transact any of the business of the company except the signing and issuing of policies of insurance or annuity, and the payment of losses, which shall be done only by the president and secretary, or in their absence by such person or persons as may be appointed for that purpose by the board of trustees. They may adopt and keep a common seal for the use of the company, and the same may alter at will. They may determine the rates of premium to be charged, and the amounts to be insured on any one life, and the terms of such insurance ; and shall have power to purchase for the benefit of the company, any policy or policies of insurance, dividends or other obligations of the company ; but no officer, trustee or agent of the company shall be personally, directly or indirectly, interested in any such purchase. The board of trustees shall immediately after the organization of the company, and afterwards at the first meeting of the board after each annual election for trustees, elect from their own number a president, and may elect also vice-presidents, who shall respectively hold office for the term of one year and until their successors shall be elected. The trustees shall have power to elect or appoint

Powers, &c., to vest
in board of trustees.

Powers, &c., to vest
in board of trustees.

a secretary and such other officers, agents and employees as they shall deem requisite and necessary for properly conducting the business of the company, who shall hold office during the pleasure of the board. They may appoint a president and vice president *pro tempore*, as occasion may require. The president shall call special meetings of the board of trustees whenever requested in writing so to do by seven members of the board. The officers of the company shall, within ninety days from the expiration of the period of five years from the thirty-first day of December, one thousand eight hundred and sixty-nine, and within ninety days after the expiration of every subsequent period of five years, cause a balance to be struck of the affairs of the company, which shall exhibit its assets and liabilities, both present and contingent, and also the net surplus after deducting a sufficient amount to cover all outstanding risks and obligations. Each policy holder shall be credited with an equitable share of the said surplus. Such equitable share shall, at the option of the policy holder, be paid in cash, or be applied to the purchase of an additional amount of insurance, payable at death or with the policy itself, expressing the reversionary value of such equitable share, at such rate of interest as the trustees may designate, or shall be applied to the purchase of an annuity at such rates of interest as the trustees shall designate, to be applied to the reduction of his or her future premiums. In the event of death, the amount standing to the credit of the party insured at the last preceding quinquennial balance as aforesaid, shall be paid over to the person entitled to receive the same, and the portion of surplus equitably belonging to him or her at the next subsequent quinquennial balance, shall also be paid when the same shall have been ascertained and declared; but nothing herein contained shall prevent the trustees from causing to be ascertained and paid with the policy such (if any) equitable share belonging thereto. The officers of the company shall, at the quinquennial periods aforesaid, cause a general balance statement of the affairs of the company to be made, which shall be open to

the inspection of the policy holders for sixty days during the usual hours of business. The said statement shall show the amounts received during the preceding five years for premiums, interest and annuities, and also the amounts paid during the same time for losses, expenses, &c., &c., and the balance remaining in the treasury, together with the manner in which the surplus is invested.

SEC. 4. The fiscal year of the company shall terminate fiscal year. on the thirty-first day of December in each year, and it shall be the duty of the president or vice president, and secretary or actuary, or a committee of the trustees of the company, within sixty days thereafter, to prepare and file in the office of the auditor of the state of North Carolina, South Carolina and Georgia, a statement made under oath showing the assets and liabilities of the company; said Statement, where to be filed. statement shall be examined and compared with the books of the company by three or more policy holders, and its correctness certified to by them, to the best of their knowledge and belief.

SEC. 5. The trustees may invest the funds of the com- Trustees may invest funds. pany or accumulations of money in bonds secured by mortgage on unincumbered real estate, worth exclusive of the exemption from levy and sale contained in an act entitled "an act to determine and perpetuate the homestead," approved

, one hundred per centum more than the amount agreed to be loaned thereon, or in stocks and bonds of the United States, or of this state, or of other states of the United States, or of cities incorporated therein, or in first mortgage bonds of railroad companies where such bonds are yielding and paying an interest on the par value thereof of not less than five per centum per annum. They may loan money on the hypothecation of such stocks and bonds as the aforesaid, on such terms and conditions as they may from time to time determine, and may change all the aforesaid investments and re-invest as often as they may think proper.

SEC. 6. It shall not be lawful for the company to pur-

May purchase and hold real estate, when.

chase, hold or convey real estate, except for the purposes and in the manner following, to-wit: 1st. Such as may be required for its immediate accommodation in the transaction of its business. 2d. Such as may have been mortgaged to it in good faith by way of security for loans previously contracted, or for money due. 3d. Such as may have been conveyed to it in satisfaction of debts previously contracted. 4th. Such as may have been purchased as sales upon judgments, decrees of foreclosures of mortgages obtained and made for such debts, and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of the company in the convenient transaction of its business, shall be sold and disposed of within five years after the company shall have acquired title thereto, unless the company shall procure from the judge of the judicial district in which the land is situated, that the interest of the company will suffer materially by a forced sale thereof, in which event the time for the sale may be extended to such time as the said judge shall direct.

Who liable for losses.

SEC. 7. All policy holders shall be members of the company, but no member, except officers and agents thereof, shall be personally liable for any loss or losses of the company, and such officers and agents severally shall only be liable for the loss or losses arising by reason of their own respective neglect or misconduct.

How suits at law maintained.

SEC. 8. Suits at law may be maintained by the company against any of its members for any cause relating to the business of the company, also suits at law may be prosecuted and maintained by any member for loss or losses by death, or on the maturity of a term policy, if payment is withheld more than two months after the proof of loss or losses or claim has been submitted to the company.

Authority to insure married women.

SEC. 9. This company shall have authority to insure for any married woman by herself and in her own name, or in the name of a third party, with his assent as her trustee for her sole use and benefit, her own life or the life of her husband, or the life or lives of her child or children, for any definite period, or for the full term of her, his or their

natural life or lives, and in the event of the policy or policies on her, his or their life or lives being for a definite period or term of years, the sum or sums, or net amount or amounts of the insurance becoming due and payable by the terms of the policy or policies, shall be payable to her or her trustee, to and for her own use, free from the control or use of her husband or any of his creditors, and in the event of the insurance being for the term of her, his or their natural life or lives, and of her surviving husband or child or children, the sum or sums payable by the terms of the policy or policies shall be payable to her or her trustee, to and for her sole use and benefit, free from the claims of the legal representatives of her husband or any of his creditors. The amount of the insurance provided for in this section as aforesaid, may be made payable, in the event of the death of the wife before the definite period at which the term of years policy on her life would become due if she had lived, and before the period at which the insurance on her husband's life or on her child's or children's life or lives becomes due, to her husband, or to her or her child or children, (if of age) for the use of said child or children as shall be provided for in the policy or policies of insurance, or to the guardian of the said child or children, if under age.

Authority to insure
married women.

SEC. 10. The policy of insurance shall be issued by this company until application shall have been made for insurance amounting in the aggregate to one million of dollars.

When policy may
issue.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1870.

CHAPTER LXIII.

AN ACT TO AUTHORIZE AN ELECTION IN THE TOWN OF MILTON,
IN THE COUNTY OF CASWELL.

Preamble.

WHEREAS, The town of Milton failed to elect municipal officers on the first Monday in January, one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, under the provisions of an act ratified on the twenty-fourth day of August, one thousand eight hundred and sixty-eight; therefore

Special election authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That as the town of Milton failed to hold an election under the act of the general assembly, recited in the preamble of this act, the town of Milton be and is hereby authorized to hold an election for municipal officers on the fourth Monday in March, one thousand eight hundred and seventy.

Commissioners to appoint register.

SEC. 2. That the present commissioners of said town, or a majority of them, shall, on or before the fourth Monday in March, one thousand eight hundred and seventy, appoint a justice of the peace of Milton township to register the voters of said town, in the manner and according to and under the regulations prescribed by the act entitled "An act to provide for the registration of voters," ratified August the twenty-fourth, one thousand eight hundred and sixty-eight, and also two electors for said town who, with the register, shall be judges of election, and hold the election herein provided for, who shall return the vote cast to the board of aforesaid commissioners, within three days after said election, who shall issue certificates of election to the persons duly elected.

Term of office.

SEC. 3. That the municipal officers elected under the authority of this act shall hold their offices until the next regular election on the first Monday in January, one thousand eight hundred and seventy-one, and until their successors are duly elected and qualified.

SEC. 4. That all future elections for municipal officers Regular election. of said town, to be held on the first Monday of January of each year, shall be held in the manner and according to and under the regulations of section two of this act.

SEC. 5. All acts in conflict with this act is repealed. Repeal.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 15th day of March, A. D. 1870.

CHAPTER LXIV.

AN ACT TO CHARTER THE BANK OF STATESVILLE.

SECTION 1. *The General Assembly of North Carolina do* Capital. enact, That a bank be established in the town of Statesville, Iredell county, North Carolina, to be styled the "Bank of Statesville," the capital stock of which shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each; and for receiving subscription for said stock, books shall be opened at Statesville on the first Monday in April, one thousand eight hundred and seventy, under the supervision (as commissioners) of C. A. Carlton, Commissioners, J. S. Miller, Hugh Reynolds, S. A. Sharpe and R. F. Simonton, and whenever two hundred shares shall have been subscribed and the money paid, the stockholders may meet at the time and place they may appoint, and elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president to serve during their continuance in office.

SEC. 2. Said president and directors shall and may adopt By-laws, &c. and use a common seal and alter the same at pleasure, make and adopt proper and necessary by-laws for their government, may appoint all necessary officers and agents, fix their compensation and take security for the faithful dis-

charge of their duties, prescribe the manner of paying for stock and transfer thereof, and said bank shall have a lien on the stock for debts due it by the stockholders, before and in preference to other creditors of the same dignity, except for taxes, and shall pay to the state an annual tax on each share of one hundred dollars, a sum equal to that charged by the state on other property of the same value.

Discount notes, &c.

SEC. 3. That the said bank may discount notes and other evidences of debt, receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin and bullion, and purchase and hold a lot of ground for a place of business, and may at pleasure sell or exchange the same, and may hold such real or personal estate and property as may be conveyed to secure debts, and may sell and convey the same. It may receive on deposit any and all sums of money on terms to be agreed on by the officers and depositors, and may receive on deposit moneys held in trust by administrators, executors, guardians or others, and issue certificates therefor, having such rate of interest as may be agreed upon by the officers of the bank and depositors, not to exceed the legal interest, which certificates shall be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates or evidences of deposit, signed by the proper officers of the bank, shall be as binding as if under the seal of the bank.

President to appoint time for holding election.

SEC. 4. The president and directors shall annually appoint the time and place of holding the election for their successors, and two of their number shall attend and conduct said election, each share being entitled to one vote.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1870.

CHAPTER LXV.

AN ACT TO INCORPORATE THE GLEN ALPINE SPRINGS COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That for the purpose of establishing a first class watering place in the salubrious and healthy mountains of Burke county, in North Carolina, Thomas G. Walton, C. F. McKesson, R. J. McElrath, Victor C. Barringer, Tod R. Caldwell, Geo. W. Mordecai and such others as now are or shall hereafter be associated with them, their successors and assigns, are hereby created a body corporate and politic, under the name and style of the Glen Alpine Springs Company.

SEC. 2. That said company shall have power to purchase, Power to purchase, hold, &c.
 hold and dispose of all such real estate not exceeding one thousand acres, and such personal estate as shall be necessary to the objects for which they are incorporated, and shall have all other such powers as are granted to corporations in chapter twenty-six of the revised code entitled "corporations."

SEC. 3. That the capital stock of said company shall not Capital.
 exceed two hundred thousand dollars, and the said company is authorized to commence business when the sum of twenty thousand dollars shall have been subscribed by solvent stockholders.

SEC. 4. That for the purpose of obtaining a site for the May receive lands, &c.
 establishment of said watering place, the said company may secure in the county of Burke such lands as subscriptions, not to exceed three thousand dollars in value, as may be necessary for the purpose of their incorporation.

SEC. 5. That Thomas G. Walton be appointed general General commissioner.
 commissioner, to open books for subscription to the stock of said company at such places in this state as he may think proper, and when twenty thousand dollars shall have been subscribed, to call a meeting of the stockholders at such

the and place as he shall deem fit for the purpose of organization.

Liabilities, &c.

SEC. 6. The stockholders shall be liable for the debts of said company to the amount of the stock subscribed by them respectively and no further.

Term.

SEC. 7. That said company shall exist for ninety-nine years.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1870.

CHAPTER LXVI.

AN ACT TO AMEND THE CHARTER OF INCORPORATION OF THE TOWN OF PITTSBORO', COUNTY OF CHATHAM, RATIFIED THE SEVENTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FORTY-FIVE, AND AN ACT AMENDATORY OF THE SAME, RATIFIED THE THIRD DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the said town of Pittsboro', in the county of Chatham, may and shall be extended and enlarged as follows, to wit: Beginning thirty feet south of the southeast corner of lot number one hundred and twenty-four, thence running south to Roberson's creek, thence up said creek with the middle thread of the same to the ford of said creek on the great road leading from G. B. Griffith's to the said town of Pittsboro', thence north to a point in John W. Taylor's field on an east and west line from the northwest corner of the present boundary, thence east to said northwest corner: *Provided*, That this act shall not become a law until the same shall be ratified by a majority of the voters of Pittsboro', and of the proposed territory, the election to be called by the mayor or chair-

Boundaries.

man of the commissioners of said town within thirty days after the ratification of this act.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1870.

CHAPTER LXVII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALEM.

SECTION 1. *The General Assembly of North Carolina do enact*, That no person shall retail or sell any spirituous liquors, wines, cordials or malt liquors, by a smaller measure or less quantity than three gallons within the corporate limits of Salem, without first having paid the tax and obtained a license therefor as herein required.

No spirituous liquors to be sold by small measure without license.

SEC. 2. That no person shall create, put up, keep, use or maintain any billiard table, ten-pin alley, or any gaming table or place by whatever name known or called, at which games of chance, hazard or skill shall be played, within the corporate limits of Salem, without first having paid the tax and obtained a license therefor as herein required.

No billiard table, &c., to be created without the payment of tax, &c.

SEC. 3. That the commissioners of the town of Salem shall impose, levy and collect a corporation tax of not less than two hundred dollars per annum upon every person obtaining a license for any of the purposes specified in this act, and said commissioners shall grant no license to any one for the purposes herein enumerated, until he shall have paid all the tax imposed by said license, prove a good moral character by the oath of not less than two citizens of said town. Said commissioners shall have the power to grant or refuse a license to any one for any of the aforesaid purposes at their discretion.

A license tax of not less than \$200 to be levied and collected.

No county license
to be granted until
a town license is
produced.

SEC. 4. That no court, board of county commissioners, sheriff or any other officer shall grant a license to any one for any one of the purposes specified in this act to keep up, use, carry on or exercise within the corporate limits of Salem, unless such person shall produce to such court, board of county commissioners, sheriff or other officer license therefor, granted by the commissioners of said town of Salem, duly signed by the mayor thereof.

Penalty.

SEC. 5. That any person who shall violate any of the provisions of this act, shall forfeit and pay to the commissioners of Salem the sum of fifty dollars for each offence, to be sued for and recovered by said commissioners, and such violation shall be held and deemed a misdemeanor, and any one convicted thereof shall be fined fifty dollars or imprisoned one month, or both, at the discretion of the court, and each act of selling or retailing shall be deemed a separate offence, and each day or part of a day in which any billiard table, ten-pin alley or any gaming table or place where any game of chance, hazard or skill shall be kept up, maintained or played, by whatever name known or called, shall be deemed a separate offence and a violation of this act.

Repealing clause.

SEC. 6. That all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed.

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

Ratified the 22d day of March, A. D. 1870.

CHAPTER LXVIII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GREENVILLE.

Tenth section;
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That the tenth (10) section of an act entitled an act for the better regulation of the town of Greenville, passed at the session of one thousand eight hundred and thirty-

eight and one thousand eight hundred and thirty-nine, be and is hereby so amended as to authorize the commissioners of said town to tax the following trades, to wit: All dry goods merchants and persons engaged in vending merchandize, or other wares of any description, including jewelers, hardware merchants, boot and shoe dealers and dealers in tin ware and tin peddlers in aforesaid town; all wholesale and retail grocers, all proprietors of hotels who receive transient or permanent guests and boarders, all coach, buggy and wagon manufactres who furnish vehicles for pleasure, or work by contract or to order; all druggists and apothecaries, all horse or mule drovers or dealers in stock, who keep and exhibit the same within said town, and sell the same for cash or barter, and all draymen, cartmen and wagoners, who practice their avocations within or through the streets of said town: *Provided*, That no income shall be taxed when the property from which the income is derived is taxed.

SEC. 2. *Be it further enacted*, That the eighth (8) section of the same act be amended to read as follows: That some competent person selected and appointed by the commissioners of the town of Greenville, and who shall give a good and valid bond, the amount of which is to be determined by the board of commissioners, but which shall not be less than twice the amount of moneys and funds to pass into his hands from the collection of the lists of taxables, shall receive said list of taxables from the clerk, and immediately proceed to collect the same by distress or otherwise, under the same rules and regulations as prescribed for collecting the county and state taxes, and shall, on or before the first day of July in each and every year, pay over said taxes to treasurer of said town, deducting therefrom a commission of five per cent. for collecting.

Eighth section amended.

SEC. 3. All laws, sections, clauses of laws coming in conflict with this act be and are hereby repealed.

Repealing clause.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 24th day of March, A. D. 1870.

CHAPTER LXIX.

AN ACT TO ALLOW CHARLES HUNTER, GUARDIAN, TO CONVEY
REAL ESTATE.

Certain lands au-
thorized to be sold.

SECTION 1. *The General Assembly of North Carolina do enact*, That Charles Hunter, of the county of Guilford, guardian of the minor heirs of Jonathan Causey, deceased, late of said county, be authorized to bargain, sell and convey to the trustees of "Tabernacle Academy," a certain parcel of land containing two acres, more or less, adjoining the lands of "Tabernacle Church," being part of an undivided tract of land belonging to the heirs of said Jonathan Causey, and for those of them being minors said Charles Hunter is guardian, and that said parcel of land shall be sold for such sum as may be agreed upon, and that the title made by said guardian shall be valid to all intents and purposes of such title, and be good against all claims of said minor heirs on attaining their majority.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 24th day of March, A. D. 1870.

CHAPTER LXX.

AN ACT TO INCORPORATE FOY'S MATHEMATICAL AND CLASSICAL
HIGH SCHOOL NEAR STANTONSBURG.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Dr. C. C. Peacock, Dr. D. G. W. Ward, J. J. Bynum, Alvin Bagby, William Barnes, Jr., Edwin Barnes, Col. W. L. Kennedy, and Joseph H. Foy and their successors, are incorporated a body politic for educational purposes, under the name and style of "Foy's Mathematical

and Classical High School," near Stantonsburg, in the county of Wilson, and as such may have all the corporate powers of trustees of like institutions; the said trustees may plead and be impleaded, may sue and be sued.

SEC. 2. They may grant certificates of merits, diplomas, May give diplomas. or other evidences of proficiency, in the department of the science, art and modern languages.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 24th day of March, A. D. 1870.

CHAPTER LXXI.

AN ACT TO INCORPORATE THE TOWN OF MAGNOLIA, IN THE COUNTY OF DUPLIN.

SECTION 1. *The General Assembly of North Carolina do* Body politic. *enact,* That the commissioners of the town of Magnolia and their successors in office chosen in the manner hereinafter provided for, be and they are hereby created a corporation and body politic, under the name and title of "Commissioners for the town of Magnolia," with full power to make by-laws not inconsistent with the constitution of the state and of the United States, to contract and be contracted with, to sue and be sued, to plead and be impleaded, by that name and title they are hereby invested with all other powers and rights necessary or appertaining to municipal corporations.

SEC. 2. That the board of commissioners of said town of Magnolia, shall be composed of a mayor and six commissioners. Board of commissioners, how composed. The mayor shall be elected annually, and shall hold his office until his successor is duly elected and qualified. He shall be *ex-officio* president of the board of commissioners, and shall have one vote therein. The six commissioners shall be elected annually, and shall hold

their office until their successors are duly elected and qualified.

Who are qualified voters.

SEC. 3. An actual residence of ten days within the corporate limits of the town of Magnolia, shall constitute any citizen of the United States a qualified voter therein in any municipal election, and such qualified voter shall be eligible to any municipal office within said corporation: *Provided*, That said person is in other respects a qualified voter in the state.

Provided.

Oath of office.

SEC. 4. The commissioners elect of said town shall, before entering on the duties of their office, take the following oath before some justice of the peace for the county of Duplin: "I, A. B., do swear that I will execute the office of commissioner of the said town of Magnolia, faithfully and truly, without prejudice or favor, and in all things act for the good of said town of Magnolia and for the well-governing thereof according to the best of my skill and judgment and according to law." And in the event of death, removal or other inability to serve, of any person elected a commissioner, the other commissioners, or a majority of them, shall elect from the inhabitants of said town some other duly qualified person to supply any such vacancy.

Quorum.

SEC. 5. That a majority of the commissioners of said town shall constitute a quorum sufficient for the transaction of any business, or the making of any ordinances which said commissioners are authorized or empowered to do or make, and it shall be the duty of said commissioners to cause all their proceedings of any nature or kind to be recorded in a well bound book, in which a record shall also be made of the qualification of each and every commissioner, as hereinbefore required; and any person who shall act as a commissioner of said town before he shall have been duly qualified as aforesaid, shall forfeit the sum of twenty-five dollars, to be collected by any person who shall sue for the same.

Officers to be appointed.

SEC. 6. The commissioners of said town shall appoint a clerk, treasurer and constable for said town, prescribe their

respective duties, compensation, and take from them bonds with proper security for the faithful performance of all such duties as may, at any time, be attached to their respective offices; but said commissioners may, should they consider it expedient so to do, confer the office of clerk and treasurer of said town on one and the same person, and any bond taken from said commissioners from any officer appointed by them, shall be payable to the state of North Carolina; and suit may be brought thereon in any of the courts of this state of competent jurisdiction by said commissioners, or by any person whatever, who may have sufficient cause of action against the officer sued.

SEC. 7. That the corporate limits of said town of Magnolia shall be as follows, viz: Beginning at a lightwood stake on the lands of Jesse Strickland, and running thence south eighteen degrees, east three hundred and twenty poles to a stake on the land of Daniel C. Moore; thence north seventy-two degrees, east three hundred and ninety poles to a stake; thence north eighteen degrees, west three hundred and twenty poles to a stake; thence south seventy-two degrees, west three hundred and twenty poles to the beginning. Boundaries.

SEC. 8. The mayor and commissioners, or a majority of them, are hereby authorized and empowered annually, on or before the first Monday in April, to levy and collect a tax (not to exceed the state tax) upon real estate, polls, and all the net interest received or accrued on money loaned, and on all other kinds of property, and upon every thing else, whether it be property or not, of every kind or notion whatsoever, that now is or hereafter may be subject to taxation under the revenue laws of this state, that is within the limits of said corporation; and they shall also have power to abate all nuisances, and for this may impose such fines as may be necessary to abate them. Power to levy taxes.

SEC. 9. The town constable, or other person whom the commissioners of said town shall authorize to collect the taxes in said town, shall for that purpose have all the powers and immunities of sheriffs in the collection of the Power of tax collector.

public revenue; and for his services shall receive the same pay that sheriffs receive in such cases.

Declared incorpo-
rated.

SEC. 10. The town of Magnolia shall be and the same is an incorporated town under the general laws of the state, chapter one hundred and eleven of the revised code of North Carolina, so far as the same is in accordance with the present constitution of this state.

Elections, when
held.

SEC. 11. For the purpose of organizing the said corporation, Dr. J. E. Rea, Dr. M. K. Devane and L. A. Merri-
mon, or either of them, with necessary assistance shall hold an election on the first Thursday in April, one thousand eight hundred and seventy, (after ten days notice by advertising in two public places in said town) for a mayor and six commissioners, to be chosen by voters qualified in section three of this act.

Repeal.

SEC. 12. That all laws and clauses of laws heretofore enacted, coming in conflict with this act, are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXII.

AN ACT TO INCORPORATE THE TRUSTEES OF GREENSBORO' FEMALE COLLEGE.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That N. F. Reid, B. Craven, William Closs, J. C. Pinnix, A. W. Mangum, T. M. Jones, H. T. Hudson and William M. Robbins, who have been appointed on the part of the North Carolina Conference, of the Methodist Episcopal Church, South, together with their associates and successors who may be appointed as hereinafter provided, the whole number not to exceed thirty at any one time, be and hereby are created a body politic and corporate under

the name and style of "the Trustees of Greensboro' Female College" for the period of ninety-nine years, with the privilege of a common seal to be altered at their pleasure, and with power to sue and be sued, plead and be impleaded, contract and be contracted with, hold such real and personal property as may be by them deemed necessary for the successful establishment and maintainance of a female college at the town of Greensboro', in this state, and make all rules, regulations, by-laws and agreements needful for the government of their own body and of the said female college, and for carrying into effect the aforesaid purpose of their incorporation and do all other acts pertaining to similar corporations, and not inconsistent with the laws of this state or of the United States.

SEC. 2. That said corporation shall have power to raise the necessary capital for carrying out its aforesaid purpose of establishing and maintaining a female college at Greensboro' by donation from the North Carolina Conference aforesaid, or from other persons, and parties by loans, at a rate of interest not exceeding that allowed by law, upon such terms as to security and time and manner of repayment, as may be agreed upon with the parties loaning, and by subscription of stock by private individuals and public and private corporations: *Provided*, That the whole amount of its capital raised from all these sources shall not exceed one hundred thousand dollars: *And provided further*, That until otherwise ordered by the trustees, the capital stock shall consist of the cost of building and furnishing the college. Capital, how raised, &c.

SEC. 3. That all persons contributing to build the college shall have the privilege of becoming stockholders upon the following basis: The capital stock shall be divided into shares of fifty dollars each, and certificates of stock shall be issued by the trustees to said stockholders for the amount paid. Each stockholder shall be entitled to his pro rata share of all dividends declared by the trustees from time to time, and also be entitled to give one vote for such share of stock owned by him, in the election of the trustees chosen Stockholders.

by the stockholders. The whole number of individual stockholders shall be entitled to elect at their annual meeting an equal number of trustees with those appointed by the conference: *Provided*, That when the board of trustees appointed by the conference own more than the amount of the capital stock by donations or otherwise, their number shall be increased, and the number of trustees by the individual stockholders decreased in proportion to the amount thus owned.

What donations belong to college stock.

SEC. 4. That all donations for the erection of said college, not otherwise ordered by the donor or donors, shall belong to the conference stock.

Power to buy in stock.

SEC. 5. That the corporation shall have power, at all times, to redeem, purchase and buy in any such certificate of stock by tendering to the holder thereof, in lawful money, the par value of the number of shares covered by such certificate, together with interest thereon at six per cent. per annum, from the time when said shares were paid in, subject to the deduction of any dividends received in the mean time by such stockholder in tuition, board or cash, and upon such tender being made, the powers and rights of the stockholders as such shall at once terminate, and when all the certificates of stock shall have been thus redeemed, the power of appointing trustees in said corporation shall vest solely in the North Carolina Conference aforesaid. Any trustees in this corporation may be removed for refusal or neglect to discharge his duties as such by the same authority that appointed him.

Organization.

SEC. 6. That the corporation shall be organized by the election of a president, secretary, treasurer and other officers as it may deem necessary; and persons subscribing stock as provided in sections two and three, shall receive therefor, when paid in, certificates of the same, signed by said president, countersigned by the secretary, and authenticated by the seal of the corporation; which certificate of stock shall only be transferable on the books of the corporation.

SEC. 7. That this corporation shall have power to fix the

time of holding their meetings, and the number of their body necessary to constitute a quorum shall be a majority of the whole. They may, at such annual meeting, appoint an executive committee of three of their own number to conduct the business of the corporation during the year, with such power and under such limitations as they may deem proper, not in excess of their own power, as prescribed in this act. Time of holding meetings, how fixed.

SEC. 8. That this corporation may appoint a president and all necessary subordinate members of the faculty of the aforesaid female college, and impose upon them all needful rules and restrictions, and pay them such compensation as may be agreed upon, and, together with such faculty, shall have power to confer such degrees and marks of honor as are usually conferred by such institutions. Appointment of officers.

SEC. 9. That this act shall take effect from the date of its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXIII.

AN ACT TO INCORPORATE THE MASONIC TEMPLE ASSOCIATION,
OF THE CITY OF CHARLOTTE.

SECTION 1. *The General Assembly of North Carolina* Corporators.
do enact, That C. W. Alexander, Thomas W. Dewey, John W. Wadsworth, E. A. Osborne, Samuel Wiltkowsky, Samuel Taylor, E. H. White, J. Rossler, D. G. Maxwell and C. Frazier be and they are hereby created and constituted a body corporate, to be known by the name and style of "The Masonic Temple Association, of the city of Charlotte," and by that name shall have perpetual succession and a common seal, and shall be able and capable in law of purchasing, holding and selling real and personal estate to the value of five hundred thousand dol-

lars for the use and benefit of the masonic fraternity in the city of Charlotte, and of suing and being sued, impleading and being impleaded, and shall have such other privileges and powers as like corporations under their corporate name.

Vacancies.

SEC. 2. That the said corporation or a majority of them shall have power to fill all vacancies, from the Masonic fraternity alone, which may occur in their body; and shall make such by-laws and constitute such officers for their regulation and control as they may think right and proper.

Loans, &c.

SEC. 3. That said corporation shall have the power of advancing money upon collaterals and upon real and personal estate by taking mortgage, and to any or all persons, for the purpose of planting and farming any or all kinds of crops, and for any purpose connected therewith; and the amount so advanced, including such interest and commissions as may be agreed upon by the parties, shall attach as a lien upon such crop or crops and the lands upon which such crop has been or was agreed to be made, until such sums are paid, such lien being as binding as if it had been registered according to the laws of the state.

Mortgage bonds.

SEC. 4. That the said corporation shall have the power to issue mortgage bonds upon any real estate owned by it to the amount of one half of its value, running for any period of time not exceeding thirty years, and bearing such interest and payable in such manner as the said corporation may determine; and that all property owned by said corporation shall be exempt from taxation.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXIV.

AN ACT TO BE ENTITLED AN ACT TO INCORPORATE THE HEBREW
CEMETERY COMPANY IN THE COUNTY OF WAKE.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That M. Gransman, J. M. Rosenbaum, M. Rosenbaum, G. Sloman, J. Rosenbaum, S. Weil, S. Levy, J. Rosenthal, M. Schloss, S. Rosenthal, J. Sleabel, S. Rosenthal and such other persons of the Jewish faith or may associate themselves with them for the purposes hereinafter mentioned, be and they are hereby created and made a body corporate and politic, by the name and style of the Hebrew Cemetery Company, and by that name may sue and be sued, plead and be impleaded, in all the courts of this state, contract and be contracted with, and may have a common seal.

SEC. 2. That said corporation may acquire, take and hold a lot or tract of land containing not more than twenty-five acres, for the purpose of establishing a burial ground for persons of the Jewish faith, at or near the city of Raleigh, in the county of Wake, and may sell or otherwise dispose of the same or any part thereof, to be used exclusively as a cemetery or place for the burial of the dead of such faith; and all money received for or on account of the sale of such lots in said cemetery shall first be applied to the payment of the purchase money of the land so to be purchased, and the residue shall be expended in improving and embellishing such cemetery grounds and in such other way and for such other purposes as said corporation may deem expedient; and said corporation may acquire such personal property as may be necessary to effectuate the purpose contemplated by this act, and may make such by-laws from time as they may deem proper, not inconsistent with the constitution and laws of this state and the United States; and said company shall have power to provide charity for poor persons of the Jewish faith, and to take and hold property,

Power to hold land not to exceed, &c., five acres.

both real and personal, for such last named purposes, and to make all such regulations and by-laws touching the same as they may deem proper.

Exempt from
taxation.

SEC. 3. That the real estate of said corporation and the lots or plots in the said cemetery when sold as aforesaid and conveyed to individual proprietors, shall be exempt from assessment and taxation and not liable to be sold under any execution or to be applied to the payment of debts by assignment under any insolvent law.

Persons prohibited
from destroying
stones, &c.

SEC. 4. That if any person shall wilfully destroy or mutilate, deface, injure or remove any tomb, monument or gravestone or other structure placed in the cemetery aforesaid, or any fence railing or other work for the protection or ornament of said cemetery, or of any tomb, monument or structure as aforesaid, or of any cemetery lot within said cemetery, or shall wilfully cut, break or impair any tree, shrub, plant or ornamental bush within the limits of said cemetery, such person so offending shall be deemed and held guilty of a misdemeanor, and on conviction in the superior court of said county, shall be fined or imprisoned at the discretion of the court, and moreover shall be liable for a trespass, which may be sued for by said company.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXV.

AN ACT TO INCORPORATE THE WILSON COLLEGIATE SEMINARY FOR YOUNG LADIES.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Jas. S. Woodard, Geo. W. Whitfield, Willie Daniel, John F. Barnes, Larey Farmer, Willie Roundtree, James Barnes and Thomas S. Kenan, their associates and

successors, be and they are hereby constituted a body politic and corporate, under the name and style of the Wilson Collegiate Seminary for Young Ladies.

SEC. 2. *Be it further enacted*, That all the privileges conferred upon the trustees and professors of the Wilson Female Seminary, by an act entitled "An act to incorporate the Wilson Female Seminary," ratified the sixteenth day of February, one thousand eight hundred and fifty-nine, be hereby conferred upon the trustees and professors of the Wilson Collegiate Seminary for Young Ladies. Privileges conferred.

SEC. 3. This act shall be in force from its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXVI.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN
THREE MILES OF WHAT IS KNOWN AS THE LINDSEY OR
GUILFORD MINE, IN GUILFORD COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell, give away or dispose of any kind of intoxicating liquors within three miles of what is known as the Lindsey or Guilford Mine, in Guilford county. Sale of spirituous liquors within three miles forbidden.

SEC. 2. That any person or persons violating the provisions of this act shall, on conviction thereof, be fined fifty dollars or imprisoned six months, or both, at the discretion of the court, and one-half the fine thereof shall be paid to the informer. Penalty for violation.

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

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXVII.

AN ACT TO CONFIRM THE ELECTION OF MUNICIPAL OFFICERS IN
THE TOWN OF MOCKSVILLE.

Preamble.

WHEREAS, By a mistake as to the lawful time of holding municipal elections in the several towns of this state, said election was not held in the town of Mocksville until the first day of March, one thousand eight hundred and seventy, at which time an election for municipal officers was held legally and regularly in all respects except as to the date thereof.

Confirmed.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said election is hereby confirmed as legal and valid, and the officers so elected are declared the lawful municipal officers of said town, and shall hold their offices until the date of the next regular election for municipal officers throughout the state, on the first Monday in January, one thousand eight hundred and seventy-one.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXVIII.

AN ACT TO INCORPORATE ROCKFORD LODGE, IN SURRY COUNTY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the master, wardens and members of Rockford Lodge, Surry county, and their successors, are hereby constituted a body corporate and politic by the name and style of Rockford Lodge, number two hundred and fifty-seven, Ancient York Masons, and by that name shall have perpetual succession and have a common seal, may sue and be

sued, plead and be impleaded, and in general exercise and enjoy all the rights, powers and privileges that are usually incident to corporate bodies of like nature.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXIX.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ELIZABETH CITY, IN THE COUNTY OF PASQUOTANK.

SECTION 1. *The General Assembly of North Carolina do* Boundaries.
enact, That the corporate limits of the town of Elizabeth City, in the county of Pasquotank, be and the same are hereby extended so as embrace all that portion of territory situated within the following boundaries, to-wit: Commencing on the Pasquotank river at the mouth of Knobb's creek, and running north forty west to Norfolk road, thence southwardly along Norfolk road to Frank Vaughan's northward corner, thence west until it intersects a line commencing on Main street at the north end Doughty's lane or street, and running north nine east far enough to meet said west line, thence south nine west to Doughty's lane or street, thence along the same course until it meets a line commencing at the mouth of Forbes' creek, and running north eighty-four west to the intersection of said last named line.

SEC. 2. That all laws and clauses of laws coming in con- Repeal.
 flict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXX.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS
WITHIN THREE MILES OF ASHEPOLE PRESBYTERIAN CHURCH
IN THE COUNTY OF ROBESON.

Sale of spirituous
liquors forbid with-
in three miles.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person to sell or barter, brandies, whiskeys, wines, ales or any intoxicating liquors, nearer than three miles to the Presbyterian church of Ashepole, in the county of Robeson, under the following penalties, to-wit: For the first offence the party so offending shall forfeit to the state a sum not exceeding one hundred dollars, and for the second offence, a sum not exceeding one hundred and fifty dollars, or one month's imprisonment in the county jail, at the discretion of the court.

Penalty.

SEC. 2. That all violations of the above law and penalties therefor, shall be tried and recovered before any acting justice of the peace for the county of Robeson.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXXI.

AN ACT TO INCORPORATE SALEM LODGE, NUMBER TWO HUNDRED
AND EIGHTY-NINE, ANCIENT YORK MASONS.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. W. Hunter, master, A. H. Horton, senior warden, C. S. Hauser, junior warden, and members who are at present or in future may be of Salem Lodge, number two hundred and eighty-nine, Ancient York Masons, be

and they are hereby constituted and declared to be a body corporate under the name and title of Salem Lodge, number two hundred and eighty-nine, Ancient York Masons, and by such name they shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass such by-laws and regulations not inconsistent with the constitution and laws of this state or the United States as may be required by the Grand Lodge of North Carolina.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXXII.

AN ACT TO INCORPORATE THE NORTH CAROLINA SANITARIAN COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Edward J. Aston, William B. Young, Horatio P. Gatchell, Nicholas F. Cooke, and their associates, successors and assigns, be and they are hereby created, constituted and declared to be a body politic and corporate for the purpose of the treatment and cure of diseases, by the name of the "North Carolina Sanitarian Company," and by that name they and their successors may and shall have perpetual succession and a common seal, and shall be capable of suing and being sued, plead and being impleaded in all courts whatever, and may hold, possess, acquire, sell, purchase and mortgage real and personal estate, and the capital stock thereof shall be one hundred thousand dollars, Capital.
 to be divided into shares of one hundred dollars each, and the said company shall have full power pass all such by-laws for their government as they may deem necessary not

inconsistent with the laws of this state and the United States.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXXIII.

AN ACT TO INCORPORATE THE EXCELSIOR PLANTING COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That George L. French, Wm. H. French, M. T. Sanford, Chas. E. Taylor and Josiah French, their associates, successors and assigns be, and they are hereby created a corporate and body politic, in law and in fact, by the name of "The Excelsior Planting Company," for the purpose of growing fruits, grains, vegetables or any kind of agricultural or horticultural products, and for the purpose of making the same into wine and liquors, and into such other forms and conditions as to make them useful, saleable and marketable, and to sell and dispose of the same, and as such body politic and corporate, and by such name may sue and be sued, plead and be impleaded, may adopt a common seal and alter the same at will, and may make all necessary by-laws and regulations not inconsistent with the provisions of this charter and the laws of this state and of the United States.

Rights and privileges.

SEC. 2. That said company shall have, use and enjoy all the rights, powers and privileges required to effectuate the purposes for which it is created, and shall have the right and power to purchase, hold, sell, transfer and convey all property and estate, real and personal, as may be required or as said corporation may deem necessary or expedient for any of the purposes of the corporation, and may pledge or mortgage the same to secure the payment of debts or

advancements of money to its use, and may take any and all securities to secure debts due to it.

SEC. 3. That the capital stock of said corporation shall Capital. consist of shares, the par value of which shall not exceed five hundred thousand dollars, the number and value of which shares shall be fixed and regulated in the by-laws of said corporation, and the stock thereof shall be personal property and be transferable as the said corporation may provide, and at all the meetings of the said corporation each stockholder shall be entitled to one vote either in person or by proxy for each share held by them.

SEC. 4. That the affairs of said corporation shall be managed Affairs, how managed. by a board of directors of not less than three nor more than five, who shall be chosen annually by the stockholders, and such directors shall elect a president from their number, and if at any regular annual meeting the stockholders shall fail to elect new directors, the directors then in office shall continue in office until their successors are duly elected and qualified.

SEC. 5. This act to be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER LXXXIV.

AN ACT TO INCORPORATE THE NORTH CAROLINA MASONIC TEMPLE ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do* Corporators. enact, That John Nichols, William J. Hicks, John B. Neathery, John C. Gorman, J. B. Gayle, William Simpson, Isaac Ettinger, Robert H. Bradley, Alexander S. Heide, John Armstrong, William C. Stronach, Henry C. Prempert, Henry T. Clawson, William H. Dodd, William G. Upchurch, Michael Grausman and J. C. L. Harris, their

associates, successors and assigns, are hereby constituted a body politic and corporate under the name of the North Carolina "Masonic Temple Association," with power to sue and be sued, plead and be impleaded, have succession and a common seal, to make such by-laws, rules and regulations as may be deemed necessary for the government of the company not inconsistent with the laws of this state or the United States, and generally to possess such powers as are enjoyed by corporations under chapter twenty-six of the revised code.

Power to erect hall and other rooms.

SEC. 2. Said corporation shall have power to erect a public hall and other rooms and buildings, to purchase and hold such real and personal estate as may be necessary and convenient for the same, and dispose of said property by lease, sale or otherwise as the stockholders may deem best :

Proviso.

Provided, That the corporation shall not hold at any time more than one hundred and fifty thousand dollars worth of property.

Capital.

SEC. 3. The capital stock of said corporation shall be one hundred and fifty thousand dollars, divided into shares of twenty-five dollars each.

Election, &c.

SEC. 4. The stockholders may provide for the election of such officers of the association as may be deemed advisable, prescribe their duties, terms of office and compensation.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER LXXXV.

AN ACT TO CHARTER THE SHINGLEMAN'S BANK, OF PLYMOUTH.

Capital.

SECTION 1. *The General Assembly of North Carolina do enact*, A bank is hereby established, the capital stock whereof shall not exceed five hundred thousand dollars,

divided into shares of one hundred dollars each, which shall be known and styled the "Shingleman's Bank," to be located in the town of Plymouth, and the stockholders therein, their successors and assigns, shall be a body politic and corporate, and shall so continue for thirty years, with capacity to possess and hold real and personal estate, and with all the powers and privileges granted to any banking institution by this or any preceding legislature, said corporation to be organized whenever at least fifty thousand dollars shall be subscribed to the capital stock and paid in.

SEC. 2. Francis Lightfoot, F. G. Martindale, H. W. Mizell, Louis Jackson, Jr., Henry L. Hornehall, Nathan D. Norman, John Watts, Cushing B. Hassell, J. R. Stubbs, William R. Capeheart, William A. Moore, Dennis Simmons, Joseph H. Rhodes are appointed commissioners, whose duty it shall be to open books of subscription to said capital stock at such times and for such period as they shall determine, and said commissioners or the directors of the bank may re-open said books at their discretion as long as the capital stock shall not be wholly taken. A majority of said commissioners shall be a quorum to do business. Commissioners.

SEC. 3. Whenever fifty thousand dollars at least shall be subscribed and paid into capital stock of said bank, the said commissioners, or a majority of them, shall call a meeting of stockholders at such times and place and on such notice as they may choose, and the stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president to serve during their continuance in office. When meeting to
be called.

SEC. 4. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, may make and adopt all necessary by-laws for their government, may appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, prescribe the manner of paying for stock and the transfer thereof, may do a general banking business on such terms and rates of interest as may be By-laws, &c.

agreed on, and in general have the privileges conferred on corporations by the general laws of the state relating to corporations. The bank shall have a lien on the stock for debts due it by stockholders before and in preference to other creditors of the same dignity, and shall pay to the state an annual tax in lieu of all other taxes on each share of stock therein a sum equal to that charged by the state on other property of the same value, said tax to be paid to the public treasurer during the month of July in each year.

Receive and pay out
currency, &c.

SEC. 5. The said bank may receive and pay out lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper, and public or other securities, may purchase and hold real estate for the transaction of the business, and at pleasure sell or exchange the same, may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, and may sell and convey the same, and may discount notes and other evidences of debts, and lend money on such terms as may be agreed on; it may receive on deposit moneys on terms to be agreed on between the officers and depositors, minors, apprentices and *feme covert*s; deposit therein and control the deposit so made for their own separate use, free from all other control or contract whatever. The bank may receive on deposit moneys held in trust by administrators, executors, guardians or others, and issue certificate therefor bearing such rates of interest as may be agreed on between the parties, which certificate may be assignable and transferred under such regulations as may be prescribed by the president and directors; and all certificates and evidences of deposit signed by the proper officers of the bank, shall be as binding as if under the seal of the bank.

Failure to pay, &c.

SEC. 6. If any subscriber shall fail to pay his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion to the court of the county where the delinquent may reside, upon giving him ten days notice of the motion, or by civil action, or the entire stock may be sold by order of the

directors for cost, at the banking house in Plymouth, after advertisement of sale for twenty days in a newspaper published in the county, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscribers shall be liable for the deficiency in civil action.

SEC. 7. If any subscriber shall assign his stock before its full payment, he and his assignee and all subsequent assignees thereof shall be sued, and jointly or severally, by motion as aforesaid or by civil action, and in every case of delinquency as a subscriber or others, the subscription shall be deemed a promissory note payable to the bank, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Subscriptions when deemed promissory notes.

SEC. 8. Agencies of the bank may be established at such times and places as the president and directors may designate, and such agencies may be removed at any time, shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

Agencies.

SEC. 9. The president and directors shall be capable of exercising all such power and authority as may be necessary for the better government of the affairs of the corporation, shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, and may regulate the terms and rules on which discounts and loans may be made and deposits received by the bank, and they shall direct when dividends or profits shall be made; they may call a meeting of the stockholders whenever they may think proper, and any member of the stockholders holding together one-tenth of the stock may call a special meeting on giving thirty days notice in a newspaper published in Plymouth or Washington county; at all meetings stockholders may be represented by proxy, each one hundred dollars share being entitled to one vote.

Powers and authority of president and directors.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER LXXXVI.

AN ACT TO INCORPORATE THE FARMERS AND MECHANICS' LOAN
AND BUILDING ASSOCIATION, OF PASQUOTANK COUNTY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That George W. Cobb, Celum Sutton, William Krans, J. H. Zeigle, H. Kale, Whit. Lane, Willis Morris, T. A. Sykes, Robert Bowe, J. Allen Dozier, Geo. D. Pool, Jr., Caleb Griffin, Jas. Johnson, Moses Sawyer, C. L. Cobb, Gardner Sawyer, M. B. Culpepper, John Pool, Joseph Turner and Rooks Turner, their associates, successors and assigns, and any and all those who have heretofore associated with them under articles of agreement for the purposes contemplated by this act, shall be and they are hereby constituted and declared to be a body politic and corporate by the name and style of the "Farmers and Mechanics' Loan and Building Association, of Pasquotank county," by that name they and their associates and successors shall and may have continual succession and a common seal, which they may alter and change at their pleasure, and shall be capable of suing and being sued, of pleading and being impleaded, of defending and being defended in all and every manner of action and suits, complaints matters, and causes whatsoever, and by the corporate name aforesaid shall and may be capable of purchasing, holding and conveying and every estate real and personal necessary to a safe, useful and profitable investment and re-investments of the funds belonging to the said association, and the convenient and proper transaction of its business.

Affairs, how
managed.

SEC. 2. That the property, business and affairs of said association shall be managed and controlled by a board of directors, and by such officers and agents as said board may deem necessary to appoint. The board of directors shall consist of not less than five nor than nine members, a majority of whom shall at all times be a quorum, unless the by-laws should prescribe for special purposes a greater or

smaller number. That said board of directors shall be annually elected by the stockholders at such time and place and in such manner, and by such votes as may from time to time be prescribed by the by-laws: *Provided*, That the present board of directors and the officers by them and said association heretofore appointed shall continue in office until their successors are regularly elected and installed. Should a vacancy occur in said board by death, resignation or otherwise, such vacancy may be filled by a quorum of the remaining directors, or in such other manner as the by-laws of the association may prescribe.

SEC. 3. That the board of directors shall have power to prescribe and make such by-laws, rules and regulations for their own government and for the government of the affairs, agents and members of the association, as to them shall appear needful and proper for the management, investment and disposition of the funds, property, estates and effects of said association, and for the regulation and management of all and every matter necessary to execute the powers, or any of them, granted by this act, and in every manner appertaining to the business thereof, to fix and prescribe the amounts of assessment on the shares, the modes and times of paying the same, and to fix the fines and forfeitures for the non-payment, and to make all necessary rules and regulations in any manner relating to the payment, redemption, assignment and forfeiture of said shares: *Provided*, Such by-laws, rules and regulations, and any and all alterations and amendments thereof, shall be submitted to the shareholders in regular meeting, and adopted by them.

Power of board of
commissioners.

SEC. 4. That said board of directors shall have power to elect and appoint all such officers, agents and servants as the business of the association requires, to fix the compensation and prescribe the duties of such officers, agents and servants, and for good cause remove them, and to take such bond or bonds from any of such officers and other persons as they may at any time prescribe: *Provided*, That the members of said association do not, at the regular annual meeting elect or appoint such officers, agents and servants,

Officers and agents.

and to execute any or all the other powers concerning them, herein granted to said board; *Provided further*, That such by-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States and of this state.

Members.

SEC. 5. That the members of said association shall consist of those who own one or more shares, and shall be entitled to vote in all actions and at all meetings of the stockholders, in person or by written proxy, in such manner, and under such rules, regulations and restrictions as may be prescribed in the by-laws. The ultimate or par value of each share shall be two hundred dollars, and the number of shares composing or to compose any one class may be prescribed and limited as the association at a regular meeting of the shareholders may direct. And if in the opinion of the shareholders the wants of the community require it, said association shall be and they are hereby authorized and empowered to establish one or more additional class or classes of shares, under such regulations and restrictions for issuing, paying and redeeming the same as to them shall appear expedient and proper, and from time to time to declare such dividend or dividends on the shares of each class as the business of the association justifies, and as they may deem to be the interest of the shareholders.

Contracts, &c.,
Legalized.

SEC. 6. That all contracts and agreements heretofore made and entered into by said association or by the properly constituted officers thereof, now existing and in force, and all deeds, bonds and notes, mortgages and other securities taken by said association for securing the payment of money advanced or for other purposes, and all assignments and redemptions of shares heretofore made and declared to be legal and of full force and effect, and said association by the corporate name may collect such bonds, notes and other securities, and compel the execution of all such contracts and agreements by suit or otherwise, in the same manner and to the same extent as if said association had been incorporated when the same were made and entered into, and may collect all fines, dues and forfeitures now owing and unpaid, and any and all others to be hereafter owing

and unpaid, in such manner as is provided in the by-laws.

SEC. 7. That minors and *feme covert*s may take shares of stock for their own separate use, which shares shall be free from all debts or contracts of the husbands. Minors and feme covert's may take shares.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER LXXXVII.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SMITHVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the town of Smithville be and the same are hereby extended one-half mile each and every way from the present corporate limits. Extension of limits.

SEC. 2. All acts or parts of acts in conflict with the foregoing are hereby repealed. Repeal.*

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER LXXXVIII.

AN ACT TO INCORPORATE KING SOLOMON LODGE, NUMBER ONE, OF ANCIENT YORK MASONS, IN THE CITY OF NEWBERN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the master, wardens and members of King Solomon Lodge, number one, of Free and Accepted Ancient York Masons in the city of Newbern, and they are hereby constituted a body politic and corporate by the name and Body corporate.

style of King Solomon Lodge, number one, of Free and Accepted Ancient York Masons, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER LXXXIX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO EXTEND THE LIMITS OF THE CITY OF WILMINGTON, AND FOR OTHER PURPOSES, RATIFIED THE FOURTEENTH DAY OF MARCH, YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

Amendment. SECTION 1. *The General Assembly of North Carolina do enact*, That the above recited act be amended as follows: In line eight, strike out the words "Wilmington & Weldou Railroad track," and insert in lieu thereof, "Campbell street." In section seven, line four, strike out the words "new ward" and insert "first ward as erected by this act." In line six and seven, strike out the words "until the next regular election in August," and insert "next regular municipal election in January, one thousand eight hundred and seventy-one."

Amended. SEC. 2. The powers vested in a mayor and eight aldermen by the original charter and subsequent laws for the city of Wilmington, is amended so as read a mayor and ten aldermen.

SEC. 3. All laws and parts of laws in conflict with the foregoing are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER XC.

AN ACT TO INCORPORATE THE TOWN OF SNOW HILL, GREEN
COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body corporate.
enact, That the town of Snow Hill, in Green county, is hereby incorporated by the name of the town of "Snow Hill," and shall be subject and entitled to and enjoy all provisions, privileges and powers contained in the various sections of chapter one hundred and eleven of the revised code, together with such laws as have since been passed for the regulation and government of incorporated towns.

SEC. 2. That the corporate limits of said town of Snow Boundaries.
Hill shall be included in the following boundaries, viz: Beginning at the mouth of Long branch where it empties into Contentnea creek, thence up said branch to the county road, thence up said road to the head of Deep Bottom, thence along Deep Bottom to Secademy swamp, thence with the swamp to Contentnea creek, thence down the creek to the beginning.

SEC. 3. That D. A. Sugg, P. T. Freeman, Wm. McReal, Commissioners.
John R. Dail, S. A. Busbee, George F. M. Dail and John Sugg, are hereby constituted, appointed and declared to be commissioners for the said town of Snow Hill, and they and their successors are hereby invested with all the rights, privileges, powers and immunities conferred upon and secured to commissioners of incorporated towns by the one hundred and eleventh chapter of the revised code, or any other law now in force for the government of incorporated towns.

SEC. 4. That an election shall be held in each and every Elections.
year on the first Monday of January by the inhabitants of said town qualified to vote for members of the general assembly, for seven commissioners, who shall hold their office for one year or until their successors are elected.

SEC. 5. That the commissioners hereby appointed or here-

Town magistrate.

after to be elected, shall have the authority to designate one of their number to act as town magistrate, who shall have the same authority and power and be subject to the same duties in all civil and state cases as any other magistrate of the county.

SEC. 6. That the commissioners under this act shall be and continue to act as such until their successors shall be elected.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER XCI.

AN ACT TO INCORPORATE THE CAPE FEAR BUILDING ASSOCIATION.

Preamble.

WHEREAS, Divers citizens of Wilmington have united themselves in an organization known as the "Cape Fear Building Association" for the purpose of facilitating the procuring of homesteads by persons of limited means, and especially by mechanics and laboring men; and whereas, a wise policy dictates the encouragement of an object so benevolent and praiseworthy, and which enhances the value of the taxable property of the State; therefore

Corporators.?

SECTION 1. *The General Assembly of North Carolina do enact*, That George Chadbourne, William A. Cumming, Lawson E. Brice, William Kellogg, William J. Kellogg, William P. Cannady, Hezekiah Read, William Kinney, George W. Price, J. W. McComber, Owen Burney, Edward R. Brink, Robert M. Houston, and their associates, who are now or may hereafter become shareholders in the said association, be and they are hereby constituted a body politic and corporate, by the name and style of the "Cape Fear Building Association," and the present shareholders in the said association, to the extent of their shares therein,

shall be stockholders in the said corporation, subject to the provisions of the present constitution and by-laws of the said association. The said corporation shall exist for a period of fifty years, unless sooner dissolved by a majority in interest of the stockholders, and shall possess, exercise and enjoy all the rights, powers, privileges and franchises which are incident to corporations by the general laws of the state.

SEC. 2. The shares of stock in said corporation shall be of the par value of one hundred dollars, and shall not exceed twelve thousand in number. The corporation may, according to rules and regulations to be prescribed in its by-laws, redeem or purchase the shares, or any number thereof, held by its stockholders, at such prices as may be agreed on; and on payment of such price, may take from the stockholders a mortgage on real estate to secure the instalments remaining unpaid on the shares so redeemed or purchased, together with interest at a rate not exceeding six per cent. per annum, on the par value of the same, and also such fines and penalties as may be prescribed by the by-laws for the non-payment of such instalments and interest, and such mortgages and the debts secured thereby shall be exempt from taxation; the property mortgaged being taxed in the hands of the mortgager.

SEC. 3. All mortgages, bonds, notes or other instruments of writing heretofore made by any persons as trustees for the said association shall remain in full force and virtue for the benefit of the said corporation, and any such trustees may be required to assign the same to the said corporation, and when so assigned shall be as valid and sufficient for all purposes as if originally made to the corporation; and all the rights, liabilities and obligations of the members of the said association, as prescribed by or growing out of the constitution and by-laws thereof, shall remain in as full force and effect as if the said association had been originally incorporated.

SEC. 4. The said corporation may purchase and hold such real estate as may be necessary and proper for the conve-

nient management of its business, and also all such as may have been conveyed to it in mortgage as aforesaid, or as may be purchased by it in satisfaction of any debt or debts.

Loans.

SEC. 5. The said corporation shall not loan to any stockholder a sum exceeding the par or ultimate value of his stock, and no dividend of principal or profits shall be declared by the corporation, on the present shares of stock held in the corporation, until the accumulated assets of the corporation arising from all sources shall be sufficient to enable it to pay on each unredeemed share a sum equal to the par value thereof.

Books of subscription.

SEC. 6. Books of subscription may be opened for additional shares in the stock of the said corporation at such times as the then existing stockholders may determine, which additional shares shall be held in all respects separate and distinct from the shares existing and held at the time of such opening of the books: *Provided, however,* That the number of shares shall at no time exceed twelve thousand. All acts conflicting with the provisions of this act are hereby repealed.

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

Ratified the 26th day of March, A. D. 1870.

CHAPTER XCII.

AN ACT INCORPORATING THE SOCIETY FOR THE RELIEF OF THE
ROANOKE MISSIONARY BAPTIST ASSOCIATION, AND THEIR FAMILIES,
WIDOWS AND ORPHANS.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact,* That S. W. Boone, of Gatesville, North Carolina, Armanuel Reynolds, of Winton, North Carolina, H. H. Hays, of Gatesville, North Carolina, Bryant Lee, of Woodville, North Carolina, R. R. Cresy, of Plymouth, North

Carolina, and Charles E. Hodges, of Lake Drummond, Virginia, their successors in office, be and they are hereby made a body corporate and politic, by the name of "the Society for the relief of Preachers of the Roanoke Missionary Baptist Association, and their families, widows and orphans," and by that name may hold property, real and personal, to an amount not to exceed fifty thousand dollars, and may sue and be sued and have a common seal.

SEC. 2. That said corporation shall have power to receive Subscriptions. subscriptions in money or other things, and may receive donations by will or otherwise for the purpose of said corporation, and may dispose of and use the same for the promotion of the object of said corporation.

SEC. 3. The first meeting of said corporation shall be Meetings. held at New Ahaskie, Hertford county, North Carolina, on Thursday after the fourth Sunday in May, one thousand eight hundred and seventy, then at such other times and places as the directors may determine.

SEC. 4. That until otherwise ordered by the corporation, the officers shall be a president, secretary and treasurer.

SEC. 5. The said corporation shall have power to purchase Power to purchase endowments. endowments, annuities and make insurances on lives for the benefit of said corporation or any of its beneficiaries.

SEC. 6. The said corporation shall have power to make By-laws. such by-laws, rules and regulations for its own government and the management and disposition of its own funds, as from time to time may be deemed proper. And until such regulations shall be made, the Rev. S. W. Boone shall be president, and Rev. Charles E. Hodges, secretary, and Rev. Emanuel Reynolds, treasurer, of said association.

SEC. 7. The said association shall have not less than Directors. seven directors, from whom the president, secretary and treasurer shall annually be chosen; they shall hold office until their successors are appointed and enter on the duties of their offices.

SEC. 8. The said directors shall annually be chosen by Directors, how chosen. the Roanoke Missionary Baptist Relief Association and a

certificate of appointment shall be furnished them, and which shall be entered on the record of their proceedings.

Record. SEC. 9. The said association shall keep a record of their proceedings, and of all money received and how disposed of, which shall at all times be subject to the inspection of the said association.

To remain in force. SEC. 10. This charter shall be in force for twenty-five years, and may be extended at the discretion of the general assembly.

SEC. 11. This act shall be in force from and after its passage.

Ratified the 26th day of March, A. D. 1870.

CHAPTER XCIII.

AN ACT TO INCORPORATE THE MECHANICS' BUILDING AND LOAN ASSOCIATION.

Preamble. WHEREAS, Divers citizens of Wilmington have united themselves in an association known as "The Mechanics' Building and Loan Association," for the purpose of facilitating the procuring of homesteads by persons of limited means, and especially by mechanics and laboring men; and whereas, a sound policy dictates the encouragement of an object so benevolent and praiseworthy; therefore

Corporators. SECTION 1. *The General Assembly of North Carolina do enact*, That Roger Moore, F. W. Foster, John W. Atkinson, Oscar G. Parsley, Jr., Alfred Martin, A. H. Van Bokkelen, Michael Cronly, William L. Smith, William Larkins, B. F. Mitchell, C. H. Robinson, S. R. Bunting, E. Peschan, D. G. Worth, W. A. Cumming, and their associates, who are now or may hereafter become shareholders in the said association, be and they are hereby constituted a body politic and corporate by the name and style of the "Mechanics' Building and Loan Association;" and the present

shareholders in the said association to the extent of their shares therein shall be stockholders in the said corporation, subject to the provisions of the present constitution and by-laws of the said corporation. The said corporation shall exist for a period of fifty years unless sooner dissolved by a majority in the interest of the stockholders, and shall possess, exercise and enjoy all the rights, powers, privileges and franchises which are incident to corporations by the general laws of the state.

SEC. 2. The shares of stock in said corporation shall be Shares- of the par value of two hundred dollars, and shall not exceed six thousand in number. The corporation may according to rules and regulations to be provided in its by-laws, redeem or purchase the shares or any number thereof held by its stockholders at such prices as may be agreed on, and on payment of such price may take from the stockholders a mortgage on real estate to secure the instalment remaining unpaid on the shares so redeemed or purchased together with interest at a rate not exceeding six per centum per annum on the par value of the same, and also all such fines and penalties as may be prescribed by the by-laws for the non-payment, punctually, of such instalments and interest, and such mortgages and the debts secured thereby shall be exempt from taxation, the property being taxed in the hands of the mortgagor.

SEC. 3. All mortgages, bonds, notes or other instruments Mortgages, bonds, &c. of writing heretofore made to any person as trustees for the said association, shall remain in full force and virtue for the benefit of the said corporation, and any such trustee may be required to assign the same to the said corporation, and when so assigned shall be as valid and sufficient for all purposes as if originally made to the corporation. And all members of the said association, as prescribed by or growing out of the constitution and by-laws thereof, shall remain in as full force and effect as if the said association had been originally incorporated.

SEC. 4. The said corporation may purchase and hold such For what purpose may purchase and hold real estate. real estate as may be necessary and proper for the conve-

nient management of its business, and also all such as may have been conveyed to it in mortgage as aforesaid, or as may be purchased by it in satisfaction of any debt or debts.

Loans, &c.

SEC. 5. The said corporation shall not loan to any stockholder a sum exceeding the par ultimate value of his stock, and no dividends of principal or profits shall be declared by the corporation on the present shares of stock held in the said association, or on the said shares when held in the corporation, until the accumulated assets of the corporation arising from all sources shall be sufficient to enable it to pay on each unredeemed share a sum equal to the par value thereof.

Provided.

SEC. 6. Books of subscription may be opened for additional shares in the stock of the said corporation at such times as the then existing stockholders may determine, which additional shares shall be held in all respects separate and distinct from the shares existing and held at the time of such opening of the books: *Provided, however,* That the number of shares shall at no time exceed six thousand.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER XCIV.

AN ACT TO AMEND AN ACT TO INCORPORATE THE CAPE FEAR AGRICULTURAL ASSOCIATION, PASSED APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Sale of spirituous
liquors prohibited.

SECTION 1. *The General Assembly of North Carolina do enact,* That it shall not be lawful for any person or persons to sell or to offer to sell any spirituous liquors within one and a half miles of the grounds of the Cape Fear Agricultural Association, (without special consent of the association) during the days of holding any annual or semi-annual

fair, and in the event of the establishment of any agricultural school or college, the same prohibition shall exist and continue so long as such school or college shall be sustained by the association. Any person or persons violating this section shall, upon conviction before any magistrate of New Hanover county, be fined not less than fifty dollars or more than two hundred dollars, and be imprisoned not less than ten nor more than twenty days.

SEC. 2. That all agricultural products, mechanical work, manufactures, or property of any and every kind designed for exhibition at any fair of the Cape Fear Agricultural Association, while going to, while remaining at, or while returning from any fair, shall be exempt from levy or execution by the sheriff until the articles exhibited shall have been returned to the place from which they were sent to be there exhibited: *Provided*, Due diligence shall be used in returning such articles or property; *And provided further*, That such articles shall not be sold during such fair with intention or purpose to defraud creditors.

When vehicles —
exempt from execu-
tion.

Provided.

SEC. 3. "The Cape Fear Agricultural Association" shall have the privilege of leasing their grounds, or any portion of them, for holding any show or exhibition free from taxation by the state or county, the proceeds of the same being applied to the purpose of fairs or agricultural education.

May lease grounds.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 25th day of March, A. D. 1870.

CHAPTER XCV.

AN ACT TO INCORPORATE THE SHOAL MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of developing the resources of the state, the following persons, viz: P. H. Hairston, Rich-

Corporators.

ard A. Caldwell, Samuel Reeves, Sr., Sterling Adams and William A. Lash, Jr., their associates, successors and assigns, are hereby constituted a corporation and body politic for a term of thirty years, under the name and title of the Shoals Manufacturing Company, with a capital stock of two hundred and fifty thousand dollars, with liberty to increase the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each, and to have the privileges and immunities belonging to corporations organized under the twenty-sixth chapter of the revised code.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage or otherwise convey lands, to engage in any species of manufacturing enterprise for the purpose of carrying out the objects of said company to engage in the manufacture of cotton, wool, wood, or iron either by steam or water power in the counties of Davie and Rowan.

SEC. 3. The affairs of said company shall be managed by a board of directors not exceeding five in number, to be chosen from the stockholders by ballot, at such time and in such manner as the stockholders may prescribe.

SEC. 4. Books of subscription for stock in said company may be opened by the previous named corporators at such places and at such times as they may designate, who shall report the subscription to the said Peter W. Hairston who, as soon as fifty thousand dollars shall have been subscribed, shall call a general meeting of the stockholders at such place and time as he may direct, who shall proceed to organize such company and adopt such by-laws for its government as they may deem proper.

SEC. 5. Said company shall have power to sue and be sued, to purchase and hold such real estate and other property, and do all things necessary to carry on the business of such corporation.

SEC. 6. That the said corporation shall have the right to receive from any and all persons, and discount any and all sums of money, and if so requested shall issue certificates of deposit therefor, and pay interest thereon at such rates and upon such terms and conditions and in such manner as the

Lands and manu-
facture.

Directors.

Books of subscrip-
tion.

Real estate.

Deposits, inter-
ests, &c.

board of directors may prescribe, and may invest the money received and all other funds and property belonging to or which may be in the hands of the corporation, in the stocks of the United States, or of this or any other state, or the bonds of municipal or other corporations, or negotiable paper or other securities, or in promissory notes secured by mortgage on real or personal estate, or by individual security, or may invest, sell, transfer and reinvest said funds and other property in any manner deemed most safe and beneficial by the board. The said corporation, if the board of directors shall deem expedient at any time, may deal in gold and silver coin or bullion, uncurrent money and bills of exchange, and may discount commercial or other paper, receiving thereon the interest in advance.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 26th day of March, A. D. 1870.

CHAPTER XCVI.

AN ACT TO INCORPORATE THE 'TARBORO' GAS LIGHT COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators;
enact, That John F. Pickrell, George Howard, Jr., Fred. Phillips, Wm. G. Lewis, Wm. H. Johnston, Wm. S. Battle and Joseph H. Baker, their associates, successors and assigns, are hereby constituted a body politic and corporate, under the name and style of the "Tarboro' Gas Light Company," and under that name shall sue and be sued, plead and be impleaded, have succession and a common seal, have the right to make all such by-laws, rules and regulations for the government of the corporation as may be deemed best, not inconsistent with the constitution and laws of the United States or of this state, and in general shall have the

right and privileges conferred on corporations under chapter twenty-sixth of the revised code.

Capital.

SEC. 2. The capital stock of said company shall not exceed one hundred thousand dollars, in shares of one hundred dollars each, to be paid in such manner and under such rules and regulations as the president and directors shall prescribe; and said company may go into operation as soon as ten thousand dollars shall be subscribed.

Meeting of stockholders.

SEC. 3. The stockholders shall determine and prescribe the times and place of meeting of the company, the number, duties and powers of the officers and their compensation and terms of service; each share of stock represented by its owner or his proxy shall be entitled to one vote.

Power to make and sell gas.

SEC. 4. The said corporation shall have power to manufacture and sell gas made from any material or substance whatsoever, and also any other substance used for lighting, for the purpose of lighting houses, streets or other places in the town of Tarboro', or for any other purpose. It may purchase, hold and convey such real estate and other property as may be necessary or convenient for its business. It shall have power to lay pipes and other conductors for conveying gas through, under or upon any or all of the streets, alleys and public lots of the town of Tarboro' and the public reads in the vicinity thereof, and repair the same when necessary: *Provided*, Such streets, alleys, places and roads shall be left in as good condition as they were before such laying out and repairing.

Forfeitures, how recovered.

SEC. 5. If any person shall wilfully or negligently injure, impair or destroy any conduct pipes, cocks, machines, gasometers, building or store-house, or anything appertaining to the works of said company, he shall forfeit and pay to the company double the amount of damages sustained by such injury; the same to be recovered, if exceeding two hundred dollars, in the superior court of Edgecombe county, if two hundred dollars or less before a justice of the peace of said county; and if any person shall unlawfully and wilfully injure, impair or destroy any such conduct pipes, cocks, machines, gasometers, buildings or store-house, or

anything appertaining to the works of said company, he shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.

SEC. 6. This act shall be in force from its ratification, and shall continue in force for fifty years.

Ratified the 26th day of March, A. D. 1870.

CHAPTER XC VII.

AN ACT TO INCORPORATE THE CHESAPEAKE AND GULF TRANSPORTATION COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Henry G. Leisinring, A. T. Kenney, Henry Lewis, Samuel Carpenter, Henry J. Menninger, W. R. Sterling, T. A. Byrnes, T. S. Wilson, A. S. Buford, E. Ellen and F. G. Martindale and their associates, or any five of them, be and they are hereby created a body politic for ninety-nine years, by the name, style and title of the Chesapeake and Gulf Transportation Company, and by such name and title shall have continued succession for the aforesaid term of years, and shall be capable of suing and being sued, impleading and being impleaded, and by that name and style may acquire, hold, possess and transfer estate, real and personal, including all kinds of goods and chattels, and shall also have the right to transport all kinds of property and passengers by such means of conveyance as may be determined by the company.

Corporators.

Rights and privileges, &c.

SEC. 2. That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure: *Provided*, That such by-laws or laws of the state of North Carolina, or the provisions of this act, and to adopt a common seal, and the same to alter at pleasure, and to issue certificates of stock in such form and subject to such regulations as they

By-laws.

may from time to time prescribe, and to regulate and direct in what manner their contracts and obligations shall be made and executed.

Capital.

SEC. 3. That the capital of said company be fixed at two hundred and fifty thousand dollars, with power to increase from time to time, when approved by a majority of the stockholders in writing, and that the company may locate and establish such office and officers as they may deem proper, and issue such bonds as may be deemed necessary for the purpose of the company.

Power to organize
in two companies.

SEC. 4. That said Chesapeake and Gulf Transportation Company shall have full power and authority to organize as the Chesapeake and Gulf Transportation Company, and in that manner and under said title transact all the business of the corporation, or shall also have full power and authority to organize in two (2) companies as may be deemed most advantageous for the purpose of the corporation. If two (2) companies are organized, the corporate title of the one shall be "The Chesapeake and Gulf Transportation Company, Freight Department," and the corporate title of the other shall be "The Chesapeake and Gulf Transportation Company, Passenger Department."

Power to make
contracts, &c.

SEC. 5. That the corporation hereby created shall have power to contract with any person or persons, firms, corporations or any other party howsoever formed, existing or that may hereafter exist, to build, construct, maintain or manage any work or works, public or private, which may tend or be designed to improve, increase, facilitate or develop trade, travel or the transportation and conveyance of freight, live stock and passengers by land or water from or to any part of the United States or the territories thereof, and the said company shall also have power and authority to supply or furnish all needful material, labor, implements, instruments and fixtures of any and every kind whatsoever, on such terms and conditions as may be agreed upon between the parties respectively, and also to purchase, erect, construct, maintain or conduct in its own name and for its own benefit or otherwise, any such work, public or

private, including lines for telegraphic communication, and to aid, co-operate or unite with any other company, person or firm in so doing.

SEC. 6. The company hereby created shall also have power to make purchases, and sale of, or investments in the bonds and securities of other companies, and to make advances of money and of credit to other companies, and to aid in like manner contractors and manufacturers and to receive and hold on deposit, or as collateral or otherwise, any estate or property, real or personal, including the notes, obligations and accounts of individuals and companies, and the same to purchase, collect, adjust and settle, and also to pledge, sell and dispose of on such terms as may be agreed upon between them and the parties contracting with them, and also to endorse and guarantee the payment of the bonds and the performance of the obligations of other corporations, firms and individuals, and to assume and become responsible for, execute and carry out any contracts, leases or sub-leases made by any company to or with any other company or companies, individuals or firms whatsoever.

Purchases and sales.

SEC. 7. That the corporators named in this act shall elect persons to serve as directors, and a majority of whom shall constitute a quorum for the transaction of business, and shall hold their office until their successors shall have been elected in accordance with the by-laws.

Directors.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 23th day of March, A. D. 1870.

CHAPTER XCVIII.

AN ACT TO INCORPORATE THE BANK OF TARBORO'.

SECTION 1. *The General Assembly of North Carolina do enact*, A bank is hereby established, the capital stock

Capital.

whereof shall be of such amount as the stockholders shall determine, not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be styled "The Bank of Tarboro'," to be located in said town, and the stockholders therein, their successors and assigns, shall be a body politic and corporate, and shall so continue for thirty years, with capacity to possess and hold real and personal estate, and with all powers and privileges granted to any banking institution by this legislature, said corporation to be organized whenever fifty thousand dollars shall be subscribed and paid into the capital stock.

Power and privileges.

Commissioners.

SEC. 2. John F. Pickrell, George Howard, William G. Lewis, Robert Whitehurst and William H. Johnson are appointed commissioners, whose duty it shall be to open books of subscription to said capital stock, at such times and for such periods as they shall determine, and said commissioners or the directors of the bank may re-open said books at their discretion, as long as the capital stock shall not be wholly taken. A majority of said commissioners shall be a quorum to do business.

When meeting to be called.

SEC. 3. Whenever fifty thousand dollars shall be subscribed and paid into the capital stock of said bank, the commissioners, or a majority of them, shall call a meeting of stockholders at such time and place and on such notice as they may choose, and the stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and the successors, from time to time, shall hold office until a new election shall be held. The directors shall choose a president to serve during their continuance in office.

By-laws.

SEC. 4. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, may make and adopt all necessary by-laws for their government, may appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, prescribe the manner of paying for stock and the transfer thereof, may do a general banking business on such terms and legal rates of interest as may be

agreed on, and in general have the privileges conferred on corporations by the general laws of the state relating to corporations. The bank shall have a lien on the stock for debts due it by stockholders before and in preference to other creditors of the same dignity, and shall pay an annual tax on each share of stock therein a sum equal to that charged on other property of the same value by the state.

SEC. 5. The said bank may receive and pay out the lawful Gold, silver, &c. currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper and public or other securities; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, and may sell and convey the same; may discount notes and other evidences of debts, and lend money on such terms, not exceeding legal rates of interest, as may be agreed on. It may receive on deposit moneys on terms to be agreed on between the depositors and officers. Minors, apprentices and *feme covert*s may deposit therein, and control the deposits so made for their separate use. The bank may receive on deposit moneys held in trust by administrators and guardians or others, and issue certificates thereof with such legal rate of interest as may be agreed on.

SEC. 6. If any subscriber shall fail to pay for his stock Failure to pay in. or any part thereof as the same is required, the entire residue of his stock shall be deemed to be due and may be recovered in the name of the bank either by motion in the superior court of Edgecombe county, on giving him ten days notice, or by civil action in said county, or the entire stock may be sold by order of the board of directors for cash, at the banking house in Tarboro', after advertisement of sale for twenty days in a newspaper published in the said town, and if at such sale the price shall not be sufficient to discharge the amount unpaid, with all cost attending the sale, the subscribers shall be liable for the deficiency in a civil action.

SEC. 7. If any subscriber shall assign his stock before its

Assignment of
stock.

full payment, he and his assignee and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid or by civil action, and in every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note, payable to the bank, as well in respect to the remedy for recovering the same, as in the distribution of assets of any deceased subscriber.

Affairs, governed by
whom.

SEC. 8. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank, consistent with the laws of the land, and they shall direct when dividends of profits shall be made. They may call a meeting of the stockholders whenever they may think proper, and any number of stockholders holding together one-tenth of the stock may call a special meeting on giving thirty days notice in a newspaper published in Tarboro'. At all meetings stockholders may be represented by proxy, each one hundred dollars being entitled to one vote.

SEC. 9. This act shall be in force from its ratification.
Ratified the 26th day of March, A. D. 1870.

CHAPTER XCIX.

AN ACT TO INCORPORATE THE WARREN SAVINGS BANK, IN THE
TOWN OF WARRENTON, NORTH CAROLINA.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That John Watson, Jacob Parker, John R. Johnson, W. J. Norwood, E. W. Plummer, Wm. J. White, Walter

G. Plummer, John M. Waddell, W. P. Watson, Thomas A. Montgomery, John C. McCraw, William A. White and such other persons as may be associated with them, and their successors, be and are hereby created a corporation and body politic by the name and style of the "Warren Savings Bank," in the town of Warrenton, North Carolina, and by that name may hold and possess property, both real and personal, sue and be sued, plead and be impleaded in any of the courts of this state, and have perpetual succession and a common seal which they may alter at pleasure.

SEC. 2. That Jacob Parker, E. H. Plummer, W. J. White, John R. Johnson, John M. Waddell, T. A. Montgomery, John C. McCraw, shall be and continue directors of the said corporation until the first Monday in April, one thousand eight hundred and seventy-one, at which time a general meeting of the stockholders shall be held in the town of Warrenton, and a majority of the stock of said corporation being represented by the members owning the same, either by person or by proxy, seven directors shall be chosen to manage the affairs of the corporation for twelve months and until their successors shall be chosen, and the directors shall be annually elected at such time and place and under such rules and regulations as in the by-laws may be directed and prescribed, and the directors shall elect one of their number president for one year, and shall elect another of their number vice-president for the same period, and if a vacancy shall in any way occur in the directory, they shall fill the same by choosing some member to be director until the next annual meeting of the stockholders, and a majority of the directors shall constitute a quorum for the transaction of business.

SEC. 3. That the directors for the time being, or a majority of them, shall have power to appoint a treasurer or cashier, and all such officers, agents and servants as they may deem necessary, to conduct and expedite the affairs of the corporation, fix their compensation and remove them at pleasure, to provide for taking bonds payable to said corporation, with security to be approved by them, in such sums as

they may deem necessary, from any or all officers, agents or servants appointed by them, conditioned in such form as they shall prescribe for the faithful execution of their several duties, and to secure the corporation from loss, to regulate the terms of making and securing deposits, the form of certificates to be issued to depositors, the manner of transferring stock in said corporation, to provide for the investment of funds of the said corporation in such manner as they shall deem most safe and beneficial, to provide for the admission of members and furnishing proof of such admission, to provide for paying all the necessary expenses incurred in conducting the affairs of the corporation, and generally to pass all such by-laws as shall be deemed necessary to the exercise of the powers vested in said corporation by this charter, and the said by-laws to alter or repeal: *Provided*, That all such by-laws as may be made by the directors may be altered or repealed by a majority of the stockholders at any general meeting, and the stockholders may at any general meeting pass by-laws, which shall be binding on the directors: *And provided further*, That the by-laws shall not be contrary to the laws of this state or of the United States.

Deposits.

SEC. 4. That the said corporation shall have power to receive from any person or persons or corporate bodies any deposit of money, and all moneys so received shall be invested in public stocks or other securities at the direction of the directors in the manner deemed most safe and beneficial: *Provided*, That nothing herein contained shall authorize said corporation to issue any bill or note or any other devise in the nature of and intended to pass as a bank note.

Certificates, &c.

SEC. 5. That certificates of deposit shall be issued to each depositor for the sum deposited by him, promising to pay the amount of such certificate at such time, with such interest and on such terms as may be agreed upon between the depositor and the directors, and under such regulations as the directors may from time to time prescribe, which regulations shall not be altered so as to effect any one who was

a depositor previous to such alterations, and all certificates or evidences of deposit issued by the proper officers shall be as effectual to bind the said corporation as if under the seal thereof, and the directors when they deem it necessary to do so, shall have power to make special contracts with depositors in said corporation.

SEC. 6. That if upon demand of payment of any certificate of deposit issued as prescribed in section five, the proper notice having been given and terms of deposit complied with by the depositor, the same shall be refused or neglected, the said corporation shall pay to the owner of such certificate two per cent. damages upon the amount thereof over and above the interest on the same, the amount of which certificate, damages and interest shall be recoverable before any jurisdiction having cognizance of the same.

SEC. 7. That said corporation shall have power to receive deposits of money or other evidence of debt from minors and married women in their own name and to their own separate use, and the said corporation may pay to such depositor from time to time all such sums as may be due them according to the provisions of this charter, and the receipts of such minors and married women shall be valid acquittances in law and in equity without the intervention or assent of either parent, guardian or husband.

SEC. 8. That the capital stock of said corporation shall not exceed one hundred an fifty thousand dollars, and shall be divided into shares of fifty dollars each, and each member shall contribute once a month for the space of three years not less than two nor more than twenty dollars.

SEC. 9. That in all discounts or loans made by said corporation, the interest shall be paid in advance at the time the money is loaned.

SEC. 10. That a committee of five shall be appointed once in six months to examine the books of said corporation and report fully the general condition of the same, which report shall be spread upon the minutes of the directory, and shall at all times be opened to the examination of any member of the corporation.

Certificates of
stock.

SEC. 11. That certificates of stock in said corporation shall be issued to each member when his contribution shall amount to as much as one share in the same, and to all persons who may take stock therein in shares of fifty dollars each for the number of shares owned, contributed or taken by them, and new members may be admitted upon such terms as may be prescribed by the by-laws.

Dividends.

SEC. 12. That the directors of said corporation shall declare a dividend of the profits of the same, after paying all expenses either annually or semi-annually as they shall think best.

How long in force.

SEC. 13. That the said corporation shall continue until the year nineteen hundred.

Ratified the 26th day of March, A. D. 1870.

CHAPTER C.

AN ACT TO INCORPORATE THE STITH COPPER COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Albert L. Stith, Nicholas S. Stith, Frederick H. Stith, William A. Daniels, Turner W. Battle and Frederick Fentress, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate by the name, style and title of "The Stith Copper Company," with a capital stock not to exceed five hundred thousand dollars, for the purpose of exploring for coal, copper, lead, iron, gold, silver and other metals or minerals, and for mining, vending, smelting or manufacturing the same; and by that name and that end may have, hold and acquire real and personal estate, and dispose of the same again, may sue and be sued, plead and be impleaded in any courts whatsoever, may have a common seal, and enjoy all the privileges incident to mining corporations,

and all powers and immunities necessary to the end proposed in this charter.

SEC. 2. That the first meeting of said corporation may be Meetings. called by the persons named in this act, or a majority of them, at such time and place as may be agreed upon by the persons named in this act, and at such meeting and all other meetings legally and regularly called, may make, alter and repeal such by-laws and regulations for the management of the business of the said corporation as a majority of the stockholders may direct, not repugnant to the laws of the state or of the United States.

SEC. 3. That said corporation may divide its capital stock Capital and shares of stock. into such number of shares and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments thereon, forfeit and sell all delinquent shares, and declare and pay dividends of profits at such intervals as said stockholders or the directors or managers appointed by them shall prescribe.

SEC. 4. That it shall be the duty of the directors or manager of said company to keep accurate accounts of all operations of the company, and a faithful record of all their proceedings, which shall be at all times subject to the inspection of stockholders. Duty of directors.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CI.

AN ACT TO INCORPORATE THE NORTH CAROLINA FERTILIZING COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators. enact, That for the purpose of developing the resources and improving the condition of the state, Charles J. Gee, Nich-

olas M. Long, John A. Reid, Henry J. Pope, Joseph T. Evans, James T. Gooch and B. Zollicoffer, their associates, successors and assigns, are hereby constituted a corporation and body politic, under the name and style of the "North Carolina Fertilizing Company," with a capital stock of fifty thousand dollars, (with authority to increase the same to one million of dollars,) to be divided into shares of one hundred dollars each, and to have all the rights, privileges and incidents belonging to corporations organized under the twenty-sixth chapter of the revised code.

Power to borrow
money, &c.

SEC. 2. That said corporation shall have power to borrow and lend money, to buy and sell, lease, mortgage or otherwise convey lands, to make advances of money or other things on such terms and on such securities, real and personal, as may be agreed on, to engage in any species of agriculture or manufacturing enterprise, to buy and sell goods, wares and merchandise, to own, navigate and move steam or other vessels, to transport persons and property into and out of the state, to grow fruits, vegetables and all other products of the soil and to sell the same, and especially to carry on in all its branches the business of buying, transporting, manufacturing and selling agricultural fertilizers, and for carrying out any and all other purposes connected with the business of said company.

Company, how
managed.

SEC. 3. The said company shall be managed by a board of five directors, who shall select a president and such other officers as they may see proper, and prescribe their terms of service and compensation.

By-laws.

SEC. 4. The stockholders of said company shall make such by-laws for the regulation thereof as they may deem fit, not inconsistent with the laws of the state or of the United States.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CII.

AN ACT TO INCORPORATE THE TOWN OF JOYNER'S, IN WILSON COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body corporate.
enact, That Harris Winstead, mayor, and Wm. D. For-
 man, James Wiggins, John D. Wille, and their succes-
 sors in office, are hereby appointed commissioners for the
 town of Joyner's, in the county of Wilson, and the said com-
 missioners and their successors are hereby incorporated into
 a body corporate and politic by the name of the "Commis-
 sioners for the town of Joyner's," and by that name are
 and shall be invested with all the rights, privileges and
 powers and shall be subject to all the duties which are spe-
 cified in the one hundred and eleventh chapter of the
 revised code of North Carolina entitled "Towns."

SEC. 2. The corporate limits of the town of Joyner's shall Boundaries.
 be included in the following boundaries, viz: they shall ex-
 tend for the distance of a quarter of a mile each way from
 the Wilmington and Weldon Railroad ticket office in said
 town, and down said railroad, and they shall extend four
 hundred yards on each side of said road, and within these
 limits the said commissioners and their successors shall have
 jurisdiction.

SEC. 3. It shall not be lawful for the board of county Licenses to retail.
 commissioners of Wilson county to grant license to any
 person to retail spirituous liquors within the corporate
 limits of Joyner's without his having a recommendation in
 writing from the commissioners of said town to that effect,
 and any license granted without such recommendation shall
 be void.

SEC. 4. The persons appointed under this act shall be, Term of officers
appointed under
this act.
 and continue to act as such until their successors are duly
 chosen at the time of regular municipal election in this

State, on the first Monday in January, one thousand eight hundred and seventy.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CIII.

AN ACT TO BE ENTITLED AN ACT AN ACT TO AMEND CHAPTER NINETY OF THE PRIVATE LAWS OF THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Amendment.] SECTION 1. *The General Assembly of North Carolina do enact*, That chapter ninety of the private laws of the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine are amended by inserting, to come in as section five, as follows: That said company for the purpose of constructing dams and erecting workshops, and purchasing machinery, may issue first mortgage coupon bonds of the denomination of five dollars and ten dollars each, to the amount of three hundred thousand dollars: said bonds shall be signed by the president, countersigned by the treasurer, sealed with the seal of the company, bearing seven per cent. interest, payable semi-annually in gold—the principal payable at the end of thirty years from the date thereof, principal and interest payable in the city of New York: *Provided*, That before said bonds are issued, there shall have been taken and paid in one hundred thousand dollars of said stock, and the president shall transfer by mortgage to the president of the Raleigh National Bank, as trustee, the water-power, lands and all property which the company may now or hereafter own or acquire: *Provided further*, That any amendment or repeal of the charter of the company affect-

May issue bonds.

Provided.

ing the rights of the purchaser of said bonds shall work a foreclosure of this mortgage; and the trustee may enter upon and take possession of the property of said company without any other proceedings of law.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CIV.

AN ACT TO INCORPORATE THE TOWN OF BLACK CREEK, IN WILSON COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the village of Black Creek, in the county of Wilson, is hereby created an incorporated town, and Joseph S. Holt, Calvin Bone, Augustus Barnes, Larry B. Bass, Nathan C. Christmas and W. T. Brewer, and their successors, are hereby created a body corporate, under the name and style of the commissioners of the town of Black Creek, to have perpetual succession and a common seal, with the usual powers of such corporations, to sue and be sued, plead and be impleaded, contract and be contracted with, and to make all needful rules, regulations, by-laws and ordinances, for the Government of said town, not inconsistent with the laws and constitution of this state and of the United States. Body corporate.

SEC. 2. That the above named commissioners shall only hold their office till their successors are duly elected, at the next regular municipal election for the towns of this State, on the first Monday in January, one thousand eight hundred and seventy. Term of office.

SEC. 3. That said commissioners may appoint a town constable, and may also choose one of their own members to be mayor of said town until the first Monday in January one thousand eight hundred and seventy, at which date an Appointments.

election shall be held for mayor, six commissioners, and a town constable and town clerk, and so on annually thereafter, according to general law on this subject.

Limits.

SEC. 4. That the corporate limits of said town shall be one half mile square, bounded by lines running due north, east, south and west respectively, each of said boundary lines being one fourth of a mile perpendicularly distant from the railroad crossing in front of Andrew J. Sims' residence, said crossing thus being the the centre of said town.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CV.

AN ACT TO RESTORE THE CORPORATE POWERS OF THE TRUSTEES OF THE TARBORO' ACADEMY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Robert H. Austin, John Norfleet, Robert C. Brown, J. H. Baker, M. Weddell, J. W. Jones, Frederick Phillips, George Howard, David Pender, W. M. Pepper, Robert Norfleet and William H. Johnston, and their successors, to be elected as hereinafter directed, shall forever be a body politic and corporate by the title of "The Trustees of the Tarboro' Academies, male and female."

Vacancies.

SEC. 2. That said trustees, or a quorum thereof, shall have power to supply any vacancy which may occur in said incorporated body of trustees by death, refusal to act, resignation or removal of any of its members, and the persons appointed to fill such vacancies shall have the same power and privileges as the trustees named in this act.

Quorum.

SEC. 3. That five of said trustees shall be a quorum sufficient for the transaction of business connected with said academy.

SEC. 4. That two acres of land belonging to the commons in the town of Tarboro' are hereby vested in said trustees and their successors, and the said trustees may elect the spot or spots of ground where the said two acres shall be allotted to them, and cause the same to be surveyed and a plot thereof to be returned in the office of the register of deeds of said county, and said plot having been registered, the said two acres of land shall thereafter be held by the said trustees and their successors for the use and benefit of said academics, male and female.

Land vested in trustees.

SEC. 5. That said trustees shall have all the powers necessary for the instruction of youth, male and female, in the various branches of science, literature and art, and shall be authorized to hold such property, real and personal, as may be necessary for the transaction of the business of said academics.

Powers necessary for instruction.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CVI.

AN ACT TO ENABLE THE TAX COLLECTOR OF THE CITY OF NEWBERN TO COLLECT HIS TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, The tax collector of the city of Newbern shall have all the powers for the collection of city taxes that are given by an act entitled "An act to provide for the collection of taxes by the state, and by the several counties of the state, on property, polls and income," passed at the session of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, to sheriffs of counties, and may seize and sell real and personal property for such taxes, in the manner prescribed in such act and with the same effect and subject to the same restrictions.

Tax collector.

Lawful to correct
arrears.

SEC. 2. The tax levy of the city of Newbern, made in the year one thousand eight hundred and sixty-eight, is hereby confirmed, and it shall be lawful for the tax collector of the city of Newbern to collect any arrears of said tax now unpaid, notwithstanding any informality in the manner of the levy of said tax by the city council, or any error in the time of laying, assessing, or making any other provisions in relation thereto.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CVII.

AN ACT TO BE ENTITLED AN ACT TO LEGALIZE THE MUNICIPAL ELECTION IN THE TOWN OF DALLAS, AND CONFERRING CERTAIN POWERS UPON THE COMMISSIONERS THEREIN ELECTED.

Confirmed.

SECTION 1. *The General Assembly of North Carolina do enact*, That the municipal election held for the incorporate town of Dallas, on the third day of January one thousand eight hundred and seventy, shall be considered legal and valid to all intents and purposes, and all officers chosen at said election are hereby declared legitimately elected by this act.

By-laws, &c.

SEC. 2. That said officers are empowered to frame such laws and regulations for the good order and government of said town as are not incompatible with the laws of the state or the United States.

Discretionary
powers.

SEC. 3. That they are invested with discretionary powers to enforce the observance of such regulations within the incorporate limits of said town, by appropriate fines and imprisonments, not to exceed twenty-five dollars in the one instance nor over five days imprisonment in the county jail in the other.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CVIII.

AN ACT TO INCORPORATE EDGECOMBE LODGE, NUMBER TWO HUNDRED AND NINETY-EIGHT, ANCIENT YORK MASONS.

SECTION 1. *The General Assembly of North Carolina do* ^{Corporators.}
enact, That J. W. Garrett, John M. Horney, John H. Lee, R. H. Garrett, Rufus R. Hines, P. S. Petway, Wm. Mercer and Samuel T. Jenkins, and their associates and successors, are hereby incorporated as a body politic and corporate, under the name and style of "Edgecombe Lodge, number two hundred and ninety-eight," and by that name and style may have succession and a common seal, may sue and be sued, plead and be impleaded, in any court of record or before any justice of the peace, contract and be contracted with, acquire, hold and dispose of personal property and such real estate as may be necessary for convenience and transaction of the business of said lodge.

SEC. 2. That said corporation shall have power to pass ^{By-laws.}
 all necessary by-laws and regulations for its own government not inconsistent with the constitution of this state or the United States.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CIX.

AN ACT TO INCORPORATE THE TARBORO' STREET RAILWAY.

SECTION 1. *The General Assembly of North Carolina do* ^{Corporators.}
enact, That George Howard, Joseph H. Baker, John S. Dancey, their associates, successors and assigns, are hereby created a corporation and body politic by the name and

style of the Tarboro' Street Railway Company, and by that name may acquire, hold, and possess and transfer real and personal estate, may contract and be contracted with, sue and be sued, plead and be impleaded, have a common seal, with power to change and renew the same, and have succession and corporate existence for thirty years.

Power to construct
railway.

SEC. 2. Said corporation shall have power to construct a street railway, and to run cars upon the track of the same, propelled by animal or other power, in any of the streets or alleys of the town of Tarboro', having first obtained permission for the use of said streets or alleys from the authorities of said town.

Capital.

SEC. 3. The capital stock of said company shall be twenty thousand dollars, with power to increase the same from time to time to any amount not exceeding two hundred thousand dollars divided into shares of one hundred dollars each.

By-laws, &c.

SEC. 4. Said corporation shall have power to make all necessary by-laws and regulations for its government, not inconsistent with the laws and constitution of this state or of the United States; shall have power to appoint its officers and agents to transact the business and conduct its operations, declare dividends of profits, fix the rate of charge for transportation of person or things, and to do all things necessary and proper for the successful management of the operations of the company.

Meetings, &c.

SEC. 5. Annual meetings of the stockholders represented in person or by proxy, each share of stock being entitled to one vote, shall be held in the town of Tarboro', on such day in each year as may be appointed by said corporation, at which meetings proper officers shall be appointed to conduct the business of said corporation, who shall hold their offices for one year and until the election of their successors. The stockholders may, by their by-laws, direct the manner in which special meetings may be called, and may delegate to their directors or other chief or other chief officers for the time being, such of their powers as they may see fit.

SEC. 6. Whenever twenty thousand dollars of stock shall

be subscribed in books to be opened by the above mentioned Books to be opened. person, it shall be the duty of said persons to call a general meeting of the subscribers, who shall elect a board of directors to consist of such number, not less than three, as they may determine, and such board of directors shall elect one of their number to be president; the board of directors may call in the remainder of the stock subscribed to be paid in such instalments, and at such times as they may think proper, and in case any subscriber shall fail or refuse to pay according to such call, the directors, after giving twenty days notice, may sell at public auction the shares subscribed for by him or as many thereof as will pay the balance due upon his subscription, whether the whole has been called in or not, and if there should still remain a balance due after selling and applying the proceeds of all the shares, then the company may recover such balance in the superior court of Edgecombe county, or before a justice of the peace of the county where the debtors reside, if said balance shall be two hundred dollars or less.

SEC. 7. Any person who shall wilfully and unlawfully Liabie for damages. impair or obstruct said street railroad, besides being liable for damages in civil actions, shall be guilty of a misdemeanor, and shall be punished on conviction by fine or imprisonment or both at the discretion of the court.

SEC. 8. The said company shall have the exclusive right for a term of thirty years to construct and use the aforesaid railroad and its branches.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CX.

AN ACT TO INCORPORATE OAK CITY COUNCIL, NUMBER SIXTEEN,
FRIENDS OF TEMPERANCE, IN THE CITY OF RALEIGH, COUNTY
OF WAKE.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members who are at present or in future may be such of Oak City Council, number sixteen, Friends of Temperance, in the city of Raleigh, county of Wake, be and they are hereby incorporated into a body politic and corporate, under the name and style of "Oak City Council, number sixteen, Friends of Temperance," and by that name may have succession and a common seal and the same change at pleasure, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this state, contend and be contended with, hold and dispose of personal property for the benefit of said council, and also such real estate as may be required for the convenient transaction of its business: *Provided*, All the real estate owned by said council shall not exceed in value ten thousand dollars.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its government which may not conflict with the constitution and laws of this state and the United States.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXI.

AN ACT TO INCORPORATE GIBLUM LODGE, NUMBER TWO, OF FREE AND ACCEPTED A. Y. MASONS, IN WILMINGTON, NEW HANOVER COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body corporate.
enact, That Lewis Bird, William H. Thurber, James Telfair, Evander McBride, Wm. J. Kellogg, Hezekiah Reid and their associates, the officers and members of Giblum Lodge, and their successors, be and they are hereby incorporated into a body politic and corporate, under the name and style of Giblum Lodge, number two, of Free and Accepted A. Y. Masons, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this state, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be required for the convenient transaction of its business.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of this state or of the United States.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXII.

AN ACT TO INCORPORATE THE RALEIGH SAVINGS BANK.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That T. F. Lee, J. C. L. Harris, J. N. Bunting, J.

J. Nowell, C. L. Harris, S. D. Franklin, J. P. Prairie, and their associates, assigns, and successors be and are hereby created a corporation and body politic, by the name and style of the "Raleigh Savings Bank," and by that name may hold and possess property, sue and be sued, plead and be impleaded in any of the courts of this state, and have perpetual succession and a common seal, which they may alter at pleasure, and shall have power to establish branches in such places in the state as it may deem proper.

Directors.

SEC. 2. That the seven persons first named in section the first of this chapter, shall be and continue directors of the said corporation until the first Monday in July, one thousand eight hundred and seventy, at which time a general meeting of the stockholders shall be held in the city of Raleigh, and a majority of the stock of said corporation being represented by the members owning the same, either in person or by proxy, seven directors shall be chosen to manage the affairs of the corporation for twelve months and until their successors shall be chosen, and the directors shall be annually elected at such time and places and under such rules and regulations as in the by-laws may be directed and prescribed, and the directors shall elect one of their number president for one year, and if a vacancy shall in any way occur in the directory, they shall fill the same by choosing some member to be director until the next annual meeting of the stockholders, and a majority of the directors shall constitute a quorum for the transaction of business.

Officers.

SEC. 3. That the directors for the time being, or a majority of them, shall have power to appoint a treasurer or cashier, and all such officers, agents and servants as they may deem necessary to conduct and expedite the affairs of the corporation, to fix their compensation and remove them at pleasure, to provide for taking bonds payable to said corporation with security, to be approved by them, in such sums as they may deem necessary, from any or all of the officers, agents, or servants by them appointed, conditioned in such form as they shall prescribe for the faithful execution of their several duties, and to secure the corporation from

loss, to regulate the terms of making and securing deposits, the form of certificate to be issued to depositor, the manner of transferring stock in said corporation, to provide for the investment of the funds of said corporation, in such manner as they shall deem most safe and beneficial, to provide for the admission of members and furnishing proof of such admission, to provide for paying all the necessary expenses incurred in conducting the affairs of the corporation, and generally to pass all such by-laws as shall be deemed necessary to the exercise of the powers vested in said corporation by this charter, and the same by-laws to alter and repeal: *Provided*, That all such by-laws as may be made by the directors may be altered or repealed by a majority of the stockholders of said corporation assembled at any annual meeting or general meeting called in pursuance of any by-laws made for that purpose, and the stockholders may at any general or annual meeting pass by-laws, which shall be binding on the directors: *And provided further*, That the by-laws shall not be contrary to the laws of this state or of the United States.

SEC. 4. That the said corporation shall have power to receive from any person or persons or corporate bodies any deposits of money, and all moneys so received shall be invested in public stocks, or other securities, at the discretion of the directors, in the manner deemed most safe and beneficial: *Provided*, That nothing herein contained shall authorize said corporation to issue any bill or note or any other device in the nature of and intended to pass as bank note.

SEC. 5. That certificates of deposit shall be issued to each depositor for the same deposited by him, promising to pay the amount of such certificate at such time and with such interest and on such terms as may be agreed on between the depositor and the directors, and under such regulations as the directors shall, from time to time, prescribe, which regulations shall not be altered so as to effect any one who was a depositor previous to such alteration, and all certificates or evidences of deposits issued by the proper officers shall be as effectual to bind the said corporation as if under

the seal thereof, and the directors, when they deem it necessary to do so, shall have power to make special contracts with depositors in said corporation.

Deposits, when demanded.

SEC. 6. That upon the demand of payment of any certificate of deposit, issued as prescribed in section fifth, the proper notice having been given and terms of deposit having been complied with by the depositor of the same shall be refused or neglected, the said corporation shall pay to the owner of such certificate two per cent. damages upon the amount thereof, over and above the interest on the same, the amount of which certificate, damages and interest shall be recoverable before any jurisdiction having cognizance of the same.

Deposits of moneys from minors, &c.

SEC. 7. That said corporation shall have power to receive deposits of money or other evidences of debt from minors and married women in their own names and to their own separate use, and the said corporation may pay to such depositors, from time to time, all such sums as may be due them according to the provisions of this charter, and the receipts of such minors or married women shall be valid acquittances in law and equity, without the intervention or assent of either parent, guardian or husband.

Capital.

SEC. 8. That the capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and each member shall pay one dollar per month on each share of stock owned by him until each share shall be paid in full.

Loans and interest.

SEC. 9. That in all discounts or loans made by said corporation it shall not take more than the rate of interest allowed by the general laws of the state upon the subject of interest on money lent, which interest shall be taken in advance at the time the money is lent, and the repayment of the same lent shall be received by the pledge of property with the power of sale thereof or such other security as may be agreed upon by the borrower and the said corporation.

Committee.

SEC. 10. That a committee of five stockholders shall be appointed once in six months to examine the affairs of said corporation and report fully the general condition of the

same, which report shall be spread upon the minutes of the directory, and shall at all times be open to the examination of any member of the corporation.

SEC. 11. That the directors of said corporation shall declare a dividend of the profits of the same, after paying all expenses, either annually or semi-annually as they may think best. Dividends.

SEC. 10. This act shall be in force from and after its ratification, and shall continue in force thirty years.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXIII.

AN ACT TO INCORPORATE THE WILMINGTON BUILDING ASSOCIATION.

WHEREAS, Certain persons, chiefly from the industrial classes in the city of Wilmington, in the month of July, one thousand eight hundred and sixty-nine, agreed and covenanted with each other to form themselves into an association known as the Wilmington Building Association, and have submitted a copy of the constitution and by-laws adopted by them for the consideration of the general assembly; and whereas, the purposes for which said association was formed and the principles upon which its general business is conducted are deemed highly praiseworthy and tend manifestly to enhance the value of the real estate held by persons whose means ordinarily are inadequate to the permanent improvement of the same, whereby the taxable property of the state is largely increased: therefore Preamble.

SECTION 1. *The General Assembly of North Carolina do enact,* That Donald McRae, James D. Cummings, William & C. Bernard, William Larkins, Charles W. Stedman, James Reilly, William L. DeRosset, William A. Cumming, Isaac B. Grainger, William L. Smith, John F. Divine, T. Corporators.

H. McHoy, James G. Burr and Roger Moore and their associates who are holders of one or more shares of the stock of said association, together with such other persons as may be hereafter associated with them as such stockholders, and their assigns, are hereby declared to be a body politic and corporate by the name and style of the Wilmington Building Association, and the present holders of the shares of stock in the association referred to in the preamble hereto shall be deemed stockholders in the corporation hereby created, to the extent of the shares by them now severally held in said association, subject, however, to the payment by the present shareholders of all such further instalments and dues, and liable respectively for any and all such fines, forfeitures as are or may be prescribed by the existing constitution and by-laws of said association. The corporation hereby created shall exist for the term of fifty years unless sooner dissolved by the stockholders, or a majority in interest of such stockholders, and shall be vested with all the rights, powers, privileges and franchises incident or belonging to corporations, as set forth and declared in the first, second, third and fourth sections of the twenty-sixth chapter of the revised code of North Carolina entitled "Corporations."

Shares of stock.

SEC. 2. The shares of stock in said corporation shall be of the par value of two hundred dollars each, or such sum as the stockholders shall determine upon opening books for additional shares of such stock, and the number of such shares shall not be less than fifteen hundred nor more than six thousand. The corporation may, at such time or times and according to such rules and regulations as may be prescribed by its by-laws, redeem or purchase any number of the shares of stock of said corporation held by any stockholders, at such price or sum of money, take and receive from such stockholder a mortgage on real estate to secure the payment by such stockholder to said corporation of the unpaid instalments remaining due on the share or shares of stock so sold or redeemed, together with interest at a rate not exceeding six per cent per annum on the par value of

the same, and such instalments and interest may be payable at such time or times and under and subject to such fines and penalties for the non-payment thereof as may be prescribed by the by-laws of said corporation, and any such mortgage or mortgages and the debts so intended to be secured thereby, are hereby declared exempt from taxation, the property so mortgaged as aforesaid being taxed in the hands of the stockholder or mortgagor.

Exempt from taxation.

SEC. 3. Said corporation may limit the number of shares of stock which each or any stockholder may be allowed to hold and may regulate the instalments to be paid on each share, (provided the same shall not exceed the sum of fifty cents per share per week) and the times when the same shall be paid and be payable, and may enforce the payment of all instalments and other dues to the corporation by such fines and forfeitures as may be prescribed by the by-laws.

Shares may be limited.

SEC. 4. All deeds, mortgages, bonds, promissory notes, or other securities, taken for the benefit of this corporation, shall be taken in its corporate name, and all mortgages, bonds, or other instruments of writing made to the association, referred to in the preamble hereto, or to any person or persons as trustees of such association, or to or for the use of such association, shall remain and continue of full force and virtue in like manner as though such association had originally been a body politic and corporate, and any trustee or trustees to whom any such mortgage or bond or other instrument of writing may have been made for the use or benefit of said association, may be required to assign and transfer the same unto the corporation, and in such case the same shall be and remain good and sufficient to all intents and purposes as if originally made to this corporation, and all and singular the liabilities and obligations of, by and between the members or stockholders of said association, as prescribed by the constitution and by-laws of said association, or arising from or growing out of the same, shall be and remain of as binding force, virtue and effect as if such association had been originally incorporated.

Notes, bonds, &c.

SEC. 5. The corporation may hold such real estate as may

Real estate.

be necessary or suitable for the convenient carrying on of its business and all such real estate as may be conveyed to it in mortgage for securing any debt due to said corporation, or any bond or other obligation payable to said corporation, and also all such real estate as may be purchased by said corporation in satisfaction of any debt due to said corporation.

Loans, &c.

SEC. 6. This corporation may make loans to any of its members at such rates of interest and upon such terms generally as may be agreed on, but it shall not be lawful for this corporation to loan to any one of its members a sum exceeding the par or ultimate value of the shares of stock held by such member. No dividend of principal or profits shall be made by this corporation on the present shares of stock in the association, referred to in the preamble, or in said shares when held in this corporation until the fund accumulated, including the shares redeemed and all the property, money and other effects of said corporation, shall amount to such a sum as will enable said corporation to divide on each unredeemed share a sum equal to the par or ultimate value of such shares.

Books of subscrip-
tion.

SEC. 7. Said corporation may at said time or times, as the then existing stockholders may then determine, cause books of subscription to be opened for other and additional shares of stock, which shall be held separate and in all respects distinct and different from the shares of stock held at the time which said books of subscription for such additional stock may be so opened: *Provided, however,* That at no time shall the number of shares of said corporation exceed six thousand.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXIV.

AN ACT TO INCORPORATE THE CAGLE MINING AND MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Spinks Cagle, Peter Shamburger, James D. McIver, Thomas B. Tyson, Alex. H. McNeill, Dr. John Shaw and John Kelly and other associates and successors, be and they are hereby enacted a body politic and corporate by the name and style of the Cagle Mining and Manufacturing Company, and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be implead in all courts and places, have a common seal and break the same at pleasure, may make all necessary by-laws for the transaction of the business and government of said company, not inconsistent with the constitution of this state or the United States.

SEC. 2. The capital stock of said company shall not exceed two hundred thousand dollars, which may be divided into shares subscribed and paid for in such manner as the company may by its by-laws prescribe. Capital.

SEC. 3. Said company shall have power to appoint any one or more of its members or other persons to manage, contract or direct the business of said company, according to the by-laws of rules and regulations which said company adopts. Appointments.

SEC. 4. Said company may acquire and hold such real and personal estate, by contract, as they may deem necessary or proper for carrying on the mining of gold, iron, lead, copper or other valuable mineral substances, the procuring and manufacturing of lumber; said company shall have power to erect and operate grist mills, erect and operate a mill for the manufacturing of cotton and woolen goods, and the transportation thereof to market, together with such quantities as may be necessary for the establishment of mills and landing depots and machinery for the same. Real estate.

Books opened.

SEC. 5. Said company when fully organized shall cause a book to be opened, and report, subject to the inspection of any member of said company, which shall contain all the names of the members of said company and the number of shares owned by each, and said shares may be transferred on said book in the manner to be prescribed by the by-laws of said company to the extent of and in proportion to the amount of capital stock he owns in said company.

SEC. 6. This act shall take effect from its passage, and remain in force thirty years, renewable thereafter by consent of the legislature.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXV.

AN ACT TO INCORPORATE THE INDEPENDENT TELEGRAPH COMPANY AND FOR OTHER PURPOSES.

Corporators.⁵

SECTION 1. *The General Assembly of North Carolina do enact*, That Richard Bradly, Daniel Callahan, Thomas W. Osborne, Timothy A. Byrnes, Daniel P. Holland, O. S. Hayes, F. G. Martindale and Joseph Finegan be and they are hereby made and declared to be a body politic and corporate, under the name and style of "The Independent Telegraph Company," for the purpose of constructing, erecting, maintaining and operating a line or lines of telegraphic communication from and to any place or places or cities in this state and through this state and to such points as said company may select, and on and to such telegraphic route or routes as said company may determine or select, for the purpose of telegraphic communication in this state. And said company shall have full power and authority to contract with any other company or association or persons for the purpose of connecting and operating their lines of telegraph with telegraph lines out of this state, and they

Power to contract
with other compa-
nies.

are hereby authorized as such company to erect, maintain, contract and establish and operate lines of telegraphic communication in any part of the United States, or elsewhere, wherein they are not prevented by the local law of such place. That said persons and company, by the name of the Independent Telegraph Company, are made capable to sue and be sued, plead and be impleaded in any court, to have and to use a common seal, to make such by-laws, rules and regulations as to them shall seem necessary and convenient for the management of said company: *Provided*, The same are not in violation of the constitution and laws of the United States, and of this state; to purchase, have and hold to and receive such goods and chattels, lands and tenements as to them shall seem necessary and conducive to the interests of said company, and the same to sell, convey, assign and deliver at pleasure, by deed of said company or otherwise, as natural persons may do; and generally to have and enjoy all rights, privileges, powers and capacities as are incident to bodies corporate and politic; and if any person shall wilfully injure or obstruct the line or fixture of said company, he shall be liable to pay them the sum of one thousand dollars (\$1000) for each trespass, recoverable at the suit of the company.

SEC. 3. That said persons and company shall have power to create a stock sufficient for the purposes of this act and to carry out the object of this act, and said stock shall not be issued for less than one hundred dollars (\$100) per share, and shall not exceed two millions (\$2,000,000) dollars of stock, and each stockholder shall be entitled to one vote for each share of stock held by him. Capital stock: ~~fixed~~

SEC. 4. That said company shall have power and authority to set up their fixtures and works on, along or across any railway, canal, highway, stream, river, shore, water course or water in this state, and to lay their telegraphic cables, wires, or other means of telegraphic communication over or under any waters of this state, and to land and operate the same on any part of any shore, coast or border of any Powers to set up fixtures, &c.

river, bay, lake, ocean or other water in this state or bounding or bordering on the same.

SEC. 5. That the right of way for the purposes of this act be and it is hereby vested in said company, compensation for the same to be paid for as is provided by the general laws of this state.

Requirements of
company in time of
rebellion, &c.

SEC. 6. That said company shall be bound in the event of any war, rebellion, riot, insurrection or resistance of public authority, or for the prevention or punishment of crime, or for the arrest of any parties or person suspected of crime, to give prompt despatch, in preference to all others, to the messages or despatches of any public officer of the United States or of this state, and said company shall charge no more for said despatches than for others of like distance and number of words sent by private persons; and if any officer of said company, operator or servant of said company shall wilfully omit to send promptly such public despatch as aforesaid, or shall for any cause wilfully delay, alter or change the same, such persons shall be liable to indictment, and, upon conviction, shall be punished by fine and imprisonment at the discretion of the court, and according to the aggravation of the offence; and in consideration of the premises, and for the further consideration that said company shall, after paying its stockholders legal interest upon the stock subscribed by them, of the residue of the net profits remaining after first paying legal interest to their stockholders of the said stock subscribed by them respectively, pay into the treasury of this state the sum of one per centum per annum of said net proceeds so remaining, which said sum of one per cent. shall be paid into the treasury for the use of common schools in this state. The right of way for telegraph purposes is hereby granted to said company, and it shall not be lawful for any person or persons or association or corporation not incorporated by the laws of this state at the passage of this act, to connect their lines or engage in telegraph business in this state, without the assent of said company, and said company shall make semi-annual reports of its financial condition to the gov-

Right of way.

ernor of this state, which said reports shall be verified by the oath of its president or secretary.

SEC. 7. That nothing in this act shall be so construed as to prevent the property or effects of said company from paying taxes or be in anywise relieved by said company from taxation. Not relieved from paying taxes.

SEC. 8. That it shall not be lawful for any corporation or association not incorporated by special charter or special law created or made by the law-making powers of the state of North Carolina, or by the authority of the state of North Carolina, to engage in or exercise or attempt to carry out in this state any power, rights or privileges, created by or vested in themselves, their agents or attorney or in said corporation or association, by virtue of charters or laws issued by or made under the laws or by the authority of any other State or foreign power, kingdom or nation, and it shall be the duty of the courts to enforce the article or section against any or all corporations or associations attempting to operate or engage in any business, or occupation, under and by virtue of any other authority than that of the state of North Carolina; any person violating this article shall be punished by fine and imprisonment at the discretion of the court, said fine not to be less than one thousand dollars, one half of said fine to be paid to the informer. And every foreign corporation or association of persons shall be incapable of doing any legal act in this state. Violations punished.

SEC. 9. That this act shall be and is hereby declared to be public act, and it shall be the duty of the courts to take judicial cognizance of the same without its being specially plead, and to charge the grand jury on the eighth section of this act.

SEC. 10. That all laws and parts of laws conflicting with the true intent and meaning of this act be and they are hereby repealed. Repeat.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXVI.

AN ACT TO INCORPORATE THE TOWN OF BAKERSVILLE, IN THE
COUNTY OF MITCHELL.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Bakersville, in the county of Mitchell, be and the same is hereby incorporated by the name and style of the town of Bakersville, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the revised code, not inconsistent with the constitution and laws of this state or of the United States, also subject to the provisions of the general law in relation to incorporations passed by the general assembly at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, not inconsistent with this act.

Boundaries.

SEC. 2. That the corporate limits of said town shall be as follows: One mile east, west, north and south from the court house, then a line shall be marked out commencing at the terminus of the mile running east from the court house to the terminus of the mile north of the court house, thence to the terminus of the mile west of the court house, thence to the terminus of the mile south of the court house, thence to the terminus of the mile east of the court house to the beginning.

Officers.

SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and constable. It shall be the duty of the sheriff of the county of Mitchell, or any justice of the peace within said bounds, within (30) thirty days after the ratification of this, after giving ten days notice by advertising at the court house door and two other places in said corporation, to open the polls for the election of mayor, three commissioners and constable, under the same restrictions that other county and state elections are held; and upon the same day and place they may vote upon the question of granting license to persons for the purpose of retailing spirituous liquors within said corporation: those

voting for this privilege to be granted shall have the words "license" written or printed on their tickets, and those opposed the words "no licenses"; and if the majority of the votes so cast say "no licenses," the commissioners shall have no power to grant license, and any person violating this law shall be subject to all the pains and penalties prescribed by law for persons selling spirituous liquors without authority of law.

SEC. 4. That all resident citizens within said corporation that have resided thirty days previous to the election shall be entitled to vote at said election. Voters.

SEC. 5. It shall be the duty of the commissioners elect to meet together and organize, take and subscribe to the following oath: "I, A. B., do swear that I will faithfully act as commissioner to the best of my knowledge and ability for the ensuing year, so help me God." Oath.

SEC. 6. That the said commissioners shall have power to pass all by-laws, rules and regulations, for the good government of the corporation, not inconsistent with the laws of this state and the United States. By-laws.

SEC. 7. That the commissioners shall have power to levy a tax not to exceed (50) fifty cents on the poll and not to exceed twenty-five cents on the hundred dollars valuation of property. Taxes.

SEC. 8. The commissioners shall have power to tax all subjects of state taxation within the corporate limits to an amount not exceeding one half of the state tax, and they shall also have power to abate all nuisances, and for this may impose such fines as may be necessary to abate them. Other taxes.

SEC. 9. It shall be the duty of said commissioners to spend the tax so levied and collected in repairing the streets and side walks and keep them in good and passable order. Tax, how spent.

SEC. 10. The commissioners when organized shall have power to appoint a secretary whose duty it shall be to record the proceedings of the commissioners, and also to appoint a treasurer who shall enter into bond in the sum of five hundred dollars, payable to the State of North Carolina with one or more securities, approved by the commis- Secretary.

Bond. sioners, and it shall also be their duty to require of the constable elect to enter into bond payable to the State of North Carolina in the sum of five hundred dollars with one or more securities approved by the said commissioners.

Powers of Mayor. SEC. 11. That the mayor when elected and qualified shall have the same power to all intents and purposes that any other magistrate of the county has.

Mayor to take oath. SEC. 12. That the mayor elect before entering into office shall go before some person authorized to administer an oath, and take the oath of a justice of the peace, and he shall hold an election as provided in section three of this act, on the first Monday in January, one thousand eight hundred and seventy-one, and each successive year.

Constable to take oath. SEC. 13. That the constable elect before entering into office, shall go before some person authorized to administer an oath and take the oath usually taken by constables.

Repeal. SEC. 14. That all laws and clauses of laws heretofore enacted coming in conflict with this act are hereby repealed.

SEC. 15. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXVII.

AN ACT TO INCORPORATE WIDOW SON LODGE, NUMBER FOUR,
ANCIENT YORK MASONS, OF THE CITY OF RALEIGH.

Body corporate. SECTION 1. *The General Assembly of North Carolina do enact*, That the master, wardens and members of Widow Son Lodge, number four, of Free and Accepted Ancient York Masons, in the city of Raleigh, be and are hereby constituted a body politic and corporate, by the name and style of Widow Son Lodge, number four, of Free and Accepted Ancient York Masons, and by that name shall

have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXVIII.

AN ACT TO INCORPORATE COLESVILLE LODGE, NUMBER TWO HUNDRED AND SEVENY-EIGHT, OF FREE AND ACCEPTED MASONS.

SECTION 1. *The General Assembly of North Carolina do* Body corporate.
enact, That the master, wardens and members of the Colesville Lodge, number two hundred and seventy-eight, of Free and Accepted Masons, in the county of Stokes, at Colesville, be and are hereby constituted a body politic and corporate by the name and style of Colesville Lodge, number two hundred and seventy-eight, of Free and Accepted Masons, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXIX.

AN ACT CONCERNING FIREMEN IN THE CITY OF WILMINGTON.

Exemptions.

SECTION 1. *The General Assembly of North Carolina do enact*, That the members of all organized fire companies in the city of Wilmington be and they are hereby exempt from serving as jurors on any coroner's inquest or in the special or superior court.

Repeal.

SEC. 2. All laws conflicting with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXX.

AN ACT TO INCORPORATE EUREKA LODGE, NUMBER THREE, OF FREE AND ACCEPTED A. Y. MASONS, AT FAYETTEVILLE, IN THE COUNTY OF CUMBERLAND.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the master, wardens and members of Eureka Lodge, number three, of Free and Accepted A. Y. Masons, at Fayetteville, in the county of Cumberland be and they are hereby incorporated a body politic and corporate by the name and style of Eureka Lodge, number three, of Free and Accepted A. Y. Masons, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXXI.

AN ACT TO AUTHORIZE THE TOWN CONSTABLE TO COLLECT THE ARREARS OF TAXES DUE TO THE TOWN OF WILSON IN WILSON COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Collection of taxes.
enact, That the town constable of the town of Wilson, in Wilson county, be and he is hereby authorized to collect any taxes due and unpaid on the tax list for the said town for the years one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine; but no person shall be compelled to pay any such taxes who will make oath that he or she has paid the same and has lost the receipt thereof.

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

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXXII.

AN ACT ENTITLED AN ACT TO CHARTER THE CITY OF GREENSBORO'.

SECTION 1. *The General Assembly of North Carolina do* City.
enact, That the inhabitants of the town of Greensboro' shall be and continue as heretofore have been a body politic and corporate, and henceforth the corporation shall bear the name and style of the City of Greensboro', and under such style and name is hereby invested with all the property and rights of property which now belong to the corporation, under any other name or names, heretofore, and by this name may acquire and hold, for the purpose of its government, welfare and improvement, all such estate as

may be divided, bequeathed, or conveyed to it, not exceeding in value one hundred thousand dollars, and the same may, from time to time, sell, dispose of, and invest as shall be deemed advisable by the proper authorities of the corporation.

Limits.

SEC. 2. That the corporate limits shall be the same as at present laid out, that is, one mile square, running half mile from the centre of public square, N. E. S. W. The city shall be divided into two wards, northern and southern, the southern to embrace all that part of the city south of market street, and the northern that part of the city north of market street.

Elections of mayor and commissioners.

SEC. 3. *Be it further enacted*, That there shall annually, on the first day of January in each year, be elected a mayor and six commissioners, who shall hold office until their successors are qualified, all to be elected by the qualified voters of the city. There shall be three commissioners elected for each ward of the city.

Electors.

SEC. 4. *Be it further enacted*, Any qualified elector in this State shall be eligible as mayor and commissioners, provided he shall have resided in the corporation sixty days next preceding the day of election, and any commissioner shall be a resident in the ward for which he shall be chosen.

Inspectors of elections.

SEC. 5. *Be it further enacted*, That for the purpose of electing said officers, the commissioners shall, at least twenty days before the election, appoint one inspector for each ward, who shall be a qualified voter, and the inspectors shall give ten days notice thereof by public advertisement, and if from any cause inspectors shall not be appointed, the governor of the state shall designate inspectors qualified in like manner.

Duty of inspectors.

SEC. 6. *Be it further enacted*, That on the day of election the inspectors shall give due attendance at the time and place, shall be judges of the polls, receive the votes, and conduct the election in like manner and during the same hours of the day as election for members of the general assembly. The voter shall designate on his ballot the

person for whom he votes as mayor, and the person for whom he votes as commissioners, otherwise the votes shall not be counted.

SEC. 7. *Be it further enacted*, That all persons entitled to vote in the state who shall have been residents of the city for sixty days next preceding the day of election shall be allowed to vote for mayor and commissioners: *Provided*, He has complied with the registration laws, and paid the taxes assessed against him for city purposes for the preceding year.

SEC. 8. *Be it further enacted*, At the close of the election the votes shall be counted by the inspectors, and such persons voted for as mayor having the largest number of votes shall be duly declared elected mayor, and such persons voted for as commissioners having the largest number of votes shall be declared elected commissioners of their respective wards, and the mayor and commissioners shall be notified of their election by the inspectors.

SEC. 9. *Be it further enacted*, That the inspectors before they proceed to act shall be sworn by the mayor or a justice of the peace to conduct the election fairly, impartially, and according to law, and in the case of the absence of one of the inspectors his place shall be forthwith supplied by the commissioners.

SEC. 10. *Be it further enacted*, That if any of the persons voted for as mayor there shall be an equal number of votes between any two or more having the largest number, the commissioners elect shall proceed within five days after their qualification to elect a mayor of such persons, and if any of the persons voted for as commissioners there shall be a like tie the remaining commissioners within five days after their qualification shall select of such the person or persons to be commissioners.

SEC. 11. *Be it further enacted*, That the inspectors shall certify and subscribe the poll and registration lists and return them to the desk of the board of commissioners who shall keep them among the archives of the city.

SEC. 12. *Be it further enacted*, That the mayor imme-

Oath of mayor. diately after the election and before entering upon the duties of his office shall, before a justice of the peace, take the following oath: "I, A. B., do solemnly swear, or affirm, that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the city of Greensboro', while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances, and regulations made for the government of the city, and in the discharge of my duties I will do equal justice in all cases whatsoever."

Oath of commissioner. SEC. 13. *Be it further enacted*, That each commissioner, before entering upon the duties of his office, shall take, before the mayor or some justice of the peace, an oath that he will truly and impartially perform the duties of commissioner for the city according to the best of his skill, ability and judgment.

Term of office. SEC. 14. *Be it further enacted*, That the mayor and commissioners shall hold their office respectively until the next ensuing election, and until their respective successors shall be qualified.

Vacancy. SEC. 15. *Be it further enacted*, That if any person elected mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, or if the mayor be absent from the city or be unable to discharge the duties of his office, the commissioners shall choose some qualified person mayor for the time or the unexpired portion of the time, or during such absence or disability, as the case may be, and on like occasion and in like manner the commissioners shall choose another commissioner to supply the place of such as shall refuse to act or are absent or unable, and all vacancies which may occur, and such persons only shall be chosen as are heretofore declared to be eligible.

Refusal [to qualify. SEC. 16. *Be it further enacted*, That any person elected mayor or commissioner who shall refuse to be qualified and act as such, shall forfeit and pay for the equal use of the city and of him who shall sue therefor, the sum of twenty-five dollars.

SEC. 17. *Be it further enacted*, That if the commissioners

shall fail to give notice of election, or to hold and declare the same in manner herein prescribed, each of them as shall be in default shall forfeit and pay for the equal benefit of the city and of him who shall sue therefor, one hundred dollars.

Forfeiture for failure to give notice.

SEC. 18. *Be it further enacted*, That the mayor within the corporate limits shall have all the powers and authorities of a justice of the peace to preserve and keep the peace, and may cause to be arrested and detained, criminals who fly to the city from other states or counties, and shall cause to be arrested and bound for their appearance at the proper tribunal to answer for their offences, all persons offending against laws of the state or against the law or ordinances and regulations of the corporation. He shall also have within the same limits, as a judicial officer, all the power, jurisdiction and authority of a justice of the peace to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the city, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the laws and rules made by the commissioners: *Provided, nevertheless*, That he shall not have jurisdiction of laws of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless specially allowed by this act.

Powers of mayor.

SEC. 19. *Be it further enacted*, That the mayor may issue his precepts to constables of the city and to such other officers to whom a justice of the peace may direct his precepts.

Precepts.

SEC. 20. *Be it further enacted*, That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgment rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties in the county of Guilford and elsewhere in the same manner, and by the same means as if the same had been rendered by a justice of the peace for the county of Guilford.

Mayor to keep minutes.

Mayor's office.

SEC. 21. *Be it further enacted*, That the mayor shall keep his office in some convenient part of the city designated by the commissioners. He shall keep the seal of the corporation and perform such duties as shall from time to time be prescribed, and he shall receive such compensation and fees as may be allowed by this act and the ordinances of the corporation.

Mayor to preside at meetings of commissioners.

SEC. 22. *Be it further enacted*, That the mayor, when present, shall preside at all meetings of the board of commissioners, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote; he shall vote in no other case, and if he shall be absent, the board may appoint one of their number *pro tempore* to exercise his duties.

Quorum.

SEC. 23. *Be it further enacted*, That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall then fix their stated days of meeting for the year, which shall be as often at least as once in every calendar month; the special meeting of the commissioners may also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor all the commissioners, and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing.

Failure to attend meetings.

SEC. 24. *Be it further enacted*, That if any commissioner shall fail to attend a general meeting of the board of commissioners or any special meeting of which he may have notice as provided in this charter, unless prevented by such causes as shall be satisfactory to the board, he shall forfeit and pay for the use of the city the sum of four dollars, and it shall be the duty of the mayor to enforce such forfeitures.

By-laws, &c.

SEC. 25. *Be it further enacted*, That the commissioners, when convened, shall have power to make and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the city as they

may deem necessary, provided the same be allowed by the provisions of this act, and be consistent with the laws of the land.

SEC. 26. *Be it enacted*, That among the powers hereby conferred on the board of commissioners, they shall provide water, provide for repairing and cleaning the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint and regulate city watches, suppress and remove nuisances, preserve the health of the city from contagious and infectious diseases, appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order and execute the ordinances of the city, and shall appoint and provide for the pay, and prescribe the duties of all such other officers as may be deemed necessary.

Powers and duties of commissioners.

SEC. 27. *Be it further enacted*, That the commissioners at their first meeting after their election shall appoint a clerk, a treasurer, collector of taxes, and one or more constables, all of whom shall respectively hold their office for twelve months and until the appointment of their successors, subject, however, to be removed at any time and others appointed in their stead, for misbehavior or neglect in office. Before acting each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond, with sufficient security, payable to the city of Greensboro', in such sums as the commissioners may determine: *Provided, however*, That the duties of the collector of taxes may be performed by a constable if the board so direct, and those of the clerk and treasurer by members of the board.

Appointment of officers.

SEC. 28. *Be it further enacted*, That the clerk shall keep regular and fair minutes of the proceedings of the board, preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally perform such other duties as may be prescribed by the commissioners.

Clerk.

SEC. 29. *Be it further enacted*, That every person shall be allowed to inspect the journals and papers of the board

Inspection of journals.

in the presence of the clerk, on paying to him twenty-five cents for each inspection, under a penalty of two dollars on the clerk for every refusal, to be paid to him who will sue for the same.

Treasurer.

SEC. 30. *Be it further enacted*, That the treasurer shall call on all persons who may have in their hands any money or securities belonging to the city which ought to be paid or delivered into the treasury, and keep safely the same for the use of the city; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep, in a book provided for that purpose, a fair and correct account of all moneys received and disbursed by him, and shall submit said accounts to the commissioners whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities, and other property entrusted to him for safe keeping, or otherwise, and during his continuance therein, he shall faithfully perform all duties lawfully imposed on him as city treasurer.

Orders to be signed
by mayor, &c.

SEC. 31. *Be it further enacted*, That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and state the purpose for which the money is applied, and the treasurer shall specify said purposes in his account, and also the sources whence are derived the money received by him.

Transcript of
receipts and dis-
bursements.

SEC. 32. *Be it further enacted*, That the commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the city for the general inspection of the citizens, and cause the same to be posted before the court house ten days before the day of the annual election of commissioners, and publish an abstract of the same in a city newspaper, and the commissioners failing to comply with the duties provided in this section, shall forfeit and pay for the use of the city and him who will sue therefor, one hundred dollars.

Constable.

SEC. 33. *Be it further enacted*, That it shall be the duty of the constable to see that the laws, ordinances, and the orders of the commissioners are enforced, and to report all

breaches thereof to the mayor, to preserve the peace of the city by suppressing disturbances and apprehending offenders: and for that purpose he shall have all the powers and authority vested in sheriffs and county constables: he shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof shall have the same powers which the sheriffs and constables of the county have: and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the constable of the county on like process and precepts, and also such other compensation as the commissioners may allow.

SEC. 34. *Be it further enacted*, That the constable shall have the same power and bound by the same rules in this respect as constables of the county of Guilford to apprehend all offenders against the state within the limits of the city, and to carry them before the mayor or some justice of the peace; and for such duty he shall have the same fees as constables of said county, to be paid by the party offending, if found guilty.

Powers generally granted to city constable.

SEC. 35. *Be it further enacted*, That the commissioners shall provide, whenever deemed necessary, a patrol or night watch for the city, and prescribe the duties and powers of the several officers, members, and classes thereof, and shall pay such patrol or watch, or may class the inhabitants into such patrol or watch.

Night watch.

SEC. 36. *Be it further enacted*, That the inhabitants when classed into a watch, shall each one either in person or by a good substitute, serve in turn when ordered out by the mayor or other persons appointed by the mayor as commandants of the watch.

Duty of night watch.

SEC. 37. *Be it further enacted*, That any such person being of the watch or patrol, and failing to serve and faithfully to discharge his duty shall forfeit and pay to the city for each default, if an officer of the watch, two dollars, and if not one dollar.

Penalty for failure to discharge duty.

SEC. 38. *Be it further enacted*, That the sheriff or jailor of the county of Guilford, is hereby required without a

Prisoners.

mittimus, to receive into the jail of the county as his prisoners, any person taken up in the night by the watch or constable, and to keep such person safely until the morning, when the offender shall be brought before the mayor or some magistrate resident in the city, and be lawfully dealt with, and for such services the jailor shall be entitled to such fees as he is in other like cases.

Watch house.

SEC. 39. *Be it further enacted*, That the mayor and commissioners may establish a watch house, in which to secure and confine offenders against the city ordinances and regulations, and all such offenders arrested or taken up by any constable of the city may be therein confined until such time when said offender can be taken before the mayor to be dealt with according to law: *Provided, however*, That no such offender shall be thus imprisoned for more than twenty-four hours resident in the city, and be lawfully dealt with, and for such services the jailor shall be entitled to such fees as he is in other like cases.

Auctioneers.

SEC. 40. *Be it further enacted*, That the commissioners may appoint four auctioneers, including those authorized by the revised code, and every person appointed auctioneer for the city shall enter into a book a daily account of all of his sales wherein shall appear as well the items sold as the aggregate of sales, cast up at least once a week, and such accounts shall be open to the inspection of the commissioners or any person authorized by them to make inspection.

Auction sales liable to tax.

SEC. 41. *Be it further enacted*, That at the time required of auctioneers to render to the sheriff of the county their account of money received in auction sales liable to tax, the auctioneer shall render to the clerk of the city an abstract showing monthly a gross amount of such sales up to the time of rendering the account, which abstract shall be laid before the commissioners.

Per cent on sales.

SEC. 42. *Be it further enacted*, That every auctioneer shall be entitled to two and a half per cent on the amount of sales, unless otherwise agreed between him and the owner of the goods sold.

SEC. 43. *Be it further enacted*, That if any auctioneer for the city shall violate any of the provisions of chapter ten of the revised code entitled "Auction and Auctioneers," or any of the duties therein prescribed, he shall forfeit and pay for the equal use of the city and him who will sue therefor, one hundred dollars. Forfeiture for violation.

SEC. 44. *Be it further enacted*, That if any one shall presume to act as auctioneer in the city without being duly authorized to do so, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine to the use of the city not exceeding the sum of fifty dollars. Presumption to auctioneer without license a misdemeanor.

SEC. 45. *Be it further enacted*, That in order to raise a fund for the expenses incident to the proper government of the city, and other expenses which they may be authorized by law to pay, the commissioners may annually levy and collect the following taxes, namely: May levy taxes.

1. On all real and personal property whatever, which may at the same time be subject to taxation by the state, an *ad valorem* tax not exceeding twenty-five cents on the one hundred dollars valuation. Real and personal estate.

2. On all persons liable under the constitution to pay a poll tax who may be residents of the city twenty days next preceeding January the first in each year, two dollars. Head.

3. On every one hundred dollars value of goods, wares or merchandise purchased for resale by any merchant trading in the city, within one year next preceding the first day of January, of the year in which the same is listed, a tax of ten cents on the one hundred dollars; on the one hundred dollars value of spirituous liquors, wines and cordials, and fermented and malt liquors, purchased for resale within said time by any dealer trading in the city, a tax not exceeding twenty cents. Goods, wares, &c.

4. On all drays, omnibusses, express wagons, and other wheel vehicles kept to carry persons or things for hire, a tax from fifty cents to five dollars, provided they are exempt from an *ad valorem* tax. Drays.

5. Upon all dogs over one to a family, and all goats kept in the city and which may be so kept for the space of one Dogs.

month during the year, a tax not exceeding one dollar, provided a higher tax not to exceed five dollars may be levied upon a discrimination between the sexes and species.

List to be rendered,
when

SEC. 46. *Be it further enacted*, That the citizens of Greensboro', and others liable to be taxed on account of the foregoing subjects, shall, on the thirty-first day of January, or within five days thereafter, render to the mayor, on oath, a list of the property and subjects for which they may be liable to be taxed, and if any person shall fail to render such list, he shall pay double the tax assessed on any subject for which he is liable to be taxed.

Assessors.

SEC. 47. *Be it further enacted*, That within one week after receiving the tax list the mayor shall return the same to the commissioners, who shall forthwith appoint four freeholders, two from each ward of the city, not of their body, as assessors, who, being duly sworn before the mayor to do equal and impartial justice to all in the discharge of their duties, shall assess their cash value of the taxable real estate, with its improvements, lying within the corporate limits of the city; and they shall make a list thereof, together with the names of the owners thereof, previous to laying the tax, and return it to the commissioners on or before the first day of April next ensuing; and the value of the real estate of the assessors shall be assessed by the commissioners.

Board to lay taxes.

SEC. 48. *Be it further enacted*, That as soon as the assessors shall have made their returns, the board shall proceed to lay the taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the collector for collection, who shall complete the same on or before the first day of August next ensuing, and shall pay the moneys weekly as they are collected to the treasurer, and the collector shall receive five per cent. on the amount so collected.

When collection by
distress may be
made.

SEC. 49. *Be it further enacted*, That if any person, liable to taxes or subjects directed to be listed, shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and

sale, after public advertisement for the space of ten days in some newspaper in the city, if the property be personal, or twenty days if the property be real.

SEC. 50. *Be it further enacted*, That when the tax due on any land or lot which is hereby declared to be a lien on the same shall remain unpaid on the first day of July, and there is no other visible estate but such lot or land of the person in whose name it is listed, liable to distress and sale, known to the collector, he shall report the facts to the commissioners together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold upon the premises by the collector, after advertising for twenty days in some newspaper published in the city, which the collector shall do, and the collector shall divide the land in as many parts as may be convenient, for which purpose he is authorized to employ a surveyor and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon; if the same cannot be conveniently divided, the collector shall sell the whole, and if no person will pay the whole of the taxes and expenses for the whole of the land, the same shall be struck off to the city, and if not redeemed as hereinafter prescribed, shall belong to said city in fee.

Land when sold by direction of commissioners.

SEC. 51. *Be it further enacted*, That the collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the price of each, which shall be entered in the book of proceedings of the commissioners, and if there shall be a surplus after paying said taxes, the same shall be paid in to the city treasurer, subject to the demands of the owners.

Collector to make return, &c.

SEC. 52. *Be it further enacted*, That the owner of any lands sold under the provisions of said charter, heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying the purchaser the sum paid by him, and twenty-five per cent. on the amount of taxes and expenses, and the treasurer

Redemption.

shall refund to him without interest the proceeds less double the amount of taxes.

When corporation
may convey title.

SEC. 53. *Be it further enacted*, That if the real estate sold as aforesaid shall not be redeemed within the time prescribed, the corporation shall convey the same in fee to the purchaser or his assigns; and the recital in such conveyance or any other conveyances of land sold for taxes due the city, that the taxes were due, or any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Estates of infants
and others.

SEC. 54. *Be it further enacted*, That the real estate of infants or persons *non compos mentis* shall not be sold for taxes, and the same shall be conveyed by such in common with other persons free of such disabilities; the sale shall be made according to section ninety-two (92) of chapter ninety-nine (99) of the revised code.

Other taxables.

SEC. 55. *Be it further enacted*, That in addition to the subjects listed for taxation, the commissioners may lay a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the city constable instantly, and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

Itinerant mer-
chants.

(1.) Upon all itinerant merchants or pedlars, vending or offering to vend in the city, a tax of twenty-five dollars a year, except such only as sell books, charts or maps, and such as sell only goods, wares or merchandise and other productions of the growth or manufacture of this state.

Billiard tables.

(2.) Upon every billiard table or bowling alley, or other game allowed by law, established and are kept in the city, a tax not exceeding fifty dollars a year.

Retailers of spirit-
uous liquors.

(3.) Upon every permission by the board of commissioners to retail spirituous liquors within the city, a tax not exceeding fifty dollars; on every retailer of fermented or malt liquors within the city, not exceeding twenty-five dollars.

(4.) Upon every company of circus riders who shall exhibit within the city, a tax not exceeding twenty dollars for each day's exhibition, to be paid before exhibiting, if not, to be doubled. Circuses.

(5.) Upon every show, concert, menagerie, stage or theatrical performance, or other exhibitions or performances whatever for reward, a tax of five dollars, to be paid before exhibiting, if not so paid, to be doubled. Concerts.

(6.) Upon every hotel, restaurant and livery stable, a license tax not to exceed twenty-five dollars, due on the first day of February in each year: *Provided*, That taxes upon license granted after this day shall be apportioned according to the balance of the unexpired year. Hotels, &c.

(7.) Professional men, traders and manufacturers who do not pay a city tax on their professions, trades or manufactories, to the amount of five dollars annually, may be required to pay a license tax of from two to five dollars annually, due on the first day of February. Traders &c.

(8.) Upon every hog running at large within the city limits a tax of fifty cents annually, and to secure enforcement of this tax every owner shall be required to list the same with the constable entrusted with the collection of taxes on the first day of February, March and August; a failure to list to subject the owner to a double tax. Hogs.

(9.) Upon every goat running at large in the city there may be levied a tax not exceeding two dollars, and every such goat may be seized and impounded, and if the owner on being notified will not pay the tax, the animal shall be sold therefor at such place as the commissioners may designate, after three days notice at the court house. Goats.

Sec. 56. *Be it further enacted*, That all moneys arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the commissioners. Moneys to be paid to treasurer.

Sec. 57. *Be it further enacted*, That the commissioners shall cause to be kept clean and in good repair the streets, side-walks and alleys; they may establish the width and Streets and side-walks.

ascertain the location of those already provided and lay out and open others; they may also establish and regulate the public grounds and protect the shade trees of the city.

Lands and right of way required.

SEC. 58. *Be it further ordained,* That when any land or right of way shall be required by said city of Greensboro' for the purpose of opening new streets, or for other objects allowed by its charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the city, to be chosen jointly by the commissioners and the party owning the land, or their personal representative, and in making said valuation, said freeholders, after being duly sworn by the mayor or a justice of the peace of the county, or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and also any special benefit or advantage such owner may receive from the opening of streets or other improvements, and shall state the value and amount of each, and the excess of loss or damage over and above the advantage shall form the measure of valuation of said land or right of way: *Provided, nevertheless,* That if any person on whose land the said street may pass, or improvement be located, or the commissioners be dissatisfied with the valuation thus made, thus and in that event either party may have an appeal to the next superior court of Guilford county, to be held thereafter; the said freeholders shall return to the court to which the appeal may be taken, their valuation, with the proceedings thereon, and the land so valued by the freeholders shall vest in the city so long as it may be used for the purpose of the same as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court, in case of its refusal by the owner of the land, or if the owner is a non-resident of Guilford county: *Provided,* That in case of the discontinuance of the use of the land and its reverts to the owner, the city shall have the right to remove any improvements under its authority erected.

SEC. 59. *Be it further enacted*, That no cellar shall be built under any sidewalk in the city, or entrance established on the sidewalk to any cellar whereby the free passage of any persons may be delayed, hindered or interrupted, and every offender herein shall forfeit and pay to the city twenty-five dollars for every day the same may remain. Cellars, &c.

SEC. 60. *Be it further enacted*, That no mayor or commissioners shall directly or indirectly become a contractor for work done for the city, and any person herein offending shall forfeit and pay to the city one hundred dollars and shall moreover be deemed guilty of a misdemeanor. Contractors.

SEC. 61. *Be it further enacted*, That the commissioners may require and compel the abatement and removal of all nuisances within the city at the expense of person causing the same or the owner or tenant of the ground whereon the same may be; they may also prevent the establishment within the city and may regulate the same if allowed to be established, of any slaughterhouse or place, or the exercise within the city of any dangerous, offensive, or unhealthy trade, business or employment. May compel removal, &c.

SEC. 62. *Be it further enacted*, That the commissioners shall have power to prevent dogs, horses, cattle and all other brutes from running at large in the city. Cattle, dogs and hogs running at large.

SEC. 63. *Be it further enacted*, That they may prohibit and prevent by penalties, the riding or driving of horses or other animals at a speed greater than six miles per hour within the city, and also the firing of guns, pistols, crackers, gun powder, or other explosive combustible, or dangerous material, in the streets, public grounds or elsewhere within the city. Power to prohibit fast driving.

SEC. 64. *Be it further enacted*, That the commissioners may establish and regulate the markets and prescribe what time and place within the corporation marketables shall be sold, in what manner, whether by weight or measure, may be sold grain, meal, flour if not purchased in barrels, fodder, hay or oats in straw, may create scales to weigh the same, appoint a weight-master and fix his fee and direct by whom they shall be paid, appoint a keeper of the market, prescribe Markets.

his duties and fees, and shall also have power to prevent forestalling and regrating.

Public buildings. SEC. 65. *Be it further enacted*, That they may establish all public buildings necessary and proper for the city and prevent the erection of establishments of wooden buildings in any part of the city where they may increase the danger of fire.

Grave yards. SEC. 66. *Be it further enacted*, That they may provide grave yards in or near the city and regulate the same, may appoint and pay a keeper, and compel the keeping and returning bills of mortality, and they may prohibit, in case of pestilence, interments within the city.

Fire companies. SEC. 67. *Be it further enacted*, That they may provide for the establishment, organization, equipment and government of fire companies; and in all cases of fire a majority of such of the commissioners as shall be present may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Hospitals and contagious diseases. SEC. 68. *Be it further enacted*, That they may take such measures as they may deem effectual to prevent the entrance into the city of any contagious or infectious disease, may stop, detain and examine for that purpose every person coming from places liable to be infected with such diseases, may establish and regulate hospitals within the city or within three miles thereof, may charge any person in the city suspected to be infected with such disease and whose stay may endanger its health, to be removed to the hospital, may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious diseases or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate or propagate disease, may abate by any reasonable means all nuisances which may be injurious to the public health.

Expenses. SEC. 69. *Be it further enacted*, That in case any person shall be removed to the hospital, the corporation may recover before the mayor or any justice of the peace of

said person the expense of his removal, support, nursing and medical attendance, and burial expense also, in case of death.

SEC. 70. *Be it further enacted*, That if any person shall attempt by force or by threat or violence to prevent a removal to the hospital of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the city one hundred dollars, and moreover, be deemed guilty of a misdemeanor. Penalty for an attempt to prevent removal.

SEC. 71. *Be it further enacted*, That it shall not be lawful for the sheriff or board of commissioners for the county of Guilford to grant license to retail spirituous liquors within the limits of the city without permission first obtained from the board of commissioners of the city in being at the time of application to the sheriff or board of county commissioners, and if any license shall be granted without permission in writing attested by the board and exhibited to the said sheriff or board granting such license and file with the register of deeds for Guilford county, the same shall be void, and the person obtaining such license shall be liable to indictment as in other cases of retailing without a license, and for any offence of retailing shall moreover forfeit and pay to the city the sum of twenty dollars, (§20.00.) Licenses, how obtained.

SEC. 72. *Be it further enacted*, That all penalties incurred by any minor for the breach of any of the provisions of this act or any ordinances found in pursuance thereof, shall be recovered from the parent, guardian or master (if the minor is an apprentice) of such minor.

SEC. 73. *Be it further enacted*, That all penalties imposed by law relating to the city or by this act, by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the city of Greensboro', before the mayor or any other tribunal having jurisdiction thereof: Penalties, how recovered.
Provided, Any persons failing to pay the taxes or fines imposed in accordance with the authority of this charter, shall be required to work upon the public streets to the Proviso.

value of said fine or taxes if he has no property which can be distrained.

Limits, a school district.

SEC. 74. *Be it further enacted*, That the corporate limits of the city shall constitute a school district, and that all taxes levied upon the citizens of the city by the State, for school purposes, shall be expended in conformity with the regulations of the State in establishing and maintaining graded schools within the city, and should the amount thus realized not be sufficient to keep the school open eight months in the year, in that event the commissioners shall appropriate a sufficient amount of money from any funds on hand belonging to the city to supply the deficiency, and that those of the board of commissioners selected by lot shall constitute the school committee.

Elections.

SEC. 75. *Be it further enacted*, That the mayor and commissioners are required to order an election on the subject of extending the corporate limits whenever a majority of the voters within the city shall petition them so to do, and if after giving twenty (20) days notice in some paper in the city of such election, a majority of the voters shall be in favor of extension, then the limits must be so enlarged : *Provided however*, That not more than half mile of territory shall be added to the corporation in any one year : *Provided further*, That when such election is ordered by the mayor it shall also be the duty of the sheriff of Guilford county to give like notice of the holding of such election to the voters residing outside the corporate limits but embraced in the bounds intended to be taken in and he shall arrange that they may vote whether they desire to be taken into the corporate limits, and such vote shall be properly authenticated by the inspectors of the polls and forwarded to the mayor of the city of Greensboro', and if a majority of either the city or those residing within the bounds of the proposed extension vote against the proposition to enlarge the limits therein in that case the city limits will not be extended, nor shall it be legal to hold another election within the space of twelve months.

SEC. 76. *Be it further enacted*, That the commissioners shall not have power to impose, for any offence, a larger penalty than one dollar, unless the same be expressly authorized; and from any judgment of the mayor for any penalty which is imposed or allowed to be imposed by this act, or for other causes of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from a justice of the peace. Penalties limited and appeal allowed.

SEC. 77. *Be it further enacted*, That in addition to a salary of one hundred dollars, the mayor may be entitled to the same fee allowed by law to justices of the peace. Salary.

SEC. 78. *Be it further enacted*, That this act shall not go into effect until it has been ratified by the loyal voters of the city of Greensboro', at an election to be held for that purpose; and the mayor and commissioners of the town shall designate a day within two months after the notification of the ratification of this act for an election to be held for its ratification or rejection, and twenty days public notice of such election shall be given in one or more of the papers of the town; and all persons now entitled to vote in and commissioners of the town of Greensboro', shall be entitled to vote at said election, under the same rules and regulations as are now in force respecting elections in the town of Greensboro'; and the mayor shall cause two sets of tickets to be printed, upon one set shall be printed the words "accept," and upon the other set shall be printed the words "reject," and a supply of both kinds of tickets shall be kept at the place of election from the opening to the closing of the election; and if a majority of the votes cast at said election are for accepting this charter, then it shall be proclaimed by the mayor within five days thereafter that it is the law of the city, and if a majority of the votes cast be for rejecting this charter, then it shall not be in force. Ratification.

SEC. 79. *Be it further enacted*, That from and after the acceptance of this act the same shall thenceforth be the charter of the city of Greensboro', and all laws now consti- When ratified.

tuting the charter of the town and effecting the government thereof in the grants heretofore made of its corporate franchise and power, and all laws of a public and general nature inconsistent with or arising in the perview of this act are hereby repealed, so far only, however, as they may effect the city: *Provided, however,* That such repeals shall not annul any ordinances, by-law or any right accruing or accrued and established, or any suit had or commenced in any case before the time when such repeals shall take effect, neither shall right, estate, duty or obligation proceed by or due to the corporation by its present name, from any corporation or person whatever, be lost, effected or impaired, but the same remain in full force and be found enforced and enjoyed in the name and for the use of the corporation by the name of the city of Greensboro', nor shall any right, duty, obligation or liability whatever, accrued or owing to the state or to any corporation or person, by such repeal be lost, effected or impaired, but the same shall remain in full force and may be possessed, enforced and enjoined by the state and such corporation or person against the corporation by this act styled the city of Greensboro'.

Repeals, &c.

SEC. 80. *Be it further enacted,* That no offence committed, no penalties or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been investigated by the provisions of this act, such provisions may be extended and applied to any judgment to be pronounced after the repeal.

What cases not effected by repeal.

SEC. 81. *Be it further enacted,* That no suit or prosecution pending at the time of the repeal for any offence committed or for the recovery of any penalty or forfeiture incurred under any of the acts or ordinances hereby repealed, shall be affected by such repeal.

Laws heretofore repealed.

SEC. 82. *Be it further enacted,* That no law heretofore repealed shall be revived by the repeal of any act repealing said law: *And provided lastly,* That all persons who, at the time when the said repeal shall take effect, shall hold

any office under any of the acts hereby repealed, shall continue to hold the same according to the tenure thereof, except those officers which may have been abolished and those as to which a different provision shall have been made by this act.

SEC. 83. *Be it further enacted*, That the city of Greensboro' may convey lands and all other property, which is transferable by deed of bargain and sale, or other proper deed, sealed with the common seal, signed by the mayor and two members of the corporation and attested by a witness. May convey lands.

SEC. 84. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed. Repealing clause.

SEC. 85. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

CHAPTER CXXIII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF EDENTON.

WHEREAS, It is the interest of every state to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the town of Edenton have, in many instances, proved defective and inconvenient: Preamble.

SECTION 1. *Election*:

Therefore, the General Assembly of North Carolina do enact, That a mayor, five commissioners, three fire wardens, three commissioners of navigation, a treasurer and a town constable shall be elected on the first Monday in January of each year, by the qualified voters of the town of Edenton, and the sheriff of Chowan county or his deputy, after first giving ten days notice, is hereby required to open Election.

the poll at the court house in Edenton, at ten o'clock in the morning of said day, and receive the tickets in the presence of two or more inspectors, one of whom shall be a freeholder of said town. When the election shall be finished, such returning officers and inspectors shall, in the presence of such persons as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected; but when any two or more persons shall have an equal number of votes, the officer returning shall have the casting vote, and shall proclaim the officer of the town by deciding between such contestants, under the penalty of two hundred and fifty dollars for every neglect or refusal so to do, recoverable by an action of debt in the name of any person who shall sue for the same in one year thereafter, one-half to the prosecutor, the other half to the town.

SEC. 2. *Qualification:*

Qualification.

That before entering upon the duties of their respective offices, each of the officers whose election is provided for under the preceding section, shall be qualified by taking the following oath before some justice of the peace of Chowan county within five days after their election, to wit: "I, A. B., do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of (mayor, commissioners or other officer as the case may be,) of the town of Edenton, according to law, to the best of my knowledge and ability, so help me God.

SEC. 3. *Electors and Eligibility to office;*

Eligibility, &c.

That every citizen of the town of Edenton shall be eligible to any office in said town, and all citizens of the state who have resided in said town ten days next before and on the day of election shall be entitled to vote for officers of said town, and to hold office.

SEC. 4. *Powers and duties of commissioners :*

That the commissioners of said town shall be, and they are hereby, incorporated into a body politic and corporate by the name of "The Commissioners of Edenton," and by that name to have annual succession by the election of qualified electors of said town, as by this act directed, and a common seal; that they and their successors by the name aforesaid shall be capable in law to have, hold purchase, receive, possess and to retain to them and their successors forever, in trust for said town, any land, tenements and rents of whatsoever kind, nature or quality, and to hold all other property incident thereto, and all other property of any kind or description; to grant, demise, alien, or dispose of the same; to receive and take any gift or donation whatsoever to said town; and also by the same name, to sue and implead, to be sued and impleaded, to answer and be answered in all courts, and from time to time, at their discretion under their common seal, to make such rules, orders and regulations as to them shall seem meet for the repairs and good government of said town, not inconsistent with laws of the State, or of the United States; and to enforce obedience to such rules and regulations as otherwise provided in this act.

SEC. 5. *Quorum :*

That a majority of the commissioners of the town of Edenton shall constitute a quorum and be invested with the power of the whole.

SEC. 6. *Contagious diseases, &c. :*

That the commissioners shall have power to pass such ordinances regulating or interdicting any intercourse by land or by water, between the town of Edenton and any place in which there may exist a contagious disease, as they may seem proper for the security of said town, and also full power of enforcing compliance with and observance of all such ordinances by laying fines and penalties not exceeding two hundred and fifty dollars, or imprisonment at hard

labor not to exceed thirty days for each offence, together with the expenses of the commissioners in carrying such ordinances into execution, to be recoverable before any jurisdiction having cognizance thereof: *Provided*, The offender shall have a right of appeal, upon sufficient bond and security for his appearance and costs, to be approved by the mayor or magistrate trying the cause, to the court of Chowan county having jurisdiction thereof.

Proviso.

SEC. 7. *Absence :*

Absence.

That should any commissioner be absent from town or sick, insomuch as to be unable to attend to his duties as commissioner, it shall be lawful for any magistrate residing in town to act as commissioner in his place during such absence or sickness.

SEC. 8. *Powers and duties of the mayor :*

Powers and duties of mayor.

That the mayor of the town of Edenton shall have power to enforce obedience to the laws and regulations of said town, and to punish offenders against the same, and of all offences against the criminal law of North Carolina committed within the corporate limits of said town. He shall have the same power and jurisdiction as a justice of the peace ; he is hereby authorized to issue his warrant in the manner of warrants issued by a justice of the peace, directed to the sheriff, town constable, or other lawful constable, to summon all offenders against the laws, rules, and ordinances of said town, and against the criminal law of the state, committed in said town, to appear before him ; and to give judgment and award execution according to the regulations of said town and the law of the state in such cases provided ; which warrant the sheriff, town constable or other lawful constable, is hereby required to execute and return ; and the said mayor, for the purposes of such trials and inquiries, is hereby authorized and declared to possess all powers and duties of a justice of the peace : *Provided*, That in all cases where the offence shall be against the criminal law of the

Proviso.

state, an appeal shall lie as in a court of a justice of the peace.

SEC. 9. *Duties of the treasurer :*

That the treasurer of the town shall receive and account Duties of treasurer. for all moneys belonging or accruing to the town, for which a regular entry shall be made in a book kept for that purpose; and upon the election or appointment of his successor he shall immediately pass his accounts with and pay over any balance in his hands to the new treasurer: *Provided,* Proviso. That before any treasurer, whether elected or appointed, enters upon the duties of his office, he shall give bond and security to the commissioners for the faithful discharge of his duties in the sum of one thousand dollars.

SEC. 10. *Appointment of town clerk :*

That the commissioners of the said town shall appoint a Appointment of town clerk. proper person of said town to be their clerk, to act as such during good behavior, who shall be allowed a reasonable salary, and enter into bond with the commissioners and their successors, with sufficient security in the sum of two hundred dollars for the due and faithful execution of his office, and the trust reposed in him for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the commissioners; and all persons shall have free access to the journals and papers on paying forty-five cents to the clerk, under the penalty of two dollars for every refusal, to be recovered before the mayor of said town, or before a justice of the peace for the county of Chowan by any person who shall sue for the same within one month after such refusal, one-half to the prosecutor, the other half to be paid to the treasurer of the town for the use of said town.

SEC. 11. *Powers and duties of constable :*

That the town constable, before entering upon the Powers and duties of constable. duties of his office, shall execute to the commissioners a bond for the faithful performance of his duty in the sum of two

hundred dollars, and shall have within the limits of the town of Edenton the authority and power of other constables, and receive the same fees as other constables: *Provided, however,* That he shall not have authority in civil actions as other constable, unless he shall give an additional bond and security to the commissioners in the sum of five hundred dollars.

SEC. 12. *Compensation and fees of mayor :*

Mayor's fees.

That the commissioners may allow the mayor in the town of Edenton such compensation and fees for his services as they may deem necessary.

SEC. 13. *Power to fill vacancies :*

Vacancies.

That if any of the commissioners before the annual election should die, remove out of town, refuse to act, the remaining commissioners shall elect and choose others ; which said commissioners so chosen and qualified shall have the same powers as the commissioners by this act appointed ; and the commissioners shall have power to fill all other vacancies in any office of the town so occurrng.

SEC. 14. *Taxation ;*

Taxes.

That the commissioners shall have power to exempt from taxation personal property or franchises to the value of fifty dollars in cash, and in order to raise a fund for the expenses of the town of Edenton may annually levy and collect the following taxes, viz :

Real estate.

1. On all real and personal estate within said town a tax not exceeding three-fourths of one per cent., and the relative proportion of taxation shall be equal on real and personal estates.

Polls.

2. On all taxable polls, a tax not exceeding one dollar and fifty cents, but the commissioners may exempt from taxation in special cases on account of age or other infirmity.

Merchandise.

3. On every hundred dollars worth of goods, wares or

merchandise, purchased and sold by any merchant or trader a tax not exceeding twenty cents.

4. Every person, firm or company, who buys and sells, ^{shipping fish, &c.} packs, ships or re-ships within the limits of the town, shad, herring, or other fish, if a resident of the state, shall pay a tax not to exceed twenty-five dollars, and if a non-resident of the state, or agent for a non-resident a tax not exceeding one hundred dollars, but no firm or company composed of a resident and non-resident shall be subject to both, and every firm of which one of its members be a non-resident, shall be liable to the same tax as a non-resident.

5. Every person, firm or company who buys for the pur- ^{Fruits, &c.} pose of selling within the limits of said town, any fruits or vegetables, if he be a resident of the state, shall pay a tax not to exceed ten dollars, or if a non-resident or agent for a non-resident of the state, a tax not to exceed fifty dollars; but no firm or company, composed of a resident and non-resident shall be subject to both; and every firm of which one of the members be a non-resident shall be liable to the same tax as a non-resident.

6. On all express wagons, carts and drays used to carry ^{Wagons, &c.} persons or things for hire, a tax not exceeding six dollars.

7. On all dogs kept in town running at large, (male,) a ^{Dogs.} tax of one dollar, (female,) a tax of five dollars.

8. On all horses and bulls running at large, a tax not to ^{Horses and bulls.} exceed five dollars; and all cows and yearlings running at large, a tax not to exceed two dollars.

All citizens liable to the foregoing taxes, shall annually, ^{Render list annually.} on the first day of April, or five days thereafter, render to the town clerk a sworn list of their property and subjects for which they may be liable, and any person failing to render such list or failing to pay the taxes imposed by law, shall pay double the tax assessed on any subject for which he is liable, to be recovered by warrant in the name of the commissioners before the mayor of the town of Edenton, or justice of the peace, and collect it by distress against the goods and chattels, lands and tenements of such delinquent.

SEC. 15. *Tax collector :*

Tax collector. 1; ... The commissioners shall appoint a proper person to collect the taxes annually levied, and the person so appointed shall give bond and security to the commissioners in the sum of one thousand or two thousand dollars, as the case may require, for the faithful collection and payment of the same to the treasurer of the town on or before the first day of August in each year, deducting such commissions as are allowed for the collection of public taxes ; and a refusal or neglect to account for the same, it shall be lawful, on motion of the commissioners or treasurer, for the superior court to give judgment and award execution against the body or goods and chattels, lands and tenements of said collector and his sureties : *Provided*, That such collector shall have ten days previous notice of such motion.

Proviso.

SEC. 16. *Failure of persons to render list :*

Failure to render list. - 2. That any owner (or his agent) of taxable property in said town, shall annually, at the time he or she shall give in his or her taxable property, to be assigned to the use of the state, distinguish in the list he or she shall return what part thereof is situated within said town ; and if any owner (or agent) shall fail so to do, the commissioners shall and may order the town tax to be levied for the double of the amount of the tax due of the persons so failing as aforesaid ; and if any person liable by this act shall refuse or neglect to pay the said tax, the collector shall levy the same by distress and sale of said person's goods and chattels, lands and tenements, and receive five dollars and cost for each distress, and no more ; and the said commissioners are authorized to grant deeds for any lot or lots sold as above ; but said commissioners shall have power in their discretion to remit such penalty either before or after proceedings for such distress.

SEC. 17. *Station for admeasurement of lines ;*

Station for admeasurement of lines. That after the passage of this act the posts of the four corners of King and Broad streets, shall be the proper

stations to begin the admeasurement of the lines each way of all lots in said town.

SEC. 18. *Publication of receipts, &c., by treasurer :*

That the treasurer shall annually, in the month of December, publish an accurate account of receipts and expenditures of public money, under the penalty of fifty dollars, to be recovered by any person who shall sue for the same, one half to the prosecutor, the other half to the use of the town. Receipts to be published.

SEC. 19. *Erection partitions or fence, &c. :*

That if any owner of any improved lot adjoining or binding on another lot, shall be desirous of erecting a partition or fence or of repairing one already erected, he or she shall in writing notify the person or persons owning the adjoining lot or lots, his, her or their tenants or known agents, or persons who have the care thereof of the same, who may if they think proper, join in the expense of so doing; but if they refuse so to do, then the owner of such lot may repair or erect a sufficient partition (fence) not exceeding in value the cost of a good substantial plank fence, and on refusal of the person or persons owning, possessing or having the care of the adjoining lot or lots to pay the one-half of the costs and charges thereof, he or she shall be entitled to sue for and recover the same before any jurisdiction having cognizance thereof: *Provided*, Such adjoining lot or lots are then enclosed, and this shall operate as a lien upon the said property of such delinquent. Fences, &c. Proviso.

SEC. 20. *All inhabitants to assist at fires, &c. :*

That whenever any fire shall break out in said town, or alarm thereof shall be given, all inhabitants therein liable to do militia duty, shall be bound to repair to the place supposed to be on fire, with fire buckets and other necessary implements, and render every aid and assistance in their power for the extinguishment of the same, under the direction of the commissioner or officer of the fire company, Fines.

Proviso.

under the penalty of five dollars for every neglect or refusal :
Provided, That the person failing, making sufficient excuse on oath for such failure, shall be released from the penalty.

SEC. 21. *To prevent the destruction of the town by fire :*

Prevent destruction by fire.

That in case of a fire breaking out in said town which may threaten the destruction thereof, three or more commissioners of said town, or three justices of the peace, shall and they are hereby declared to have full power and authority to direct and cause any house or houses or other buildings to be abated, blown up with powder or otherwise destroyed, to prevent further conflagration, and shall not be held responsible or liable therefor.

SEC. 22. *Books to be evidence in court :*

Books to be evidence in court.

That the books in which the proceedings of the commissioners are or shall be entered respecting all matters and things whatsoever, done agreeable to this or any other law for the regulation of the said town, be and they are hereby declared to be confirmed, and the said books or exemplification thereof certified by the clerk under the seal of the town, shall be held and deemed to be good evidence in any court of law and equity.

SEC. 23. *Fines and forfeitures recoverable, &c :*

Fines and forfeitures.

That all fines and forfeitures, the recovery whereof is not otherwise hereinbefore especially provided for, shall be recoverable in the name of the commissioners before the mayor of the town of Edenton or any justice of the peace of Chowan county, and shall enure to the use of said town.

SEC. 24. *Appointment of a gauger :*

Appointment of gauger

That the said commissioners or a majority of them shall have full power and authority to appoint a gauger for said town, to hold the office during his good behavior ; whose duty it shall be to gauge all barrels of spirituous liquors which may be brought into said town for sale, and if he has any doubt of the capacity of the barrel, it shall be his

duty to draw out the contents by exact measures, and for each barrel gauged his fee shall be fixed by the commissioners, or a majority of them, shall not exceed twenty-five cents.

SEC. 25. *Gauger to take an oath :*

That the gauger so appointed, before he enters upon the Oaths. duties of his office, shall take and subscribe to an oath before the mayor or some justice of the peace in said town, that he will faithfully perform the duties of his office without partiality, favor, or affection.

SEC. 26. *Appointment of a fire company :*

That the commissioners of the town of Edenton be, and Fire company. they are hereby required, within one month after their election, to appoint a number of persons residing in said town, not exceeding fifty, to constitute a fire company, to remove any person so appointed upon sufficient cause shown, and to fill any vacancies that may occur, and to establish such ordinances, rules and regulations for the government of such company as they may deem expedient, not inconsistent with the laws of the state and of the United States. And the persons so appointed shall be notified by the town constable within one week after their appointment, and be required to organize.

SEC. 27. *Firemen exempt from militia duty, &c.:*

That the persons so appointed shall, while they continue Exemptions. to act as firemen, be exempt from the performance of militia duty, except in cases of insurrection or rebellion, or while the United States may be engaged in war with a foreign power.

SEC. 28. *Power to rent town commons :*

That the commissioners of the town of Edenton shall have Town commissioners. power to let out the town commons for a period not exceeding eight years.

SEC. 29. *Relation to obstructing streets, &c.:*

Street obstructions.

That if any person shall, without authority and contrary to the provisions of this act, fence in or enclose any of the town commons of Edenton, or in any manner obstruct the passage through any of the streets of said town, they shall forfeit and pay for every such offence the sum of twelve dollars, to be recovered and applied as hereinbefore mentioned.

SEC. 30. *Ground rent, &c.:*

Rents.

That the commissioners of said town are hereby empowered and required to cause all encroachments from which danger may be apprehended, or any injury to the streets, to be removed; and where any encroachment shall be found on any street or streets, from which no immediate danger is to be apprehended, nor any very great injury to the street, and the owner of such encroachment should not be willing to remove the same, the commissioners shall impose a ground rent not exceeding one cent to the square foot, to be annually paid for each piazza, porch, platform, chimney or other encroachment on the streets, to be applied to the public streets of the town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seal of the commissioners, directed to any person by them appointed for that purpose, on the goods and chattels of the delinquent.

SEC. 31. *Riding or chasing horses, &c.:*

Riding horses, &c.

That no person shall ride or chase a horse or other animal in any public street in the town, so as to endanger the lives of children or other helpless inhabitants thereof; every person offending against this regulation shall be fined five dollars or imprisoned at hard labor not exceeding ten days for each offence.

SEC. 32. *Discharging fire arms, &c.:*

Discharging fire arms.

That it shall not be lawful for any person to discharge fire-arms within the bounds of said town, except on muster

days or other service, and persons offending against this regulation shall be fined not more than five dollars, or imprisoned not to exceed ten days; but double this penalty shall be enforced if the offence be committed in the night; one half to the informer the other half to the town.

SEC. 33. *Commissioners shall publish list, &c. :*

That the commissioners of said town shall annually, in the month of December, publish an accurate list of the taxes levied and collected in said town, together with a list of each sum expended, to whom paid, and for what purpose.

Commissioners to publish, &c.

SEC. 34. *How vacancy to be supplied, &c. :*

That should any one of said officers before the annual election resign, die or remove from town, such vacancy shall be supplied as follows, viz: by the choice of the commissioners, a majority of the same voting; said officer to be qualified as if duly elected.

Vacancy.

SEC. 35. *Duties of the Wardens :*

That after the appointment of the members of the fire company or companies by the commissioners of the town of Edenton, the fire wardens are required to organize said members into one or more companies, within ten days after their appointment by the board of commissioners, to remove any person upon sufficient cause shown, to fill any vacancy that may occur, to establish such ordinances for the government of said company or companies as they may deem expedient, not inconsistent with the laws of the state and of the United States, and to enforce the observance of said ordinances, rules and regulations, by laying fines and penalties not exceeding twenty-five dollars, or imprisonment at hard labor not exceeding ten days; which shall, in all cases, be recovered or imposed by warrant in the name of the commissioners of the town, issued upon information by the mayor of said town, or in his absence, by any justice of the peace of Chowan county; that the members of the fire company or companies so appointed, while they con-

Wardens.

tinue to act as firemen, shall be exempt from militia duty, except in cases of insurrection or rebellion, or while the United States may be engaged in war with a foreign power.

SEC. 36. *Persons aiding at fires :*

Persons to aid at
fires.

That all persons aiding in the extinguishment of any fire in the said town, while so engaged shall act under the direction of the fire wardens or officers of the fire company, under penalty of five dollars or imprisonment for not more than ten days for every neglect or refusal so to act, subject also to provisions of section 21.

SEC. 37. *Salary of Commissioners :*

Salaries, &c.

That each one of the commissioners of the town of Edenton shall receive twenty-five dollars per annum, and they shall be required to fix the salaries of the other town officers not otherwise provided for in this act.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 28th day of March, A. D. 1870.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, August 11th, 1870.

I, HENRY J. MENNINGER, Secretary of State, hereby
certify that the foregoing are true copies of the original
private acts on file in this office.

HENRY J. MENNINGER,
Secretary of State.

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